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**The ASEAN Regional Forum and Preventive Diplomacy:
A Failure in Practice**

Ralf Emmers and See Seng Tan

S. Rajaratnam School of International Studies

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ABSTRACT

Various reasons purport to explain why the ASEAN Regional Forum (ARF) has failed to evolve from confidence-building to preventive diplomacy (PD). These include the ARF's large membership and weak institutional structures, its strict adherence to the sovereignty and non-interference principles as enshrined within the Treaty of Amity and Cooperation (TAC) that contradict any effective implementation of PD, and contrasting strategic perspectives among its key participants. While these factors have certainly hindered security cooperation, none of these are sufficient conditions by themselves since they have not impeded other regional arrangements from engaging in PD. The claim here is that the ARF has evolved into a highly formal forum which, in combination with other oft-cited factors, has inhibited the adoption of a preventive diplomacy agenda and actionable PD measures. Indeed, the formalization of the ASEAN Way has in effect rendered the ARF a highly inflexible institution, making difficult the evolution towards PD. The problem appears less to be the ASEAN Way *per se* than a rigid interpretation and practice of the convention. When deliberately kept informal and flexible, the convention has in fact facilitated the adoption of PD measures, no matter how preliminary, by their host institutions.

Ralf Emmers is Associate Professor and Coordinator of the Multilateralism and Regionalism Programme at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University, Singapore. His research interests cover security studies and international relations theory, maritime security, international institutions in the Asia-Pacific, and the security and international politics of Southeast Asia. He is the author of *Geopolitics and Maritime Territorial Disputes in East Asia* (Routledge 2009), *Cooperative Security and the Balance of Power in ASEAN and the ARF* (RoutledgeCurzon, 2003) and *Non-Traditional Security in the Asia-Pacific: The Dynamics of Securitization* (Marshall Cavendish, 2004). He is the co-editor of *Security and International Politics in the South China Sea: Towards a Co-operative Management Regime* (Routledge, 2009), *Order and Security in Southeast Asia: Essays in Memory of Michael Leifer* (Routledge, 2006), *Understanding Non-Traditional Security in Asia: Dilemmas in Securitization* (Ashgate, 2006), and of *Non-Traditional Security in Asia: Trends and Issues* (Marshall Cavendish, 2006). Additionally, he has published articles in peer-reviewed journals such as *The Pacific Review*, *Asian Survey*, *Australian Journal of International Affairs*, *Contemporary Southeast Asia*, *Pointer* and *Dialogue + Cooperation* as well as numerous book chapters in edited volumes. He is one of the authors of a monograph on *A New Agenda for the ASEAN Regional Forum* (IDSS, 2002) and of *An Agenda for the East Asia Summit* (IDSS, 2005) as well as a contributor to *International Relations in Southeast Asia: The Struggle for Autonomy* (Rowman & Littlefield, 2005).

See Seng Tan is Associate Professor at the S Rajaratnam School of International Studies (RSIS), and Head of Research for the Institute of Defence and Strategic Studies (IDSS), a constitutive element of RSIS. He is author and/or editor of 8 books and has contributed to various peer-reviewed journals and edited anthologies. He researches on regionalism and regional security, and is particularly interested in insights on Asia-Pacific security arising from critical theoretical interrogation. He is equally active in

policy work and has consulted for various intergovernmental organisations, including the ASEAN Secretariat.

The ASEAN Regional Forum and Preventive Diplomacy: A Failure in Practice

Introduction

The ASEAN Regional Forum (ARF) was formed in 1994 with the goal of sustaining and enhancing the peace and prosperity of the Asia-Pacific region by enhancing dialogue on political and security cooperation.¹ As laid out in the Concept Paper of 1995, this aim would be achieved through a gradual evolutionary approach encompassing three stages, namely, confidence-building, preventive diplomacy, and conflict resolution. The ARF remains the first and only inclusive security arrangement serving more or less the entire Asia-Pacific. It does so as a diplomatic framework for multilateral discussions on regional problems, information sharing, promotion of confidence-building, and enhancement of transparency.²

The decision by the Association of Southeast Asian Nations (ASEAN) to establish the ARF resulted from several motivations. The ARF was regarded by ASEAN as a diplomatic instrument for promoting continued US engagement in the region and socializing China into habits of good international behaviour.³ Furthermore, its creation was meant to ensure the regional association's ongoing relevance to regional security. Fifteen years later, ASEAN's original objective – to institutionalize great power relations within a multilateral framework – has arguably been achieved.⁴ The United States remains deeply involved in Asian security affairs while China is today an active participant in various regional arrangements. Moreover, most regional

¹ See, 'ASEAN Regional Forum: A Concept Paper', adopted at the Second ASEAN Regional Forum, Bandar Seri Begawan, 1995. Available: <http://www.aseansec.org/3635.htm> (accessed February 2008).

² Ralf Emmers, *Balance of Power and Cooperative Security in ASEAN and the ARF* (London: RoutledgeCurzon, 2003); Alastair Iain Johnston, 'The Myth of the ASEAN Way? Explaining the Evolution of the ASEAN Regional Forum', in Helga Haftendorn, Robert O. Keohane, and Celeste A. Wallander, eds., *Imperfect Unions: Security Institutions Over Time and Space* (New York: Oxford University Press, 1999) pp.287-324; Hiro Katsumata, 'Establishment of the ASEAN Regional Forum: Constructing a 'Talking Shop' or a 'Norm Brewery'?' *The Pacific Review*, Vol.19, No.2 (June 2006), pp.181-198; Takeshi Yuzawa, 'The Evolution of Preventive Diplomacy in the ASEAN Regional Forum: Problems and Prospects', *Asian Survey*, Vol.46, No.5 (September/October 2006), pp.785–804.

³ Michael Leifer, *The ASEAN Regional Forum: Extending ASEAN's Model of Regional Security*, Adelphi Paper No.295 (Oxford: Oxford University Press, May 1995), p.19; Yuen Foong Khong, 'Coping with Strategic Uncertainty: Institutions and Soft Balancing in ASEAN's Post-Cold War Strategy', in Peter Katzenstein, Allen Carlson and J.J. Suh, eds., *Rethinking Security in East Asia* (Stanford, CA: Stanford University Press, 2004), pp.172-208.

⁴ Evelyn Goh, 'Great Powers and Hierarchical Order in Southeast Asia: Analyzing Regional Security Strategies', *International Security*, Vol.32, No.3 (Winter 2007/08), pp.113-157.

actors continue to support the notion of ASEAN centrality in Asia-Pacific regionalism.

