CHAPTER II

ASEAN WAY

A. The Establishment of ASEAN

After the World War II ends in 1943, several States from Southeast Asia were established as Southeast Asia Command (SEAC) in 1943.[37] After the SEAC was dissolved, some Southeast Asian States tried to form a new organization called SEATO (Southeast Asia Treaty Organization) or the Manila pact that signed in 1954 and, was established in 1955. When the Vietnam War was ended in 1975, the most prominent reason for SEATO's existence disappeared. As a result, SEATO was formally disbanded in 1977.[38]

Organizations which were literally formed by the States from Southeast Asia were ASA (the Association of Southeast Asia) in 1961. The organization is regarded as the first regional organization in Southeast Asia because all member States were from Southeast Asia region. Those are Philippines, Malaysia, Indonesia and Thailand. In the planning stage from 1959, ASA's original anticommunist inspiration was diluted in an organizationally loose grouping in which the political agenda was hidden in

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[37] Southeast Asia Command, accessed in February 2015
http://en.wikipedia.org/wiki/South_East_Asia_Command
[38] Southeast Asia Treaty Organization (SEATO), 1954. accessed in February 2015
https://history.State.gov/milestones/1953-1960/seato

its public goal of the promotion of economic, social, scientific, and cultural cooperation in Southeast Asia. (Weatherbee, 2001)

After that several States from Southeast Asia formed another regional organization in 1963, called Maphilindo. The members were Malaysia, Philippines, and Indonesia. Maphilindo couldn't last longer than the last organization (ASA) because Soekarno launched a political confrontation toward the Malaysia's independency. Several consultative meetings were continued carried out intensively between the foreign ministers of Indonesia, Thailand, Malaysia, Philippines, and Singapore. On 8 August 1967 in Bangkok, five representatives of the Southeast Asian States, Prime Minister of Foreign Affairs of Malaysia, Tun Abdul Razak; Indonesian Foreign Minister, Adam Malik; Minister of Foreign Affairs of Philippines, Narcio R. Ramos; Singapore's Foreign Minister, S. Rajaratnam; and Minister of Foreign Affairs of Thailand, Thanat Khoman signed the ASEAN Declaration or Bangkok Declaration. (Cipto, 2007)The Declaration itself is merely a political Statement, not a legal document, which does not require ratification.[39] ASEAN Declaration highlights the ASEAN's establishment, aims, purposes, fundamental principles and the membership. Political developments in Southeast Asia rose positively, it can be seen from the addition of ASEAN

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[39] Marcus Hund, From 'Neighbourhood Watch Group' to Community? The case of ASEAN institutions and the pooling of sovereignty.
Accessed in March 2015, download from
http://law.nus.edu.sg/sybil/downloads/articles/SYBIL-2008/SYBIL-2008-225.pdf.

members and the changing in ASEAN body and cooperation among States members which were established.

ASEAN organizational structure which was based on the Bangkok Declaration did not change after the signing of the ASEAN Charter. Appropriate structure during the Bangkok Declaration consists of: Summit; ASEAN Ministerial Meeting/AMM; Meeting of Ministers of the Sectoral (Sectoral Bodies Ministerial Meeting); Session of the Standing Committee of ASEAN (ASEAN Standing Committee/ASC).

B. ASEAN Norms

In the creation of security itself need a fundamental principles or norms that will uses. The Norms of ASEAN that representative of ASEAN Way were under lied in Treaty of Amity and Cooperation (TAC) in ASEAN meeting in Bali. On that meeting, ASEAN member States had agreed to (1) have mutual respect for the independence, sovereignty, and territorial integrity of all nations, (2) maintain the presence of interference, subversion, violence from outside forces, (3) obey non-interference in other States, (4) resolve disagreements and disputes by peaceful means, (5) rejected the threat of force use. (Cipto, 2007) Amitav Acharya defines ASEAN's norms and principles by dividing them into four core categories, they are Non-use of Force and Pacific Settlement Dispute, Regional Autonomy or 'Regional Solutions to Regional Problems', The Doctrine of Non-interference, and No Military Pacts and Preference for Bilateral Defense Cooperation. (Acharya, 2001)

