SECURITY COOPERATION IN SOUTHEAST ASIA: CAN ASEAN DELIVER ON ITS RHETORIC?

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ABSTRACT

ASEAN is widely considered a security community based on commonly accepted norms and a regional identity. From this mainstream social constructivist angle, the absence of major military conflicts among member states is seen as proof for the group's decisive contribution to peace and stability in Southeast Asia. However, the effectiveness of security management is reflected by the ability of its members to avoid, manage and resolve conflicts based on institutions established for this purpose. Hence, the article assesses ASEAN's role as a security actors against the Association's own visions, objectives and targets which are enshrined in a growing number of co-operation instruments and agreements. The paper argues that ASEAN has seen impressive institutional development and evolution but most of the agreed mechanism still await implementation or application. A lack of trust in intermember relations and insistence on the primacy of national sovereignty are customary cited as reasons or excuses for ASEAN's inability to employ its self-generated, well-designed formal framework for security management. This was a valid point during ASEAN's younger years. However, at the age of 50 a regional organisation can be expected to be sufficiently mature and settled to deliver on existing agreements. Formal institutions matter regardless of how successful an organisation might have been in going down informal avenues of addressing problems of a regional dimension. ASEAN does not live up to its own rhetoric and it continues to circumvent formally agreed mechanisms and even waters down earlier selfimposed commitments. As a result the grouping is inevitably losing credibility.

Keywords: ASEAN, security cooperation, security community, ASEAN Political-Security Community

INTRODUCTION

To many outside observers and most of the non-Asian media, ASEAN is first and foremost known as the ASEAN Economic Community (AEC) with much of the debate focusing on the question as to how far economic integration has advanced and if there will ever be a single market in Southeast Asia. In this perception, the ASEAN Political-Security Community (APSC) appears to be no more than an afterthought. Nothing could be further from the truth. From the very beginning, the member states' main interest has been directed towards achieving and maintaining regional peace and stability.

Although the 1967 Bangkok Declaration, ASEAN's founding document, stressed the importance of regional economic cooperation and cultural exchange among the young nations of Southeast Asia, the main objective was security. ASEAN was born at a time when many of the political leaders had strong reasons to believe that their countries could get prominently involved in the global game of East-West confrontation in general and the Vietnam War in particular. The states, which had achieved independence from colonialism for only a short while, wanted to avoid a situation of new dependence at all costs. Equally they did not want to see the emergence of repeated great power rivalry on their doorstep. Five decades on, there is no denying about the fact that, while not free of conflict and violence, Southeast Asia is one

of the most stable regions in the world. Has ASEAN as a collective actor been instrumental in, or at least decisively contributed tom achieving the status quo? It is no exaggeration to say that this question has occupied generations of social scientists. According to the standard narrative, ASEAN is a security community in the sense that probably no member would seriously consider going to war with a fellow ASEAN state as a means of problem solving in inter-member relations. ASEAN has successfully managed to keep the residual conflicts between the members – especially territorial disputes – on a low-key level. War has never erupted between individual Southeast Asian states once they had become ASEAN members. However, to make this argument one has to discount occasional skirmishes such as the spilling over of Burmese ethnic conflicts into Thai territory, which resulted in encounters between the troops of Thailand and Myanmar along their joint border in 2001. The violent territorial dispute between Thailand and Cambodia (2008–2011) over the area surrounding the 11th-century border temple of Preah Vihear resulted in at least 41 casualties but – although this sounds macabre - did not meet the international definition of a war. In 2013, the "Lahad Datu stand-off", a conflict between 235 Philippine militants and the Malaysian security forces, reignited the lingering Philippine-Malaysian dispute over Sabah, the former North Borneo, which dates back to colonial times.

Adopting the common viewpoint, in these and other cases, the existence of — mainly informal — mechanisms of conflict management in Southeast Asia helped to contain bilateral problems from de-stabilising the region, and prevented an escalation of disputes into full-scale military battle. Effective conflict management is also said to have mediated more than a dozen additional territorial disputes between individual member states, regular rows over migration issues (especially between Malaysia and Indonesia) and heated discussion on the distribution of resources (for example, between Singapore and Malaysia about water supply and Indonesia and Singapore about illegal trade in sand). In sum, to quote one of the most recent studies on ASEAN's security management, "[w]hile the regional body has undoubtedly contributed to conflict avoidance [...] ASEAN has so far failed to conduct conflict resolution effectively" (Emmers 2017: 76).

Although widely accepted, this assessment begs some important questions. First, can we really take ASEAN's central role towards conflict avoidance for granted? Is it indeed possible to provide hard empirical evidence for this claim? Second how can the absence of an effective approach towards the resolution of existing multi-facetted disputes be explained? At first glance ASEAN's presumed failure to provide a working system and conflict management and to pro-actively respond to security challenges is surprising. Over the years ASEAN has established and expanded an institutional setting to deal with security-related matters. The traditional and still most important framework has been the annual meeting of the ASEAN Foreign ministers (Annual Ministerial Meeting/AMM). Since 1994, the ASEAN Regional Forum (ARF) has been discussing security issues in the wider Asia-Pacific region in an effort to control a stable regional security architecture under native regional leadership to minimize outside interference while keeping all regional powers engaged. In 2006, the ASEAN Defence Ministers' Meeting (ADMM) was established as the highest defence consultative and cooperative mechanism in ASEAN. The ADMM aims to promote mutual trust and confidence through greater understanding of defence and security challenges as well as enhancement of transparency and openness. In 2010, ADMM-Plus followed which also includes ASEAN's eight Dialogue Partners, to further strengthen security and defence cooperation for peace, stability, and development in the region. Non-traditional security (NTS) challenges are addressed through various institutionalised platforms such as the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) or the ASEAN Ministerial Meeting on Drug Matters (AMMD).