Nonetheless, the ARF has lost momentum since its formation. It is now often criticized for being no more than a ‘talk shop’, unable to respond to security developments in the Asia-Pacific. Today, the ARF remains primarily a confidence-building exercise. The initiative to move beyond the promotion of confidence-building modalities has been painfully slow. Progress to the second stage of development has been undermined by disagreements over the definition and scope of preventive diplomacy (PD). Some participants regard preventive diplomacy as a more threatening form of cooperative security, as it might in some instances impinge on national sovereignty. This lack of progress could have direct policy repercussions. In the case of the Korean peninsula, for example, the ARF’s inefficacy in contrast to the intermittent progress achieved by the Six Party Talks has led to calls to establish a regional security mechanism specific to Northeast Asia. This is a prospect that ARF proponents find disconcerting for fear that its realization may sideline their forum in regional security matters.⁵ Equally significant for the ARF is the perception that there might be competing and/or redundant elements in the ‘variable geometry’ of Asia-Pacific institutionalism today, such as the ASEAN Plus Three (APT) and the East Asia Summit (EAS).⁶ The express goal of such initiatives – an East Asian Community, so-called – if successful, could well provide the foundation for an alternate security architecture. It remains to be seen if the various institutional structures will succeed in complementing each other – as advocates of ASEAN-led institutionalism are wont to insist – or whether they will instead compete and cancel each other out.⁷

This paper seeks to shed light on the ARF and its unrealized role in preventive diplomacy. The forum’s failure to achieve its primary institutional objective is

⁵ Tan See Seng, ‘The US Push for a Northeast Asia Forum: Three Ramifications for East Asian Regionalism’, *RSIS Commentaries* 47/2008, 16 April 2008.

⁶ As Camilleri has noted, there remain unresolved tensions between the ‘Asia-Pacific’ institutional model (ARF), which bridges residual US hegemony and East Asia, and the ‘Pacific Asia’ model centred primarily, if not exclusively, on East Asia (APT, EAS). Joseph Camilleri, ‘East Asia’s Emerging Regionalism: Tensions and Potential in Design and Architecture’, *Global Change, Peace and Security*, Vol.17, No.3 (2005), pp.253-261.

⁷ See pp.9-12 in See Seng Tan, ed., *Do Institutions Matter? Regionalism and Regional Institutions in East Asia*, Monograph 13 (Singapore: S. Rajaratnam School of International Studies, 2008).

especially puzzling in the light of the ample evidence of PD as employed by other institutional processes in the Asia-Pacific to address traditional security flashpoints. The Six Party Talks and the ASEAN-China dialogue process that led to the signing of the Declaration on the Conduct of Parties in the South China Sea in November 2002 could be regarded as exercises in PD.⁸ An assessment of why the ARF has failed to progress beyond confidence-building is important on two counts. First, despite the Asia-Pacific having arrived as an economically interdependent and prosperous region, it still contains a number of potential military flashpoints and territorial disputes in which the risk of armed conflict cannot be discounted. As an analyst has cautioned, the ‘failure or success of the ARF in its effort to develop PD is a significant factor in future prospects for regional peace and stability’.⁹ Second, the ability of the ARF to adopt PD mechanisms remains a yardstick for many analysts when assessing the effectiveness and progress of the forum as a whole.¹⁰ One can argue therefore that the credibility of the ARF, and thus the extent to which some of its members will play a pro-active role in the institution, is dependent on its ability to implement and execute PD.

This paper consists of three sections. The first reviews the concept and practice of preventive diplomacy as defined and deployed by the United Nations and other actors. It looks at PD in both the Cold War and post-Cold War contexts and explores issues such as definitions and applications. The second makes a critical assessment of the ARF with regards to its role in preventive diplomacy. It discusses the controversy over PD within the forum and how it could affect the sovereignty principle as well as its compatibility with the ‘ASEAN Way’ of flexible consensus, political dialogue, soft regionalism, conflict avoidance and the like.¹¹ The final section asks why the ARF has failed to implement PD in contrast to other institutional processes in the region. While

⁸For a discussion on how PD has been applied to the South China Sea disputes, see Sam Bateman and Ralf Emmers, eds., *Security and International Politics in the South China Sea: Towards a Co-operative Management Regime* (Routledge, 2009) and Ralf Emmers, *Geopolitics and Maritime Territorial Disputes in East Asia* (Routledge, 2009).

⁹ Yuzawa, ‘The Evolution of Preventive Diplomacy in the ASEAN Regional Forum’, p.786.

¹⁰ Raymond Jose G. Quilop, ‘Moving Towards Preventive Diplomacy, Challenges and Prospects for the ARF’, in *Preventive Diplomacy: Charting a Course for the ASEAN Regional Forum*, A Council for Security Cooperation in the Asia Pacific (CSCAP) Confidence and Security Building Measures (CSBM) International Working Group Report, *Issues and Insights*, No.3-02 (July 2002), pp.13-28, see p.13. Available: http://www.csis.org/media/csis/pubs/issuesinsights_v02n03.pdf (accessed February 2002).

¹¹ Amitav Acharya, ‘Ideas, Identity, and Institution-Building: From the “ASEAN Way” to the “Asia-Pacific Way”’, *The Pacific Review*, Vol.10, No.3 (1997), pp.319-346.

noting their negative impact on security cooperation, it argues that factors such as the ARF's large membership, its strict adherence to sovereignty, the contrasting strategic outlooks that exist among its key players, and the absence of political will among participants do not, on their own, explain this puzzle, since PD-type activities have been and are being undertaken by a number of informal regional instruments – crucially, at the inter-state level among states with divergent perspectives – in the Asia-Pacific.

Instead, the claim here is that the ARF has evolved into a highly formal and inflexible forum which, in combination with other oft-cited factors, has inhibited the adoption of preventive diplomacy agenda and actionable PD measures. Although membership size, fidelity to sovereignty norms, and (since 2001) the limitation imposed on the scope of PD to purely inter-state concerns have no doubt had an impact, analysts fail to fully account for why those same factors did not prevent processes such as the Six Party Talks, the ASEAN-China dialogue, and the like from initiating PD-oriented activities. Crucially, the contention here is not that those factors therefore had no influence on the state of security cooperation in the Asia-Pacific, but simply that they did not hamper the evolution to preventive diplomacy in those arrangements even though they share similar attributes with the ARF. The ARF's adoption of ASEAN's model of regional security, the 'ASEAN Way', exerted a key impact, but not necessarily due to its emphasis on flexible consensus, consultation and informality. Rather, the ARF's quasi-institutionalization of the ASEAN Way as diplomatic cum security convention *par excellence* in Asia-Pacific regionalism led to the formalization of what was at heart an informal regional practice, thereby stripping the ASEAN Way of its most important asset, flexibility.¹² The point here is not that consultation and informality have no place in regional diplomacy – they do, under specific conditions.¹³ However, when the ASEAN Way is upgraded into a formal

¹² Robert Ayson and Brendan Taylor, 'The Case for an Informal Approach: An Australian Perspective', in See Seng Tan, ed., *Collaboration under Anarchy: Functional Regionalism and the Security of East Asia*, RSIS Monograph 15 (Singapore: S. Rajaratnam School of International Studies, 2009), pp.120-131.