B.1 Non-use of Force and Pacific Settlement Dispute

This principle is based on previous experience with the Soekarno's political confrontation. It is an example of conflict resolution using the use of force and heed peace. In addition, the dispute between Malaysia and Philippines toward Sabah also become a very important lesson for ASEAN. Regarding the consideration above, the first norm is the antithesis of the dynamics of International Relations in Southeast Asia which was then dominated by the application of the political confrontation. ASEAN as a third party eventually took part in the settlement of Sabah which can no longer be resolved bilaterally. The way ASEAN handling the case of Sabah was unique, because it emphasized more on diplomacy, pressure, and prevention. The ASEAN Way so later became the hallmark of ASEAN itself in dealing other cases, and later known as the ASEAN way.

B.2 Regional Autonomy or 'Regional Solutions to Regional Problems'

The historical background of ASEAN members varying in which some members have dependence on the developed States is an important concern. One of the purposes of ASEAN is to form an independent regional organization, in which regional problem can be solved by the States that are in the area without any interference from the developed States. In other words, ASEAN requires the member States to implement an independent foreign policy.

The bilateral cooperation between ASEAN members with bigger States is advantageous, because the States concern is to meet the national interest, like Thailand and Philippines with United States, or Singapore and Malaysia with UK. Although the States of Southeast Asia are concern is to obtain security guarantees, but on the other hands this relationship will complicate the integration of the member States as it inserts external State's interest which may exist and opposite the regional interests. Beside that, some global changes also affect the awareness of the member States to implement an independent foreign policy. The Nixon doctrine (1969) leads to the necessity of Southeast Asian States to think of appropriate security affairs own abilities immediately.[40]

B.3 Doctrine of Non-interference

When the communists entered the government of Vietnam, it greatly affected the views of ASEAN member States about the importance of national defense. National defense alone can be measured by its presence or internal conflict within a State. If the national defense is fragile, internal conflicts will automatically take place in every aspect of the State, and it may invite the intervention of external parties.

In operational terms, the obligations imposed by ASEAN's doctrine of non-interference on its members had four main aspects: (1) refraining from criticizing the actions of a member government towards its own people, including violation of human rights, and from making the domestic political

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[40] Bambang Cipto, *Op. cit,* p. 28

system of States and the political styles of governments as fundamental consideration for deciding their membership in ASEAN; (2) criticizing the actions of States which were deemed to have breached the non-interference principle; (3) denying recognition, sanctuary, or other forms of support to any rebel group seeking to destabilize or overthrow the government of a neighboring State; (4) providing political support and material assistance to member States in their campaign against subversive and destabilizing activities. (Acharya, 2001)

Furthermore, from what has been set by ASEAN, the organization always trying to not issue any Statement or action containing criticism and controversy to the member States which has an internal conflict. ASEAN did not consider Pol Pot regime as a genocide regime which killed a thousand people. ASEAN still think that it was a consequence which must be done on the doctrine of non-interference. When another member States gives harsh argument/criticisms to other member States, it will be considered as violation to this principle. Like what Vietnam did in 1979 which was invaded Cambodia. At the time and after it, ASEAN considered Vietnam violated the norms and the principles of the third point "not to interfere in the internal affairs of other States by taking subversive action". Then, ASEAN, again, urged Vietnam to end the invasion toward Cambodia. On the implementation of ASEAN Way, the doctrine of non-intervention and preventive diplomacy are two principles underlying the performance of ASEAN Regional Forum in

resolving conflicts using the ASEAN Way. In its official website, ASEAN itself is described as the norms of ASEAN Way:

> With the hindsight of history, we can say that this aspect of the ASEAN Way has served Southeast Asia well. By not forcing its incredibly diverse and mutually suspicious members into legally binding standards, ASEAN has done the remarkable job of moving its members from animosity to the close cooperative relationship that they enjoy today, a relationship in which violent conflict is all but unthinkable. We can say that the ASEAN Way has served ASEAN well... It is not just a matter of history; it is also a matter of culture. Southeast Asians' way of dealing with one another has been through manifestations of goodwill and the slow winning and giving of trust. And the way to arrive at agreements has been through consultation and consensus – *musyawarah* and *mufakat* – rather than across-the-table negotiations involving bargaining and give-and-take that result in deals enforceable in a court of law. (Fellin, 2012)

From that explanation, it can be seen the togetherness as a community and cultural identity of the community's history of Southeast Asia. ASEAN Way is what makes conflict resolution management different from those applied by the EU as a regional organization.

B.4 No Military Pacts and Preference for Bilateral Defense Cooperation

At the beginning of its establishment in response to the issue of military security, ASEAN members States prefer using bilateral relations than multilateral relations or making military pacts. The reason is because the geographical location is adjacent to each other. About the rejection of formal multilateral defense cooperation, the framework of the Declaration of ASEAN Concord signed at the Bali summit, express their approval for the continuation of cooperation on a non-ASEAN basis between the member States in security

matters in accordance with their mutual needs and interests. It constituted an endorsement of bilateral border security arrangements and intelligence sharing which had been already developed among ASEAN States on a bilateral basis. For ASEAN members, bilateralism offered several advantages over a formal multilateral alliance system. Mohamad Ghazali Shafie, Foreign Minister of Malaysia, provided the following rationale for bilateralism:

> Projects under ASEAN (and other regional bodies) are generally limited in scope and necessarily restricted to the lowest common denominator which is acceptable to all member States…. The limitation of regional cooperation within a formal framework should not prevent States of the region from trying to forge the closest possible links on a bilateral basis with one another…. Such bilateral contacts on any subject and at whatever level which may be mutually acceptable should be pursued as far as possible. In this way, an important crisis-crossing network of bilateral links will be established between and among the States of Southeast Asia. [41]

Supporting Statement also came out from Lee Leviture in his journal entitled *International Law and Politics,* he said that ASEAN way has two fundamental points in solving conflict, first point is diplomatic strategy should based on consultation and consensus which diplomatic officials initially engage in informal discussions to later facilitate a consensus-based decision at official meetings and second is a series of six principles codified in the 1976 Treaty of Amity and Cooperation. (Lee Leviture, 2010) ASEAN Way has technique in it, strategies implementation, even though it definition and real

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[41] Amitav Acharya. p. 60-61

implementation always change in line with the situation. Koga Kei describes it as follows:[42]

1. A disposition to favor summit meetings, especially through the 1960s (this underscores the highly elitist nature of ASEAN decision-making process),
2. Based on *musyawarah* principles and concepts in the conduct of high level conferences,
3. A preference for concealed and often 'unofficial' preliminary transactions by special agents prior to formal ministerial conferences,
4. A preference for *ad hoc* rather than institutionalized practices,
5. An avoidance of judicial or arbitration machinery for the settlement of disputes,
6. Readiness to accept mediation or good offices from friendly third parties in the region, and
7. A tendency of at least three ASEAN members (Malaysia, Indonesia and Philippines to use the recall of an envoy or down-grading of a mission as a diplomatic practice).

In solving the occurring conflicts, ASEAN Way plays a role in both decision-making process and conflict management mechanism. As a decision making process, with its emphasis on consensus building, ASEAN Way encourages the removal of contention, allowing ASEAN member States to focus on issues which are potential in creating cooperation, though the decision-making is likely to be slow. As a conflict management mechanism, ASEAN Way dictates that ASEAN member States to temporarily set aside contentious issues, agreeing normative power of the ASEAN Way in solving them in due course. This norm serves not as a conflict resolution method but as a conflict management method.[43]

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[42] Koga Kei, The Normative Power of "ASEAN WAY', 2010, accessed in October 2014 https://www.academia.edu/4027546/The_Normative_Power_of_The_ASEAN_Way_
[43] *Ibid.*