Stéphanie Martel (2017: 13) aptly summarises this puzzle by pointing out that ASEAN:

...is an exceptional yet deeply ambiguous regional security institution. Not only does its functioning quickly appears nebulous to the uninitiated, but the purpose it actually fulfils, the nature of its main achievements, and the direction it is heading towards are all difficult to pinpoint.

Starting with a brief summary of the state-of-the-art security discourse and its relevance for ASEAN, the paper will revisit the security community discourse and discuss ASEAN's normative approach to security and the evolution of central concepts. A major part of the analysis is then devoted to several examples of – attempted – conflict resolution. In following I do not dispute the common view that through informal exchanges, quiet diplomacy and its very existence ASEAN has made an important contribution to peace and stability in Southeast Asia. However, I argue that declaring ASEAN a security community either because there is broad agreement on a – more diffuse than concrete – set of widely accepted security norms and thus the existence of a regional identity or simply because there have not been any wars between members states or both is neither sufficient nor satisfying. The quality of a security community – or generally the effectiveness of security management - is reflected by the ability of its members to avoid, manage and resolve conflicts based on institutions established for this purpose. Hence, just in the case of the ASEAN Economic Community the Political-Security Community needs to be assessed against ASEAN's own visions, objectives and targets which are enshrined in a growing number of co-operation instruments and agreements.

It should be noted that ASEAN will be presented as a quasi-collective actor knowing, of course, that ASEAN is not a supranational organisation and rather the sum of the interests and the actions of its member states. However, it is common place and certainly also justified to refer to ASEAN collectively as shorthand for the sum of the member states' joint position and regional agreements.

THE SECURITY DISCOURSE AND WHAT IT MEANS FOR ASEAN

In absence of a universal definition, security is a fiercely debated term in International Relations. As Frederick Kliem and I have argued elsewhere (Dosch/Kliem 2018), complicating matters is that most would certainly agree that establishing and safeguarding security is the top priority of international co-operation and the archetypal responsibility of all international actors, whether those be nation states or non-state actors. Like most concepts, the understanding of security depends on the theoretical starting point. Compare for instance Lippmann's (1943: 51) assertion that 'a nation has security when it does not have to sacrifice its legitimate interests to avoid war, and is able, if challenged, to maintain them by war' to Samuel Makinda's (1998: 282) definition of security as 'the preservation of the norms, rules, institutions and values of society' which must be protected from 'military and non-military threats'. Estrella Solidum equally emphasises norms and values, but does also move away from the focus on threats per se. Solidum (1991: 26) instead concentrates on security as the satisfaction of values, arguing that security 'consists of the feeling that accompanies actual, perceived, or sustained satisfaction of values and/or reasonable and stable expectation of their realization'. A nation state's values rather than its survival become the main parameters of its core interest of security. Traditionally, in the realist reading security has been discussed in terms of territory and threats. The nation state is the quintessential actor and, threatened by

extra-national actors by military means, its survival is the most rudimental component of having security. Accordingly, threats can be alleviated by increasing power and defence capabilities of the state by enhancing military and economic power, engaging in pre-emptive military action, building and enhancing alliances etc. Some institutional realists also account for the possibility of some form of limited, rational-oriented institutional integration and confidence-building measures (CBMs) among a group of competing states. The above definitions carry a more or less overt theoretical connotation and prescribe a theoretical perspective (see Leffler 2004 for a holistic concept of security).

As security studies evolved, non-traditional security (NTS) threats were added and widened the understanding of what constitutes security and, thus, what poses a threat. NTS can be broadly categorised as all non-state challenges to survival and wellbeing of the state and its people. Overall, the NTS agenda includes environmental deterioration; growing pressures on natural resources; developmental policies; the broad field of democracy and human rights; legal and illegal migration and resulting ethnic tensions; increasingly violent criminal acts, prostitution and people smuggling; drug trafficking; piracy; increasing gaps in wealth and income within and between neighbouring regions in part due to international and transnational economic exchanges; mismanagement of national economies and their vulnerability to the intensifying forces of globalisation; and separatism, insurgencies and terrorism (see Hoadley and Rüland 2006 for a comprehensive analysis of many of these NTS issues). The traditional realist view is broadened in two ways. First, security is no longer seen as being state-centric. Second, the welfare of society as a whole and the security of the individual is included. Last, in the wake of the Cold War, the security discourse expanded from the nation state as the principle object of security and the understanding of security in exclusively military terms. Regional problems in Southeast Asia show the importance of NTS. A good example is the re-occurring haze problem which is created by illegal hazardous agricultural fires due to industrial-scale slash-and-burn practices in Indonesia that have resulted in almost annual diplomatic quarrels between Indonesia, Singapore and Malaysia since the first major crisis of 1997–98.

As part of the NTS discourse human security has become a focal point of critical security studies that rejects the 'unacceptable normative implications of traditional security approaches' (i.e., structural realism) and re-orientates the attention to the individual (Burke and McDonald 2007: 5). Despite justified warnings that the concept of human security is too vague to serve as a sound analytical framework (Paris 2001: 96), there is now all but universal consensus that exclusively state-centric, military security is no longer sufficient to account for global stability. Buzan et al. (1998) highlight the problem that security is by no means an objective measurement. Quite the opposite, securitisation of issues often follows normativeideological elite preferences and therefore, almost any issue can be securitised. Definitions can be endless and their ideological origins almost diametrically opposed (Buzan et al. 1998: 24). Norms and values of society can be subject to fluctuating and even capricious reinterpretations, depending on elite preferences, and even Lippman's assertion of a state's 'legitimate interest' is contingent on potentially inconsistent elitist understanding. At the same time, traditional security remains as important as it has always been and NTS supplements, rather than replaces, traditional notions. For the purpose of this chapter it suffices to deem security as whatever the relevant actors believe it consists of.