¹³ For example, recent analyses of the Asian Senior-Level Talks on Non-proliferation (ASTOP) process, which brings together high-level officials from across the Asia-Pacific region to discuss and evaluate regional commitments and efforts to prevent the proliferation of weapons of mass destruction (WMD), focused on the use of the ASEAN Way as a relatively useful strategy – when used informally and flexibly, importantly – to develop common perspectives among participant states. See, Tanya Ogilvie-White, 'Non-proliferation and Counterterrorism Cooperation in Southeast Asia: Meeting

practice as has evidently happened in the ARF, the inflexibility that arises severely delimits the options available to participant states, especially when issues with sovereignty implications are involved.

Preventive Diplomacy: Concept and Practice

Preventive diplomacy is by no means a novel concept, dating as far back to Article 33 of the United Nations Charter, which identifies several PD measures and includes a reference to the importance of regional institutions in the process:

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.¹⁴

In this respect, the subsequent work by two UN Secretaries General, Dag Hammarskjöld and Boutros Boutros-Ghali, reinforces the provision of the original Charter. In a 1959 UN report, Dag Hammarskjöld defines PD as any action to prevent disputes from arising between parties, prevent existing disputes from escalating into conflicts, and limit the spread of existing disputes when they occur.¹⁵ His understanding of PD was clearly the product of the political circumstances of his time. Tasked with the mission of ensuring international peace at the height of the Cold War, Hammarskjöld saw the primary aim of PD as crucial to averting a major East-West

Global Obligations through Regional Security Architectures?' *Contemporary Southeast Asia*, Vol.28, No.1 (2006), pp.1–26; and Tan See Seng, 'ASEAN: The Road Not Taken', in Muthiah Alagappa, ed., *The Long Shadow: Nuclear Weapons and Security in 21st Century Asia* (Stanford, CA: Stanford University Press, 2008), pp.451–476.

¹⁴ See Article 33 of the UN Charter. Available: <http://www.unhchr.ch/pdf/UNcharter.pdf> (accessed February 2008).

¹⁵ See, Salim Ahmed Salim, 'Localizing Outbreaks: The Role of Regional Organization in Preventive Action', Kevin M. Cahill (ed.), *Preventive Diplomacy: Stopping Wars Before They Start* (New York: Basic Books), pp.100-22, see p.102.

crisis or, worse yet, war. His vision of PD understandably did not gain prominence as a distinct concept because of its uneasy accommodation within a power politics perspective.¹⁶ Arguably, most PD efforts actually employed during the Cold War were aimed mainly at preventing wars between lesser powers. In the view of some, the UN tried in some instances to prevent escalation by insulating inter-state and civil wars from the Cold War context.¹⁷

Following the end of the Cold War, a considerable loosening of the ideological-cum-political hold that Cold War logics had on international relations was met by, among other things, a discernable rise in interest worldwide in PD. Post-Cold War attempts to redefine the concept sought to expand the parameters of PD in line with the parallel intellectual efforts to rethink security. The shift in the global political climate, aided by international outrage at avertable tragedies such as Rwanda, Burundi and the Balkans, facilitated the rise of concepts such as humanitarian interventionism and human security, and the requisite policies that purportedly convert these ideas into reality.¹⁸

Against these new post-Cold War realities, one of Hammar skjöld's successors at the UN's helm, Boutros Boutros-Ghali, released a 1992 report, *An Agenda for Peace*, in which an entire chapter was devoted to PD.¹⁹ Boutros-Ghali argued therein that PD is 'the use of diplomatic techniques to prevent disputes from arising, prevent them from escalating into armed conflict if they do arise, and, if that fails, to prevent the armed conflict from spreading'.²⁰ Thus understood, PD techniques are no different than peacemaking techniques, not least those that are diplomacy rather than force based. For Boutros-Ghali, the key difference between the two is that peacemaking means are applied after armed conflict has broken out, whereas PD is applied before the

¹⁶ Lund, *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*, p.33.

¹⁷ Barnett R. Rubin and Bruce D. Jones, 'Prevention of Violent Conflict: Tasks and Challenges for the United Nations', *Global Governance: A Review of Multilateralism and International Organizations*, Vol.13, No.3 (2007), pp.391-408.

¹⁸ See, Thomas G. Weiss, *Humanitarian Intervention: Ideas in Action* (Oxford: Polity Press, 2007); S. Neil McFarlane and Yuen Foong Khong, *Security and the UN: A Critical History* (Bloomington: Indiana University Press, 2006).

¹⁹ Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations, June 17, 1992).

²⁰ Boutros Boutros-Ghali, 'Challenges of Preventive Diplomacy: The Role of the United Nations and Its Secretary General', in Cahill (ed.), *Preventive Diplomacy: Stopping Wars Before They Start*, pp.16-32, see p.18.

outbreak of conflict.²¹ His view of PD is however by no means limited to the onset of conflicts, but to various ‘thresholds’ in their development. Hence, the focus of PD differs from stage to stage: early on, the focus is on basic sources of dispute; later, the focus turns to preventing the dispute from turning into a violent conflict; and much later on, the focus is on containing the expansion of the violence from escalating.²²

The UN has not been alone in emphasizing the importance of preventive action. Regional institutions – a key element of Boutros-Ghali’s vision of a global PD regime – have not only shown rhetorical support for PD, but have established instruments such as high councils, special envoys, observer or fact-finding missions, and the like; in some instances, they have actually applied these mechanisms to areas of tension.²³ Likewise, nongovernmental actors – humanitarian relief organizations, human rights advocacy groups, development agencies, policy networks engaged in Track 2 diplomacy, etc. – have contributed to PD. Moreover, some countries have taken up the idea of PD. The United States, particularly during President Clinton’s tenure, supported the concept. For example, the U.S. National Security Strategy for 1994 called for the development and deployment of PD, through means such as ‘support for democracy, economic assistance, overseas military presence, military-to-military contacts and involvement in multilateral negotiations...in order to resolve problems, reduce tensions, and defuse conflicts before they become crises’.²⁴

It should also be noted that some regions have taken PD beyond the sorts of concerns identified by the UN, to include democracy, human rights, protection of minorities, regional stability, and so forth. The 1975 Helsinki Final Act of the Conference (now Organization) on Security Co-operation in Europe (CSCE/OSCE), for example, identified the respect for fundamental human rights and freedoms of thought, conscience, religion or belief as a foundational commitment, alongside sovereignty and non-intervention, peaceful settlement of disputes, for all participating states.²⁵ As for the Organization of American States (OAS), its charter was again amended in

²¹ Boutros-Ghali, ‘Challenges of Preventive Diplomacy...’, pp.18-19.

²² See, Boutros-Ghali, *An Agenda for Peace*.

²³ Lund, *Preventing Violent Conflicts*, p.7.

²⁴ The White House, *National Security Strategy of Engagement and Enlargement* (Washington, D.C.: The White House, July 1994), p.5.

²⁵ See, Conference on Security Co-operation in Europe Final Act, Helsinki, August 1, 1975. Available: <http://www.hri.org/docs/Helsinki75.html#H4.7> (accessed February 2008).

1985 to include the affirmation that ‘representative democracy is an indispensable condition for the stability, peace and development of the region’.²⁶

Prevention cannot be reduced to a set of tools and capacities, however. It also includes agreement on what is to be prevented, that is, consensus on what the main threats are must be reached. To be sure, the UN was founded primarily to prevent war between states. Yet, the ending of the Cold War led to the development of a broader prevention paradigm focused on the prevention of civil wars, ethnic conflicts, state failure, gross violations of human rights (including war crimes and genocide), and humanitarian emergencies.²⁷ In short, PD shifted from a primarily *inter-state* orientation during the Cold War to a more expansive interpretation after the Cold War that included both *inter-state* and *intra-state* orientations. Nevertheless, despite widespread acknowledgement by policymakers of the significance of PD and a growing literature on the subject, no state or institution, not even the UN, has established standard operating procedures for early warning and preventive action, much less regularly applied them. In this respect, PD could rightly be described at this stage as ‘somewhat more than an idea but somewhat less than a policy strategy’.²⁸

The ARF: Challenges and Prospects in Preventive Diplomacy

The second annual ministerial meeting of the ARF is particularly relevant for the purposes of this paper. Held in Brunei on 1 August 1995, it led to the acceptance of a Concept Paper that outlined the future evolution of the forum. It stated that the ARF would progress through three stages of security cooperation: confidence-building, preventive diplomacy (PD) and conflict resolution mechanisms. As a result of China’s demands, the third stage was amended to ‘elaboration of approaches to conflicts’ in the chairman’s statement.²⁹ This manifested China’s influence on the cooperative process. The ARF was said to be in its first stage of development. The Concept Paper affirmed: ‘In its initial phase, the ARF should (...) concentrate on enhancing the trust

²⁶ See, Article 1 of the Protocol of Amendment to the Charter of the Organization of American States ‘Protocol of Cartagena de Indias’, OAS Treaty Series No.66, entered into force November 16, 1988. Available: <http://www1.umn.edu/humanrts/oasinstr/cartagena1988.html> (accessed February 2008).

²⁷ Rubin and Jones, ‘Prevention of Violent Conflict: Tasks and Challenges for the United Nations’.

²⁸ Lund, *Preventing Violent Conflicts*, p.27.

²⁹ Chairman’s Statement, the Second ASEAN Regional Forum, Bandar Seri Begawan, Brunei Darussalam, 1 August 1995.

and confidence amongst participants and thereby foster a regional environment conducive to maintaining the peace and prosperity of the region'.³⁰ It also suggested two complementary approaches to security cooperation: one based on ASEAN's experience and practice of cooperation and the other on 'the implementation of concrete confidence-building measures'.³¹ Two lists of measures (Annexes A and B) were set out, the first to be implemented in the immediate future and the second in the longer run. Finally, the Concept Paper introduced 'Track Two activities' aimed at discussing sensitive security questions, including proposals mentioned in Annex B, through non-governmental institutes and organizations.

At the same time, the Concept Paper consolidated ASEAN's leading role in the institutional activities of the ARF. It was agreed that all major meetings would be held in ASEAN capitals and hosted by the members of the Association. The Concept Paper also declared that ASEAN would provide the bureaucratic framework to support ARF activities. Finally, it stipulated that the forum's procedures had to be based 'on prevailing ASEAN norms and practices. Decisions should be made by consensus and after careful and extensive consultations. No voting will take place'.³² The second ARF meeting also led to the establishment of Inter-Sessional Support Groups (ISGs), to be co-chaired by an ASEAN and non-ASEAN participant, which would meet between the annual ministerial sessions. It was agreed to organize an ISG on CBMs to be chaired for the first year by Indonesia and Japan. A series of Inter-Sessional Meetings (ISMs) were also set up to deal with cooperative activities, including peacekeeping operations, confidence building measures, disaster relief and search and rescue missions.

Significantly, it can be argued that the ARF had by 1995 achieved through its Concept Paper and inter-sessional activity a level of institutionalization never attained by ASEAN in its 28 years history. While an extension of the 'ASEAN Way', the ARF was meant to be a more structured approach to cooperative security. The Concept Paper emphasized a gradual approach to security cooperation and conflict management. The key goal upon the foundation of the ARF was to create a

³⁰ The ASEAN Regional Forum: A Concept Paper, Bandar Seri Begawan, Brunei Darussalam, 1 August 1995.

³¹ The ASEAN Regional Forum: A Concept Paper.

³² The ASEAN Regional Forum: A Concept Paper.

‘predictable and constructive pattern of relationships for the Asia-Pacific region’ and as such it was decided that ‘in its initial phase the ARF should therefore concentrate on enhancing the trust and confidence among participants and thereby foster a regional environment conducive to maintaining the peace and prosperity of the region’.³³ Concrete CBMs were to be implemented at both a Track 1 (government) and Track 2 (NGOs and other nonofficial participation and organizations) level. Importantly, the ambition to move beyond confidence building by aiming, at least in the longer run, to prevent and/or solve specific disputes was introduced through the three stages of development.