What does this actually mean for ASEAN? Does a common regional understanding of security exist? For a start, defining security is more an academic exercise than a task performed by national governments or regional organisations. More often than not, in the sphere of policy-making the concept of security is deliberately left open, if not

ambiguous, to allow for flexibility in dealing with arising challenges or – to use the terminology of the Copenhagen School – to enable the securitisation of politicised issues whenever needed. However, between them key ASEAN documents provide a suitable approximation to the organisation's collective understanding of security.

The ASEAN Charter as the organisation's highest-level legal instrument defines the first purpose of ASEAN as "to maintain and enhance peace, security and stability and further strengthen peace-oriented values in the region" (chapter 1, article 1, paragraph 1.). The Charter also commits ASEAN to the concept of "comprehensive security" (chapter 1, article 1, paragraph 8) without, however, elaborating further. In the common definition of the term comprehensive security goes beyond the traditional realist state-centric and military approach. This broader, holistic understanding of security includes, for example, issue-areas such as economics, human rights, and the environment. In other words. As an all-embracing concept, Comprehensive security comprises both traditional and non-traditional elements of security (Baldwin 1997: 5).

The ASEAN Political-Security Blueprint 2025 re-emphasises the focus on comprehensive security (II. 5.2) and specifies, "In building a peaceful, secure and stable region, ASEAN adopts a comprehensive approach to security which enhances our capacity to deal with existing and emerging challenges, resolves differences and disputes by peaceful means, ensures that our region remains free of nuclear weapons and other weapons of mass destruction as well as enhances maritime security and cooperation" (B.8). Most importantly perhaps, the Blueprint links peace and security to "a just, democratic and harmonious environment" (I.1).

However, in practical terms the Blueprint is rather unspecific on how peace, security and order can and will be achieved and sustained. Resorting to typical ASEAN rhetoric the document stresses a necessity of "a rules-based and inclusive community in which our peoples enjoy human rights, with enhanced capacity to respond effectively to emerging challenges and in a dynamic region where ASEAN enhances its centrality in the evolving regional architecture and plays a constructive role globally" (I.3).

A rare reference to the concrete management of security is given with regards to nuclear power. The Blueprint stipulates the strengthening of the ASEAN Network of Regulatory Bodies on Atomic Energy and "develop partnerships with nuclear regulatory bodies of other regions and relevant international organisations in order to contribute to nuclear nonproliferation, maintaining international standards of nuclear safety and security, preventing nuclear-related accidents and protecting against nuclear terrorism" (II.B.5.2.v).

In conjunction with the 'ASEAN Way' of informal, non-binding and consensus-oriented intergovernmental co-operation (as a counter-model to the EU's legalistic approach of legally binding treaties), social constructivist take ASEAN's broad normative consensus on security as evidence for the existence of a regional identity. Since its emergence during the 1990s, the 'constructivist turn' in International Relations the school has come to exert significant influence over the discipline. Since the early 2000s, social constructivism has evolved as the mainstream approach in explaining ASEAN regionalism. 'Where neo-realists see an absence of the means of exercising power and a lack of internal cohesion that, in turn, negates the possibility of external efficacy, constructivists see a relatively cohesive group that has managed to project an influence in wider East Asian security affairs that is quite out of proportion to the economic and military capabilities of its Southeast Asian membership' (Eaton and Stubbs 2006: 139).

THE SECURITY COMMUNITY DEBATE

According to the social constructivist perspective regional identities, norms and social learning play a crucial part in the process of community-building. One of the main proponents of the constructivist approach, Amitav Acharya (2014), argues that the Southeast Asian states have forged a strong collective identity among themselves as the result of political, strategic and functional interactions and interdependencies. Drawing on Benedict Anderson's classic concept of the nation state, Acharya describes ASEAN as an 'imagined community' (Acharya 2001: 2). Among constructivists there is near consensus that the embodiment of a collective Southeast Asian identity has been instrumental in the formation of a security community.

The initial security community concept was a child of the post-World War II years and is closely associated with the work of Karl W. Deutsch. While it originally focused primarily on the North Atlantic area (Deutsch et al. 1968), for the past three decades it has prominently been applied to ASEAN. Definitions of ASEAN as a security community were first proposed in the second half of the 1980s, with Acharya (2009) being the major proponent of the idea during the 1990s and 2000s (see also Peou 2001: 123–124, for a revision of the defining early literature). A security community is defined as a community "in which there is real assurance that the members [...] will not fight each other physically, but will settle their disputes in some other way", i.e. through peaceful change (Deutsch et al. 1968: 5). Capie and Evans (2002: 198) list three "requirements" for the emergence of a security community: the total absence of armed conflicts among members, absence of competitive military build-up, and the existence of institutions and procedures to safeguard peace and to solve conflicts.

The concept developed by Deutsch et al., differentiates between two different types of security communities: the first, the so called Pluralistic Security Community (or Non-Amalgamated), and the second, the so called Amalgamated Security Community. The difference between them lies in the degree of integration. The pluralistic form is less integrated than the amalgamated security community, which is a "merger of two or more previously independent units into a single larger unit" (Deutsch et al. 1968: 6). In a major further development of Deutsch's work, Adler and Barnett (1998) distinguish between loosely and tightly coupled security communities. A loosely-coupled security community is thereby defined as a region of "sovereign states whose people maintain dependable expectations of peaceful change" (Adler and Barnett 1998: 30). By comparison a tightly coupled security community represents a group of states with a high degree of integration which, however, have not yet reached the level of a unified nation state. Yet, the general defining criteria given by Deutsch (1988: 281) for a pluralistic security community are still present in Adler and Barnett's work: the participating states agree on major political values, have the ability and willingness to understand each other and respond quickly and adequately "to one another's messages, needs, and actions" without the use of military power.