Nevertheless, despite the stated intention of the ARF to enhance security in the region through PD, there has been considerable controversy and debate among its participants and a clear divergence in attitudes towards the idea of PD has persisted. This is particularly true with regards to concerns over the erosion of sovereignty. As such, ARF participants have shown varying degrees of willingness and preparedness with regards to the development of PD measures. In its initial stage, this divergence was seen between countries and actors that were active advocates for developing concrete PD mechanisms (such as the US, the European Union, Japan, Canada and Australia) and those that were reluctant to move the ARF forward to a PD stage (specifically China and some ASEAN countries such as Myanmar and Vietnam). The activist countries stressed the need to implement concrete PD measures such as early warning systems, fact-finding missions and an enhanced good offices role of the ARF chair that would have an active role in mediating in disputes. The more reluctant countries, however, were keen to establish a clear definition of PD before studying specific measures that could be implemented. They also strongly adhered to the principles of non-interference and feared that applying PD to intra-state conflicts ‘would allow for intervention in security problems involving sovereignty and internal affairs’.³⁴

The ‘reluctant’ view was clearly expressed in a paper by Chinese Ambassador (and Secretary General of the CSCAP China) Shi Chunlai which stressed sovereignty and

³³ See, ‘ASEAN Regional Forum: A Concept Paper’.

³⁴ Takeshi Yuzawa, ‘The Evolution of Preventive Diplomacy in the ASEAN Regional Forum: Problems and Prospects’, *Asian Survey*, Vol.46, Issue 5, pp.785-804, see p.790.

refraining from interference in a country's internal affairs among its 'seven principles'.³⁵ The more limited role that the Chinese envisioned for PD can also be seen in a paper submitted as part of a CSCAP Working Group Report on Preventive Diplomacy which stressed that further approaches to PD could focus on '(1) Enhancing confidence and trust in the Asia-Pacific, (2) Initiate cooperative and constructive discussions of traditional and nontraditional regional security issues, (3) consistent support for ASEAN as the ARF chair and (4) explore concrete measures to implement PD'.³⁶ The first two points are essentially related to confidence building. Even in terms of the concrete measures mentioned in point four, the focus was on information exchange; closer cooperation between officials, diplomats and scholars; and organizing training courses for officials,³⁷ which is more closely related to enhancing trust and building confidence.

Partly as a result of the controversy over PD, the ARF in its first seven years focused on confidence building. However, continued discussions within the ISG meetings on CBMs, as well as within three CSCAP workshops on PD led to the development of a working definition and statement of principles on PD. The ISG on CBM was also tasked with exploring areas in which PD and CBMs overlapped. This led to the adoption, at the 8th ARF meeting in Hanoi in 2001, of the 'ARF Concept and Principles of Preventive Diplomacy' which specified a definition for, concept of and principles of PD as follows:

PD was defined as 'consensual diplomatic and political action taken by sovereign states with the consent of all directly involved parties':

- To help prevent disputes and conflicts from arising between States that could potentially pose a threat to regional peace and stability;

³⁵ Shi Chunlai, 'Preventive Diplomacy in the Asia-Pacific Region', in Desmond Ball and Amitav Acharya (eds.), *The Next Stage: Preventive Diplomacy and Security Cooperation in the Asia-Pacific Region*, Canberra Papers on Strategic and Defence No.131 (Canberra: Strategic and Defence Studies Centre, Australian National University, 1999), pp.183-84.

³⁶ Ding Kuisong, 'Preventive Diplomacy and its Relevance to the Asia Pacific', Report of the CSCAP Workshop on Preventative Diplomacy Security (Hanoi, April 24-28, 2002), pp.31-32. Available: http://www.victoria.ac.nz/css/docs/CSCAP_Reports_Contributions/2002/RepPDWS02.pdf (accessed February 2008).

³⁷ Ding, 'Preventive Diplomacy and its relevance to the Asia Pacific', p.32

- To help prevent such disputes and conflicts from escalating into armed confrontation; and
- To help minimise the impact of such disputes and conflicts on the region.

The Paper also outlined the key principles of PD as drawn from the CSCAP discussions. The eight key principles of PD that were outlined were:

- *Diplomacy*: It relies on diplomatic and peaceful methods
- *Non-Coercive*: Military action and the use of force is not part of PD
- *Timeliness*: Action is preventive rather than curative; PD methods are most effectively deployed at an early stage of a dispute or crisis.
- *Requires Trust and Confidence*: PD can only be exercised successfully when there is a strong foundation of trust and confidence.
- *Consultation and Consensus*: Any PD effort can only be carried out through consensus after careful and extensive consultation among ARF members.
- *Voluntary*: PD practices are to be employed only at the request of all the parties directly involved in the dispute and with their clear consent.
- PD applies to conflicts between and among States
- It is conducted in accordance with universally recognised basic principles of international law and inter-state relations.

Finally, a number of PD initiatives that could be undertaken by the forum were identified. This included *Confidence Building Measures, Norms Building, Enhancing Channels of Communication* and *Role of the ARF Chair*. The first two of the four listed clearly overlapped with the Stage 1 process of engaging in confidence building. Two initiatives stemming from the original conception of PD stated in *An Agenda for Peace* have also been put under consideration by the ARF. The first, as noted explicitly above, is a possible good offices and fact finding role of the ARF chair or representatives appointed by the chair. This has been explicitly set out in a paper on the 'Enhanced Role of the ARF Chair'. The second is the creation of a Regional Risk Reduction Centre which was a PD measure first considered as part of the initial ARF

Concept Paper and is associated with information gathering and enhancing channels of communication.

In conclusion, the emphasis on PD in the ARF has essentially been defined as an inter-state exercise underpinned by existing diplomatic conventions and norms. This is not surprising, as the ARF is an intergovernmental security forum predicated upon the ASEAN model of regional security.³⁸ Furthermore, the ARF has been particularly slow in implementing its strictly state-centric definition of PD and in achieving its own benchmarks. This can be seen firstly, with regards to putting in place a good offices role for the ARF chair. Thus far, in accordance with the paper on 'enhancing the role of the ARF chair', the chair has been given the role as a coordinating body for information gathering and a liaison role with other organizations. A register of eminent persons has also been created for the chair to draw upon for expertise. However, there remains considerable debate on two levels with regards to the role of the chair; namely, on whether to expand the ARF chair beyond the ten ASEAN countries and controversy over how an ARF chair with an expanded good offices capacity might impinge upon sovereignty.

Why has the ARF failed to implement Preventive Diplomacy?

Failure of the ARF to move towards a role in PD has added to the criticism that it is merely a 'talk shop'. Some of the ARF members have been critical of the pace of progress. A series of factors have traditionally been highlighted by analysts to explain the ARF's failure to implement preventive diplomacy. These include the ARF's large membership and weak institutional structures, its strict adherence to the sovereignty and non-interference principles as enshrined within the Treaty of Amity and Cooperation (TAC) that contradict any effective implementation of PD, and contrasting strategic perspectives among its key participants. While these factors have certainly hindered security cooperation, they fail to explain why PD has been implemented elsewhere in East Asia but not in the ARF. Let us discuss these three particular factors in greater detail.

³⁸ Michael Leifer, *The ASEAN Regional Forum*, Adelphi Paper 302 (London: Oxford University Press / International Institute for Strategic Studies, 1996).

Firstly, it has been said that the ARF suffers from structural limitations that affect its development. It has twenty-seven participants.³⁹ The large membership confines its capacity to maintain internal coherence and move ahead. The Concept Paper stipulates that the ARF will progress based on consensus and ‘at a pace comfortable to all participants’⁴⁰ – a stance which essentially limits the ARF to small incremental advances, if at all. In contrast, the European Union (EU), like the ARF, has twenty-seven members but, unlike the ARF, has long been and remains heavily engaged in preventive diplomacy.⁴¹ Superficial comparisons aside, the ARF represents a considerably larger geographical space, population size, and highly divergent cultural, ideological and strategic outlooks among its participants, relative to the EU. Crucial differences between sub-regions also contrast Northeast Asian security relations from those in South Asia as well as Southeast Asia.⁴² As a regional institution, the ARF is unique in having the number of global and regional powers within its ranks – more so than any other regional arrangement. Finding a general agreement on common objectives is a troubling matter, as deep divisions exist between the participants, severely affecting the forum’s ability to make decisions agreeable to all. Moreover, the structural anomaly of having a sub-regional grouping of weak and developing states, ASEAN, at its centre has probably affected the ARF’s ability to progress in more ambitious directions.⁴³ The point here is not that local actors do not contribute

³⁹ In 1994, the ARF participants were Australia, Brunei, Canada, China, the European Union, Indonesia, Japan, Laos, Malaysia, New Zealand, Papua New Guinea, the Philippines, Russia, Singapore, South Korea, Thailand, the United States and Vietnam. Cambodia was admitted in 1995, India and Myanmar in 1996, Mongolia in 1998, North Korea in 2000, and Pakistan in 2004.

⁴⁰ The ASEAN Regional Forum: A Concept Paper.

⁴¹ A good discussion of contemporary PD policy in the EU is provided in Michaela C. Hertkorn, ‘Defining Preventive Diplomacy in Europe: September 11 and Its Impact on the EU’s Common and Foreign Security Policy’, in Albrecht Schnabel and David Carment, eds., *Conflict Prevention from Rhetoric to Reality* (Lanham, MD: Lexington Books, 2004), pp.23-40. Also see Vincent Kronenberger and Jan Wouters, eds., *The European Union and Conflict Prevention: Policy and Legal Aspects* (Cambridge: Cambridge University Press, 2004).

⁴² While a Cold War-era alliance structure continues to define Northeast Asia and security relations herein are primarily bilateral (with the Six Party Talks, an informal process focused on North Korean denuclearization, as a notable exception), Southeast Asia has had four decades of ASEAN regionalism that aims to build a regional community by 2020. And though South Asia has the South Asian Association for Regional Cooperation (SAARC), the organization has contributed little to regional integration as a consequence of the longstanding India-Pakistan confrontation.

⁴³ Yuen Foong Khong, ‘Review Article: Making Bricks Without Straw in the Asia-Pacific?’, *The Pacific Review*, Vol.10, No.2 (1997), pp.289-300. In the case of European regionalism, the point has often been made about the influential role played by the Benelux countries in providing ideas on regional cooperation in Europe. Even then, few would dispute the importance of Franco-German reconciliation and cooperation, via the Élysée Treaty, as the main anchor and provider of ‘directional leadership’ in European integration. Rik Coolhaet and Ben Soetendorp, Belgium and the Netherlands’, in Ian Manners and Richard G. Whitman, eds., *The Foreign Policies of European Union Member States* (Manchester: Manchester University Press, 2000), pp.128-143.

meaningfully in forms of regionalism that include major powers. Notwithstanding the claims made here, the case of ASEAN vis-à-vis the Asia-Pacific and/or East Asia suggests otherwise, at least in the view of proponents of the regional association.⁴⁴

The structural limitations argument has its place, yet it alone does not fully explain why the ARF has yet to develop PD mechanisms. As noted, the alleged problem of membership size, which obviously did not hinder the EU towards PD, could be explained by other reasons. On the other hand, it has been argued that it was the size of the ARF which, combined with a non-threatening social environment, consistency over time in the leading *dramatis personae* involved, and the ASEAN Way of flexible consensus, that arguably facilitated the development of the ARF as a cooperative security institution.⁴⁵ Moreover, not unlike ASEAN, the ARF has functioned as an umbrella organization where initiatives can be taken on the sidelines of official gatherings.⁴⁶ The 1996 events in the Taiwan Straits constitute an interesting example. China's military exercises in March 1996 to intimidate Taiwan and influence its coming presidential election led to a US deployment of two carrier squadrons to deter further Chinese actions. The ARF meeting provided an avenue for dialogue between the United States and China.⁴⁷ It can therefore be argued that by acting as a vehicle for consultation, the ARF contributed, if only indirectly, to the de-escalation of the crisis. Hence, it is puzzling that the ARF has not more regularly implemented PD, even if only on an *ad hoc* basis. Indeed, to the extent that more of such indirect and informal PD-like actions have taken place in various ARF contexts, equally baffling would have been the forum's reluctance to identify them openly as PD activities. If there exists reluctance among ARF members to admit that their forum informally practices PD, it could be due to a combination of the belief in the virtue of quiet

⁴⁴ This point is most cogently made by Amitav Acharya, 'The Emerging Regional Architecture of World Politics', *World Politics*, Vol.59, No.4 (July 2007), pp.629-652.

⁴⁵ Alastair Iain Johnston, 'Socialization in International Relations: The ASEAN Way and International Relations Theory', in G. John Ikenberry and Michael Mastanduno, eds., *International Relations Theory and the Asia-Pacific* (New York: Columbia University Press, 2003), pp.107-162.

⁴⁶ That said, it is interesting that the Democratic Party-led government of Thailand rejected Cambodia's call to put their two countries' dispute over the area of land around the 11th-century Preah Vihear temple on the agenda of the 15th ASEAN summit in Cha-am, October 23-25, 2009. According to an official from the Thai foreign ministry, the issue should be dealt with on a bilateral basis, and 'not be internationalized nor raised within the ASEAN framework'. 'Thailand rejecting 'internationalization' of Cambodia dispute', *The China Post*, October 14, 2009. Available: <http://www.chinapost.com.tw/asia/regional-news/2009/10/14/228569/Thailand-rejecting.htm> (accessed November 2009).