Deutsch brought forward several indicators to assess the emergence of a (new) community. Based on his transactionalist approach he proposed that a sense of community would develop through transaction and interaction among the peoples and governments of the participating states. Therefore, he tried to quantify his observation through measuring the flow of goods and people across borders. However, while Deutsch relied heavily on quantitative indicators social constructivists have emphasised the importance of interaction, communication and the emergence of common norms,

values and identity as defining criteria for the emergence of security communities, thereby distinguishing them from other security agreements, such as military alliances (see Acharya 2009: 19–23).

Challenging the constructivist consensus, Nicholas Khoo argues that 'whatever ASEAN may be, it is not a security community' basing his finding on two major empirical findings: '(a) the reality of states preparing for, and actually using force against fellow ASEAN members, and (b) the dynamics of intra-ASEAN relations, with strong and repeated evidence of intervention in the internal affairs of other ASEAN states.' (Khoo 2015: 186). If one takes incidents of armed conflict as an indicator, at first glance it seems indeed difficult to empirically justify the characterisation of ASEAN as a security community. The 'armed conflict database' (ACD) of the London-based International Institute for Security Studies (IISS), lists 12 violent conflicts in Southeast Asia since 1997.² However only one (Cambodia-Thailand) was an inter-state conflict. Of the remaining 11, six are still current; two are classified as medium intensity (Myanmar and Southern Thailand) and four of low intensity (Philippines: Abu Sayyaf Group, Moro Islamic Liberation Front, New People's Army; and 'Southeast Asian Islamist Terrorism'). However, the ACD also identifies ten armed conflicts in Europe during the same period. Then again, few would question's Europe's status as a security community despite the periodic occurrence of violence within and in the immediate neighbourhood of the European Union. There is not a single region or sub-region in the world which could be considered completely conflict-free and thus a constitutive criterion of a security community is not the total absence of inter- and intra-state violence.

In the end, as Khoo (2015: 194) rightly askes, does it really matter as to whether or not ASEAN is called a security community? Prima facie it does matter mainly because the Security Community preposition goes far beyond an academic concept. With regards to Southeast Asia, the distinction between academia and policy making is oftentimes blurred. Social constructivist analysis and ASEAN's own rhetoric and self-appraisal have converged to create the standard narrative. While social scientists claim ASEAN's evolution towards a sound security community, based on a shared Southeast Asia identity, ASEAN has also declared itself as such largely based on the same key argument (Kliem 2017b). Both sides also agree on how security and stability have come about: from both the mainstream endogenous and exogenous perspective, the association has, in most instances, not aimed at solving disputes but rather at promoting a peaceful security environment through mechanisms of conflict avoidance. At the same time, a few examples of actual conflict resolution are frequently cited to underpin the argument of a working and effective security community. Before elaborating on this point it is important to look first at ASEAN's declaratory commitment to security management.

ASEAN'S NORMATIVE APPROACH TO SECURITY

In an early contribution to the security community debate Alagappa (1998: 658–9) describes ASEAN as a 'partial pluralistic security community', one characterised by increasing cooperation and broader security concerns, including economic and socio-cultural issues.

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¹ https://acd.iiss.org/

² Cambodia-Thailand, Indonesia (Aceh), Indonesia (Maluku), Indonesia (West Papua), Malaysia (KMM), Myanmar, Philippines (Abu Sayyaf Group/ASG), Philippines (Moro Islamic Liberation Front/MILF), Philippines (New People's Army/NPA), Southeast Asian Islamist Terrorism, Southern Thailand and Timor Leste

Dialogue assumes a central importance from this perspective. Alagappa sees it as a powerful agent for change, able to transform the normative context of the region, for example, over such principles as the legitimacy of force. In retrospect Alagappa was right, ASEAN's normative approach to security has indeed changed during the past two decades. As outlined above, prominent references to security and the management of security are made in the ASEAN Charter and the Blueprints for the ASEAN Political-Security Community 2015 and 2025 respectively are entirely dedicated to security-related issues. Many of ASEAN's approximately 360 agreements that form the foundation of regional co-operation touch upon security matters. However, the language remains vague and the transition from the APSC 2015 to the APCS 2025 has not been accompanied by a visible evolution towards more concreteness in the management of security. For example, the Nay Pyi Taw Declaration on the ASEAN Community's Post-2015 Vision which outlined the association's formal approach to community-building after the establishment of APSC on 31 December 2015, reiterates established and well known phrases by stressing the need to 'continue to maintain and enhance peace, security and stability in the Southeast Asian region and beyond' and to 'promote the primacy of diplomacy in the peaceful settlement of disputes, and adopt peaceful international and regional dispute settlement mechanisms to address differences and disputes in the region and beyond'.

In some instances there have been clear step backs as ASEAN abandoned the idea of spelling out concrete objectives, actions and benchmarks in favour of more vague provisions. This is particularly the case with regards to NTS, which 'forms the bulk of "practical" security cooperation in the wider region' (Martel 2017: 551). ASEAN's approach to drug production and trafficking is a case in point. The ASEAN Work Plan on Combating Illicit Drug Production, Trafficking and Use 2009 – 2015, spelled out specific benchmarks namely:

- Insignificant opium poppy cultivation by 2015;
- Insignificant cannabis cultivation by 2015;
- Provision of sustainable livelihood to former illicit crops producing farmers.
- Elimination of syndicates involved in the clandestine production of illicit drugs
- Elimination of syndicates involved in trafficking of illicit drugs;
- Elimination of diversion and smuggling of precursor chemicals;
- Enhance cross-border and transnational law enforcement collaboration and cooperation.
- Reduce the overall prevalence of illicit drug abuse in the general population, in particular students, youth and those in high-risk and vulnerable groups (i.e. street children, sex workers, and employees in labour-intense occupations);
- Increase access to treatment, rehabilitation and aftercare services to drug abusers with the purpose of ensuring full re-integration into society;
- Increase and enhance partnerships between the public and private sectors and civil society organisations in response to the abuse of illicit drugs (ASEAN 2009).