⁴⁷ See, Emmers, *Balance of Power and Cooperative Security in ASEAN and the ARF*.

diplomacy, on the one hand, and the desire to have it both ways – continue the occasional engagement in PD while preserving the normative commitment to sovereignty and noninterference – on the other. In this vein, ARF states could engage in limited PD without taking the ambitious and politically thorny step of fundamentally retrofitting the forum for PD.⁴⁸

Another commonly mentioned issue is how the ARF's adoption of the sovereignty-centric and non-interference principles contradicts with the implementation of PD. While Australia, Canada, Japan and the United States seem to prefer a more rapid implementation of PD, China and the ASEAN members favour dialogue and consultation. In addition, the PD concept contradicts ASEAN's preference for conflict avoidance. Conventional wisdom suggests that the Western and/or developed democracies among the ARF participants are considerably less threatened by preventive diplomacy since their territorial boundaries are relatively more secure than those of their Asian and/or developing counterparts. As liberal democracies, their open polities and societies are less threatened by PD owing to their ready accommodation of political diversity and opposition. Furthermore, by limiting the scope of PD to essentially inter-state concerns, the effect, unintended or otherwise, has been the minimization of the number of issues that can serve as candidates for PD. These include the oft-cited regional flashpoints of the Korean peninsula, the Taiwan Straits, the South China Sea, Kashmir, and possibly one or two other cases – none of which the ARF has been prepared to take up, not least in terms of conflict prevention.

Nonetheless, it is important to highlight the role of the Six Party Talks in ongoing efforts to denuclearize North Korea. Notwithstanding the vicissitudes of peninsula diplomacy, the partial successes of the Six Party Talks have led to suggestions that the

⁴⁸ The possibility of such thinking in the ARF is illustrated by an exchange at a CSCAP meeting on PD in Brunei in October 2007. In response to a presentation which argued the relative salience of PD activities in the Asia-Pacific undertaken by regional actors other than the ARF, a senior CSCAP leader from an ASEAN country took umbrage with the presenter's use of 'preventive diplomacy' to describe activities in the region, such as fact finding and monitoring missions, good offices and goodwill missions, experts groups, third party arbitration, medication, and facilitation efforts – the very sort of things the academic literature on conflict prevention define as preventive diplomacy or ancillary to PD. This anecdote is taken from the authors' personal annotations and recollections of the CSCAP meeting in question. On the said CSCAP meeting, see, 'CSCAP Study Group on Preventive Diplomacy and the Future of the ASEAN Regional Forum: Chairmen's Report (Final)', Bandar Seri Begawan, Brunei, October 30-31, 2007. Available: <http://www.cscap.org/uploads/docs/Preventive%20Diplomacy/1PDChairmans%20Rpt.pdf?phpMyAdmin=jBX72H9Re0blXKb%2CZ50SBIWGwq1> (accessed November 2009).

talks may in time become an institutionalized security mechanism to address Northeast Asian issues.⁴⁹ Moreover, China and the ASEAN members have been willing to apply PD efforts in other institutional settings to address regional security flashpoints, especially in the South China Sea.⁵⁰ This has been best typified by the Declaration on the Conduct of Parties in the South China Sea, signed by China and the ASEAN members in November 2002. The signing of the declaration indicated a desire by the different parties involved to pursue their claims by peaceful means. It openly denounced the use of force in the South China Sea and contributed towards the easing of tensions between the claimant states. The 2002 declaration also pledged signatories to undertake cooperative activities and increases the possibility of agreements being reached on joint oil exploration and development schemes. Furthermore, the declaration was perceived as a sign that the PRC was willing to respect the ASEAN principles and co-exist peacefully with its Southeast Asian neighbours. This accommodative position was further illustrated when China became the first non-ASEAN nation to sign the TAC in 2003.

Again, these illustrations underscore the relevance of PD even to inter-state disputes where sovereignty concerns are no less salient than for the ARF. Hence, preventive diplomacy as an inter-state enterprise is not a sufficient condition to account for its deficient status in the ARF. At the same time, however, when informal efforts in preventive diplomacy are actually undertaken within the ARF context, they may not be acknowledged as such in order to avoid misunderstandings that could worsen the crisis. In this regard, where the Taiwan Straits incident of 1996 is concerned, any disinclination on the part of the ARF to rationalize its role in de-escalating tensions between Beijing and Washington as a PD success would have been understandable given Beijing's longstanding insistence that all Taiwan-related concerns are 'local' to China.

A third bit of conventional wisdom has it that key dissimilarities in the strategic outlooks of ARF members have prevented them from progressing towards PD. Most significantly, while Washington and Tokyo see the ARF as a means of

⁴⁹ See p.62 of Michael J. Green and Bates Gill, ed., *Asia's New Multilateralism: Cooperation, Competition, and the Search for Community* (New York: Columbia University Press, 2009).

⁵⁰ See Ralf Emmers, *Geopolitics and Maritime Territorial Disputes in East Asia* (Routledge, 2009).

complementing existing bilateral security structures, Beijing wishes to promote a few form of multipolarity in the Asia-Pacific.⁵¹ Indeed, the point has often been made that divergent security perspectives among the ASEAN states themselves have complicated and even occasionally undermined the Association's leadership of the ARF.⁵² That said, this argument is rather unconvincing on its own in light of the activities of the Six Party Talks. Indeed, despite the fact that this cooperative structure is dominated by the different security interests of the United States, China, Japan, and to a lesser extent Russia, it has still succeeded in applying some PD efforts to the North Korean question. For that matter, notwithstanding ASEAN's complex mix of perspectives, its diplomatic history reflects occasional turns to preventive diplomacy, such as throughout the Association's long constructive engagement of Myanmar,⁵³ or, according to a former US senior official, in intra-ASEAN cooperation in combating terrorism, avian influenza, and other non-traditional security challenges.⁵⁴

The preceding discussion has raised questions about oft-cited reasons why the ARF has been unable to move towards PD. On their own, these reasons falter especially since they clearly did not hinder regional actors and arrangements other than the ARF from turning to preventive diplomacy, even if they offer hints as to why the ARF may have eschewed publicly referring to some of its own activities as PD. Contrary to cooperative structures such as the Six Party Talks and the ASEAN-China dialogue on the South China Sea, the claim here is that the ARF has been inhibited from adopting explicitly a PD agenda because of its highly formal and inflexible convention, in combination with aforementioned factors. Indeed, the point can be made that neither the Six Party Talks nor the South China Sea dialogue, both functional cum practical exercises in PD, could have been institutionalized under the aegis of the ARF without losing their relevance, due to the ARF's expressly formal approach.

⁵¹ See, William T. Tow, *Asia-Pacific Strategic Relations: Seeking Convergent Security* (Cambridge: Cambridge University Press, 2001); and Jenny Clegg, *China's Global Strategy: Toward a Multipolar World* (London: Pluto Press, 2009).

⁵² Shaun Narine, 'ASEAN and the Management of Regional Security', *Pacific Affairs*, Vol.71, No.2 (Summer 1998), pp.195-214.

⁵³ As understood by ASEAN, constructive engagement vis-à-vis Myanmar involves a 'conditional embrace' designed 'to encourage Myanmar to open up its democratic space'. See, 'ASEAN to Pursue Constructive Engagement with Myanmar After Power Struggle', *Agence France-Presse*, October 25, 2004. Available: <http://www.aseansec.org/afp/78.htm> (accessed November 2009).

⁵⁴ 'Deputy Secretary Zoellick Lauds ASEAN "Preventive Diplomacy"', *America.gov*, July 29, 2005. Available: <http://www.america.gov/st/washfile-english/2005/July/20050729101544ajesrom0.4782984.html> (accessed November 2009).

A plausible answer to why the ARF has hitherto failed to progress to PD can be found in the way in which the forum approach the ASEAN Way of regional diplomacy and security. Today, there is a growing chorus of voices claiming that the ASEAN Way has become irrelevant to regional integration, despite numerous allusions to its continued significance by leaders and advocates of the regional association. For some, the Association's adoption of the ASEAN charter in November 2009, despite it being a considerably diluted version of that proposed by its Eminent Persons Group (EPG), was nonetheless positive proof of the Southeast Asian region's readiness to move from 'soft' regionalism towards a 'rules-based' one. For others, the charter amounted to little more than the codification of existing norms and conventions which ASEAN states have long been observing, with few of the imaginative proposals put forth by the EPG. According to this latter perspective, ASEAN's adoption of a legal personality, not least in the way it has been pursued, is not to be mistaken for the type of institutionalization characterizing present-day European regionalism, where integration, shared sovereignty, and corporate regional fiscal and/or security policy are the order of the day. Instead, what the charter has given to ASEAN is little more than the mere formalization of extant principles, such that the most important asset the Association has had in its possession since its establishment in 1967 – flexibility – has arguably been stripped away. Put differently, the informal ASEAN Way has paradoxically been formalized; flexible consensus and consultation have been replaced by an inflexible conception of consensus and consultation.

What has a regional charter and a paradoxically inflexible diplomatic convention got to do with the ARF and preventive diplomacy? Quite simply, not unlike what the charter has done to ASEAN norms, the way in which the ASEAN Way has been lionized and cemented as the *de facto* model of regional security of the ARF – in conjunction with factors such structural limitations, adherence to sovereignty and noninterference via an inter-state definition of PD, divergent strategic outlooks of ARF members and so on – have created unnecessary obstacles for enhancing and furthering security cooperation. Where a relatively large membership has evidently not precluded the EU from engaging in preventive diplomacy, a highly formalized adherence by the ARF to the consensus principle has encouraged the privileging of procedural rules over and above real cooperation. Where an inter-state definition of

PD has not prevented the Six Party Talks or the ASEAN-China dialogue process from undertaking PD measures, an unyielding commitment by the ARF to national sovereignty and noninterference has obstructed any conceivable evolution towards PD. Where particular regional arrangements – including ASEAN – have not allowed strategic differences to stand in the way of their development of PD, the high formality in the ARF has complicated attempts to find common ground. All this has led to the charge that Asia-Pacific regionalism has predominantly been about process not progress.⁵⁵

Conclusion

This paper has argued that oft-cited reasons why the ARF has hitherto failed to evolve from confidence-building to preventive diplomacy are not especially robust when considered alone. This is especially true when other regional arrangements and institutions – including some within the Asia-Pacific – which face similar conditions have less inhibitions about adopting PD in their security agendas. Without dismissing those conditions, this paper has claimed that the formalization of the ASEAN Way has in effect rendered the ARF a highly inflexible institution, making difficult the evolution towards PD. The problem appears less the ASEAN Way *per se* than a rigid interpretation and practice of the convention. When deliberately kept informal and flexible, the convention has in fact facilitated the adoption of PD measures, no matter how preliminary, by their host institutions.

This raises the prospect of the ARF's future evolution to PD in light of the increasingly non-traditional agenda being assumed by the forum, notably in the areas of counterterrorism, non-proliferation, maritime security, and disaster assistance and humanitarian relief (HADR).⁵⁶ A former Secretary-General of ASEAN has argued that the shift to non-traditional security issues is a 'natural' step for the ARF, which has

⁵⁵ David Martin Jones and Michael L.R. Smith, 'Making Process, Not Progress: ASEAN and the Evolving East Asian Regional Order', *International Security*, Vol.32, No.1 (Summer 2007), pp.148-184.

⁵⁶ The evident shift by the ARF from confidence-building to the adoption of these four 'concrete initiatives' was discussed by the Singaporean defence minister in his address to the Shangri-La Dialogue in 2008. See, 'Plenary Speech by Minister for Defence Teo Chee Hean at the Shangri-La Dialogue 2008', *MINDEF*, June 1, 2008. Available: http://www.mindef.gov.sg/imindef/news_and_events/nr/2008/jun/01jun08_speech.html (accessed November 2009).

found it difficult to assume a traditional security agenda.⁵⁷ As implied in the earlier discussion on the concept and practice of PD in other regional settings, the management of non-traditional (or ‘transnational’) security issues logically allows for an *intra-state* understanding of PD. However, whether the current accommodation of a non-traditional agenda by the ARF would eventually lead to a redefinition of PD is still very much unclear at this juncture. What does seem clear, not least where this paper’s claims and current developments within the ARF are concerned, is that the prospects for the ARF’s adoption of PD are likely best found in practical cooperative ventures where the ASEAN Way retains its original informality and flexibility. Short of these changes, the likelihood that the ARF will evolve to preventive diplomacy seems rather slim.

⁵⁷ Rodolfo Severino, *The ASEAN Regional Forum* (Singapore: Institute of Southeast Asian Studies, 2009).

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