However, none of these – admittedly optimistic – objectives were achieved. The final assessment to monitor, review and evaluate the implementation progress of the ASEAN Work Plan 2009-2015, conducted by the United Nations Office for Drugs and Crime (UNODC), found 'that the drug situation in the region is worsening due to the reported proliferation of methamphetamine and new psychoactive substances (NPS)'. The report recommended that 'the governments of the ASEAN Member States need a more holistic approach to overcome the challenges posed by illicit drug trafficking' (Drug Free ASEAN 2015: Evaluation and Recommendations Post-2015, quoted in ASEAN 2016: 6). In fact, the only tangible result of

the 2009-2015 work plan was the publication of a 'compilation of ASEAN National Laws on Drugs'.

Instead of agreeing on a new set of concrete targets, the member states opted for watering down their commitments by replacing benchmarks with soft targets. The new 2016-2025 Workplan aims at 'a broad and balanced approach that includes efforts to significantly reduce the supply and demand of illicit drugs' (ASEAN 2016: 7) without specifying any concrete steps towards implementing this strategy except for rather general ideas such as collaborating on information gathering, promote awareness through education campaigns and conduct research to formulate policy reforms. Of particular importance is the notion that ASEAN strives for increased 'multilateral and collective cooperation without undermining pro-active individual efforts and actions in addressing the drug problem in each country' (ibid). National sovereignty rules. This is hardly surprising as the member states' approaches towards drugs as a major NTS challenge differ widely. In the most extreme case since taking office in June 2016, Philippine President Rodrigo Duterte has carried out a 'war on drugs' that – according to Human Rights Watch (2017) – 'has led to the deaths of over 7,000 Filipinos to date, mostly urban poor. At least 2,555 of the killings have been attributed to the Philippine National Police [...] [which] are falsifying evidence to justify the unlawful killings. Despite growing calls for an investigation, Duterte has vowed to continue the campaign.' It is hardly surprising that beyond general declaratory commitment to NTS, the regional management of security challenges cannot flourish in a climate of growing nationalism and authoritarianism in approaching pressing problems.

Yet, unimpressed by empirical evidence suggesting the contrary, mainstream social constructivism cites 'ASEAN declaratory language' as evidence for the presence of common, regional security regimes (Kliem 2017b: 12). Again, this is where the analysis of ASEAN and ASEAN's own rhetoric conveniently overlap. ASEAN's claim of progress on security cooperation is taken as evidence for the association's growing ability to effectively address security-relevant challenges. Most importantly, perhaps, the ASEAN Defence Ministers' Meeting (ADMM) – as the highest defence consultative and cooperative mechanism in ASEAN – 'aims to promote mutual trust and confidence through greater understanding of defence and security challenges as well as enhancement of transparency and openness'. ASEAN asserts that cooperation has grown steadily since ADMM's inception in 2006. Examples given include:

- work in humanitarian assistance and disaster relief (HADR): workshops on the ASEAN Defence Establishments and Civil Society Organisations (CSOs) cooperation in NTS and on the use of ASEAN Military Assets and Capacities in HADR;
- cooperation in the area of peacekeeping operations and defence industry: adoption of the Concept Papers on the Establishment of ASEAN Peacekeeping Centres Network and on ASEAN Defence Industry Collaboration; .initiatives on establishing ASEAN Defence Interaction Programme and an ADMM Logistics Support Framework:
- plans for a Direct Communications Link, which, when established, 'will be a practical confidence and security-building measure that aims to promote quick response cooperation in emergency situation, in particular relating to maritime security' (ADMM 2017).

There can be little doubt that for the past decade the ADMM mechanism has facilitated formal regional consultation in a policy field that previously had not been open for intergovernmental cooperation and thus contributed to confidence-building and agenda setting. The most important development is the establishment of ASEAN Militaries Ready Group

(AMRC) on HADR by the 10th ADMM in 2016. The HADR has a mandate to assist upon request any affected ASEAN country in coordination with the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) in Jakarta. While ASEAN military personnel taking part in operations will wear their respective national uniform, they are supposed to display the ASEAN emblem. So far no requests have been made and it is questionable "whether enough real resources will be made available when a major natural disaster strikes' (Termsak 2017: 56). For the time being AMRC adds itself to the list of dormant ASEAN security management mechanisms, which look good on paper but are unlikely to be tested anytime soon. The actual deployment of the AMRC would at least challenge, if not substantially dilute ASEAN's non-interference norm and even mark a first steps towards supra-nationality. Soldiers from Indonesia, Malaysia, Vietnam and elsewhere sporting the ASEAN flag while providing assistance after a cyclone on, say, Philippine soil, would send out a strong symbolic message indeed.

At a lower level of a security management the ADMM might have played a role in conflict avoidance. However, against the backdrop of the already mentioned 'war on drugs' in the Philippines, the Rohingya crisis in Myanmar, the re-occurring haze problem, continued high numbers of incidences of human trafficking and arms proliferation, to name only some of the most pressing examples, it is difficult to find conclusive proof that ASEAN has actually contained the escalation of NTS problems. Furthermore, settling for the celebratory general notion that ASEAN has somehow contributed to conflict avoidance seems underwhelming in the presence of an elaborated institutionalised framework for security cooperation that – on paper – should be capable of much more than that. In fact, while in a quest to play down expectations, analysts and ASEAN actors alike have stressed the association's main purpose of facilitating conflict avoidance, ASEAN has never shied away from attempts at conflict resolution.

ATTEMPTS AT CONFLICT RESOLUTION

First and foremost, ASEAN has gained a reputation for having orchestrated Vietnam's withdrawal from Cambodia and the subsequent Paris Peace Agreements of 1991 that ended the Indochina conflict. In fact, this is still considered ASEAN's most decisive security-related achievement and seemingly proof for the organisation's ability to make a decisive contribution to conflict resolution. Without belittling ASEAN's role (as a collective actor), it is a well-known fact that the impasse was broken when the conflict parties got together at the so-called Jakarta Informal Meetings, which took place outside the formal ASEAN organisational structure.

A similar observation seems to apply to the case of the Thai-Cambodian conflict over the sovereignty of the 900 year old Hindu temple complex Preah Vihear and its surrounding area of 4.6 square kilometers. In 1962 a ruling of the International Court of Justice (ICJ) awarded the temple to Cambodia, which both countries accepted at the time. However, a conflict started when, in July 2008, the United Nations Educational, Scientific and Cultural Organization (UNESCO) approved Cambodia's application to inscribe the temple as a world heritage site. Thailand contested the decision arguing that the land around the Temple was the subject of a sovereignty dispute between Thailand and Cambodia and any decision related to the area could not be adopted without Bangkok's consent. The confrontation escalated when both countries sent troops to the area and started to exchange fire in August of the same year. Fighting reoccurred several time until 2011 when Cambodia returned to the ICJ and requested a clarification 1962 ruling. In 2013 the ICJ ruled largely in Cambodia's favour. Both countries accepted the verdict. Throughout the period of the armed confrontation the ASEAN foreign

ministers did not address the conflict during their annual meetings. In 1996 ASEAN established a regional dispute settlement mechanism which was expanded in 2010 with the conclusion of the *Protocol to the ASEAN Charter on Dispute Settlement Mechanisms* (DSM). It emphasises the desire to transform ASEAN into a 'rules-based organisation with practical, efficient and credible mechanisms in place to resolve disputes in an effective and timely manner'. Neither the DSM nor provisions under 1976 Treaty of Amity and Cooperation (TAC), ASEAN's main instrument for conflict management which also provides the basis for the establishment of a High Council (a court of arbitration), have played any role in resolving the conflict. It took ASEAN until February 2011 to finally voice a position by agreeing on sending a monitoring mission from Indonesia (ASEAN chair at the time) under the ASEAN banner - the first ever of its kind - to a conflict area (Pham 2015: 9, 13). Although concerns of the Thai government eventually prevented the materialisation of the mission (International Crisis Group 2011), the shuttle diplomacy conducted by Indonesian Foreign Minister, Marty Natalegawa, played an important part in easing the tensions. And while international arbitration and the change in the government of Thailand rather than regional meditation efforts were instrumental in bringing about an end to the fighting (Emmers 2017: 89), 'it would be unfair to give ASEAN no credit". Indonesia acted in its capacity as ASEAN chair and Marty's mediation efforts could be considered a 'genuine attempt to implement ASEAN sanctioned conflict settlement mechanisms in order to solve an intraregional, not Indonesian problem and to demonstrate ASEAN relevance to both the international audience and to its own members' (Kliem 2017b: 276-277).

In other intra-regional territorial disputes, ASEAN's own dispute settlement mechanisms have not been employed either. Most prominently, in 2005 the International Tribunal for the Law of the Sea resolved a case concerning a Malaysian-Singaporean dispute over land reclamation by Singapore in and around the Straits of Johor. And in 2008 a territorial dispute between the same two countries over several islets at the eastern entrance to the Singapore Strait (Pedra Branca, Middle Rocks and South Ledge) was decided by the International Court of Justice.

ASEAN's most visible and high-profile approach to conflict resolution is its dealings with the South China Sea (SCS) disputes which has kept the association busy for the entire second half of its existence so far. At the centre of the dispute lay the Spratlys, a collection of mostly barren coral reefs, atolls and sand bars – many of which disappear at high tide – which covers an area of some 70,000 square miles. This area is claimed, in whole or in part, by China, Taiwan, Vietnam, Malaysia, Brunei and the Philippines. With the exception of Brunei, all of the disputants maintain a military presence on some of the islands. Since the late 1970s there have been intermittent incidents involving the various claimants, ranging from complaints about the construction of buildings on islands and the arrest or detention of fishermen, to violent clashes between the armies and navies of claimants. The SCS can reasonably be called the most significant traditional security threat ASEAN has faced in decades. In spite of stark power asymmetries, ASEAN member states as a collective as well as individually have tried to be masters of their own fate. In terms of ASEAN's desire to create a rules-based order based on its own norms, it is useful to begin with the laudable efforts to codify specific rules of behaviour in the SCS. The need for regional conflict resolution measures was realised early on when ASEAN adopted the ASEAN Declaration on the South China Sea in 1992. In line with the ASEAN way, it was an informal code geared towards conflict management and avoidance. By many, the Declaration was regarded as a first step towards a peaceful settlement of the Spratly Islands dispute.

In 2002, at an ASEAN-China Summit, the heads of government of the ASEAN members and the Chinese premier Zu Rongji signed a so-called declaration of conduct (DoC), agreeing not to attempt to occupy the Spratlys. Sometimes referred to as the 'Spratly Islands Pact', the agreement aims at avoiding conflict by means of 'confidence-building activities between ASEAN and China' (ASEAN 2002: para. 28). In 2003, China signed up to the ASEAN-initiated ASEAN Treaty of Amity and Cooperation (TAC), becoming the first non-Southeast Asian country to do so. A total of 26 states – including the US in 2009 - have now signed the 1976 regional code of conduct, making the TAC one of ASEAN's most significant international successes. The DoC and TAC would be the first points of call for a legal settlement in the SCS. In the DoC all parties have committed themselves to the 'renunciation of the threat or use of force', 'respect for the independence, sovereignty, equality, territorial integrity' of states, and the 'settlement of differences or disputes by peaceful means' (Art. 2). Accordingly, in the SCS all claimants would have to honour the primary obligation to maintain peace. Although the agreement is not binding and depends on the goodwill of the signatory states, senior officials from ASEAN and China believe the 'pact' will eventually help ensure regional security, although the recent series of bilateral disputes suggests otherwise.

For example, in early 2012, China and the Philippines engaged in a lengthy maritime stand-off, accusing each other of intrusions in the Scarborough Shoal which is claimed by both states. In July 2012, China elevated the status of the contested islands to become part of a Chinese prefecture. Bilateral relations between China and Vietnam reached crisis point in early May 2014 when China dispatched an oil rig to waters claimed by Vietnam in the South China Sea. The oil rig was placed some 120 nautical miles (222 km) inside Vietnam's exclusive economic zone, which extends 200 nautical miles (370 km) from the Vietnamese coast, under the 1982 UN Convention on the Law of the Sea (UNCLOS). However, China does not recognise Vietnam's claim based on international law.

As in the case of the Thai-Cambodian conflict and other disputes, ASEAN's own conflict resolution mechanisms have not been applied (which, however, would have been more difficult regarding the SCS as this is not an intra-ASEAN dispute). Instead, on the initiatives of the Philippines and supported by Vietnam, once again international institutions were called upon. In July 2016, the Permanent Court of Arbitration in The Hague ruled that China had violated maritime law with its activities in the South China Sea. While the ruling was naturally welcomed in the Philippines (which had brought the case against China to the Permanent Court under the arbitration provisions of UNCLOS) and Vietnam, it was unequivocally rejected by Beijing which dismissed the legitimacy of The Hague arbitration proceedings. Although the ruling is widely considered unenforceable, it has seemingly morally strengthened the position of the Southeast Asian claimants. While confidence levels between China and the Southeast Asian claimant reached a low point during the trial, since the ruling China has been increasing efforts to restore its international credibility and assure neighbouring countries that Beijing respects the territorial integrity of other countries. The Chinese government has substantially increased dialogue and cooperation on NTS themes with ASEAN member states in an attempt to restore confidence (Maier-Knapp forthcoming). It is unlikely that The Hague's ruling will make a strong contribution to effective conflict management or even conflict resolution in the SCS but if tensions have indeed eased as a result and the climate for co-operation has improved, this modest success would be mainly attributable to the Philippines, which brought the case before the Permanent Court, and not ASEAN as an organisation. Like the end of the Cambodian conflict and efforts to resolve the Thai-Cambodia dispute it is yet another example for an ASEAN member state taking the initiative with the outcome being credited to ASEAN as a whole, at least to some extent.

The most effective responses to security challenges are often the result of sub-regional co-operation between two or more member states. Examples include

- the participation of Malaysia, the Philippines, Singapore and Thailand in the International Force for East Timor (INTERFET) sent to stabilise the then-Indonesian province in 1999-2000 ahead of the arrival of a UN peacekeeping mission;
- co-operation on NTS in the Greater Mekong Subregion (Cambodia, Laos, Myanmar, Thailand and Vietnam, as well as the Chinese provinces Yunnan und Guangxi);
- and the tri-lateral surveillance of the Straits of Malacca (Indonesia, Malaysia and Singapore).

As for the latter, in 2005 the littoral states of the Straits launched co-ordinated patrols of the waterway backed up by joint air patrols ('eye in the sky') to fight piracy and to eliminate any threats to the security of the narrow waterway which is one of the world's busiest and most strategically important maritime thoroughfares. Over half the global trade flow passes through this 930 kilometre long channel. At the centre of the 'eye in the sky' initiative is the joint aerial surveillance of potentially security-threatening activities in the Straits. In practical terms this means that personnel from the countries are in the same aircraft monitoring the security of the waterway. Piracy has significantly declined as the result. In all the aforementioned examples of conflict management ASEAN provided a useful and presumably necessary framework for initiatives to be taken and to flourish. However, success

presumably necessary framework for initiatives to be taken and to flourish. However, success were mainly attributable to the activities of individual member states rather due to the use of institutionalised mechanism of conflict resolution. There is nothing wrong with such an approach which, incidentally, is not uncommon for regional organisations. It works as long as member states are more or less following the same interest but gets difficult as soon as opinions diverge.

The current Rohingya crisis in Myanmar is a case in point. On 25 August 2017, a militant group calling itself the Arakan Rohingya Salvation Army (ARSA) attacked and killed Myanmar border guards in Rakhine state triggering a series of events, which led to a serious humanitarian crisis in the region. Myanmar's military retaliated the attack with 'clearance operations' which the UN High Commissioner for Human Rights Zeid Ra'ad al-Hussein called 'a textbook example of ethnic cleansing'. As of mid-October 2017, according to various reports, the conflict resulted in at least 1,000 causalities, sexual violence against Rohingya women and other massive human rights abuses and the displacement of over 500,000 ethnic Rohingya who have sought refuge in neighbouring Bangladesh (see for example Morada 2017). In this case ASEAN has neither made an effort to contain the situation and hinder further escalation through formal institutionalised approached nor 'quiet diplomacy and collective political will' (Surin 2017). Using unusual strong language, former ASEAN Secretary-General Surin Pitsuwan wrote in a *Bangkok Post* editorial:

In the wake of humanitarian crisis, Asean risks losing credibility and international confidence if the regional grouping continues to ignore the plight of the Rohingya. What Asean needs in this critical juncture, facing the Rakhine human catastrophe, is a collective sense of urgency and effective leadership. It has to been as a serious destabilising factor for the entire regional landscape (ibid).

However, ASEAN has found it difficult in shaping a regional response to the crisis through existing mechanisms such the Emergency Rapid Assessment Team (ERAT) set up in 2008, which can be used to coordinate with the UN in managing the Rakhine crisis (Morada 2017). Even finding an accepted common position has been beyond reach because ASEAN is

split along religious lines. Under the Philippine chairmanship ASEAN did issue a statement in September 2017. Inter alia, it expressed support for Myanmar in efforts 'to bring peace, stability, rule of law and to promote harmony and reconciliation between various communities' (ASEAN 2017). At the same time the document does not mention the term Rohingya in referring to the persecuted Muslim minority group in accordance with Myanmar's opposition to its use as an official ethnic group classification. Malaysia took the rare step of disassociating itself from a joint statement, 'because from Kuala Lumpur's perspective it misrepresented the situation. Malaysian Foreign Minister, Anifah Aman, in an unusually sharp rebuke, maintained that the chairman's remarks failed to reflect ASEAN's founding principle of consensus. The ASEAN statement Malaysia's dissenting remarks followed on Prime Minister Najib Razak's own activist stance on the issue, demonstrated by his championing of the Rohingya cause in the international arena and at political rallies at home where he has characterized Myanmar's treatment of the minority community as an "insult to Islam" (Bowie 2017). In Malaysia as well as Indonesia, a softly-softly approach towards Myanmar is rejected mainly for domestic political reasons. In both countries, public anger towards Myanmar has been building, and:

...there is a risk that the plight of the Rohingya could become a lightning rod for underlying divisions between Muslims and non-Muslims, which in turn is being exploited by politicians with domestic agendas. Worries about its weakening appeal to voters have led the Malaysian ruling Umno party to make forays into religious bigotry. Similarly, in Indonesia, politicians seeking to undermine the popularity of President Joko Widodo have used mass rallies of hardline Islamic pressure groups to weaken him. Widodo made a forceful call for an end to the violence in Rakhine [...] (Vatikiotis 2017).

In spite of the intra-regional controversy on how to deal with the crisis one could argue that the inclusion of Myanmar into ASEAN is as such a crucial factor which at least facilitates ongoing communication between Naypyidaw and the other ASEAN capitals and leaves the door open for some quite diplomacy. While this is better than nothing the Rakhine crisis suggests that ASEAN is not yet in a position to live up the its own rhetoric of effective conflict management.

CONCLUSION

In a recent balance sheet on ASEAN's achievements over the past half-century, Frederick Kliem (2017a: 9) makes an interesting observation: 'As in Europe, many ASEAN citizens fall victim to unrealistic cost-benefit analyses and raise the question: What are we getting for our money? What good is an association promising big and delivering little?' Kliem recommends to 'appreciate ASEAN for what it is: The single best chance for peace the region ever had. If one assesses the utility of an organisation, it helps to ask a minimalist question: What would be the consequences of the organisation's absence? [...] Although desirable, ASEAN cannot be expected to be an effective problem solving actor of regional governance; it is and will remain a problem management mechanism' (ibid: 8-9). The paper has shown that this assessment is largely correct. At the same time it is fair to note that however unrealistic expectations concerning ASEAN's management capacities might be, they have been largely created by the grouping itself. ASEAN has not only moved towards elaborated normative concepts of regional security and order but also established institutionally advanced instruments and mechanisms to manage conflicts and to resolve them. Yet, these approaches remain untested and ASEAN member states have regularly turned to international bodies for

arbitration or used informal, 'quite' approaches to address security challenges. Beyond any doubt inter-elite communication, high level policy dialogues, government-to-government relations, and various forms diplomacy as well as increasing interactions among civil society actors have contributed to relative peace and stability in Southeast Asia. An additional important contribution has been made through bilateral and mini-lateral co-operative networks among individual Southeast Asian countries such as the Straits of Malacca patrols, the Greater Mekong Subregion (GMS) or – in particular in reaction to the South China Sea threat originating in China – closer Philippine–Vietnam relations.

This all boils down to the well-known three-fold argument that:

- regional co-operative security mechanisms in Southeast Asia tend to prefer softsecurity issues and eschew discussion of territorial disputes;
- based on the ASEAN way, conflicts are at best multilaterally managed, not solved, since individual parties are able to keep certain contentious issues off the official agenda; and
- ASEAN's approach to security cooperation rests on the premise that the moral power
 of informal procedures can determine relations between actors as effectively as legally
 binding rules.

This is all noteworthy but does not make ASEAN a security community when approach and achievements are assessed against the grouping's own aspirations, clearly spelled out normative concepts and particularly its institutional architecture. ASEAN has seen impressive institutional development and evolution but most of the agreed mechanism still awaits implementation or application. A lack of trust in inter-member relations and insistence on the primacy of national sovereignty are customary cited as reasons or excuses for ASEAN's inability to employ its self-generated, well-designed formal framework for security management. This was a valid point during ASEAN's younger years. However, at 50 a regional organisation can be expected to be sufficiently mature and settled to deliver on existing agreements. Formal institutions matter regardless of how successful an organisation might have been in going down informal avenues of addressing problems of a regional dimension. ASEAN does not live up to its own rhetoric and it continues to circumvent formally agreed mechanisms and even waters down earlier self-imposed commitments the grouping will inevitably lose credibility.

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