C. ASEAN in Keeping Peace and Regional Security

Maintaining security and political stability of Southeast Asia is one of the ASEAN purposes. It has been listed on the first establishment of the ASEAN in Bangkok Declaration. It mentioned the promotion of regional peace and stability through respect for justice and the rule of law and adherence to the principles of the UN charter. Besides the founders have agreed to live in peace, resolve the existing disputes peacefully and not to use force, and to cooperate each other to achieve their goals.[44]

Furthermore the goal is also listed on the ASEAN Charter, a political Statement which does not bind rights and obligations of Member States and Organizations on the basis of the law/constitution.[45] In the ASEAN charter, the purpose of maintaining the security and political stability of the region is listed in several chapters, including:[46]

  i. Article 1, maintain and promote peace, security, and stability, and further strengthen the values are oriented to peace in the region.
  ii. Article 2, Improving regional resilience by promoting political cooperation, security, economic, social and wider culture.
  iii. Article 3, Maintaining Southeast Asia as a Nuclear Weapon Free Zone and free of all kinds of weapons of mass destruction.
  iv. Article 4, Ensure that the peoples and Member States of ASEAN live in peace with the world as a whole in an environment that is fair, democratic, and harmonious.
  v. Article 8, Responding effectively, in accordance with the principle of comprehensive security, to all forms of threats, transnational crimes and trans-boundary challenges.

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[44] Bangkok Declaration, point 2.
[45] Direktorat Jenderal Kerjasama ASEAN Departemen Luar Negeri Republik Indonesia, *Op. cit,* p. 10.
[46] *Ibid.,* p 10-11

vi. Article 15, Maintaining the centrality and proactive role of ASEAN as the primary driving force in dealing and working with external partners in a regional architecture that is open, transparent, and inclusive.

In the political and security perspective, ASEAN has at least three functions, improving regional harmony and maintaining peace and stability in Southeast Asia, enhancing regional security and promoting the establishment of a more autonomous regional order, and serving as important international negotiations which improve the position of members individually or collectively. (ASEAN Charter, Article 1) Furthermore, it can be describes as:[47]

1. Means to avoid and manage conflicts of intra-ASEAN;
2. Means to manage regional order through its success in managing intra-ASEAN conflict; and
3. The ability to take a common position and articulate the position smoothly and decisively in addressing the problems of the central region.

ASEAN's role in maintaining harmonious relations between ASEAN member States has become an important factor in maintaining regional stability, in which the relationship is not only avoid the danger of military use in solving conflicts, but also ensure that other States can not use one ASEAN member States to harass another member State.[48]

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[47] Rizal Sukma, ASEAN sebagai Komunitas Diplomatik: Peran, Tugas, dan Strategi, dalam Bantarto Bandoro, ed., Agenda Penataan Keamanan Regional Asia Pasifik, Jakarta: CSIS, 1996, p. 57.
[48] *Ibid,* p 34.

C.1 Treaty of Amity and Cooperation/TAC

The important instrument in efforts to achieve and create political stability and security in Southeast Asia is the Treaty of Amity and Cooperation/TAC, which was signed in the first ASEAN Summit on 24 February 1967. Until now it has 16 States outside Southeast Asia acceding to the TAC. These States are Papua New Guinea (on 5 July 1989), China and India (on 8 October 2003), Japan (on 2 July 2003), Pakistan (on 4 July 2004), South Korea (on 27 November 2004), Russia (on 29 November 2004), Mongolia and New Zealand (on 28 July 2005), Australia (on 10 December 2005), France and East Timor (on 13 January 2007), Sri Lanka and Bangladesh (on 1 August 2007), North Korea (on 24 July 2008), and United States (on 22 July 2009). TAC is a set of universal principles concerning in living in peace and friendly cooperation between States in Southeast Asia. The purpose of the establishment of TAC is to promote perpetual peace, everlasting amity and cooperation among among the peoples of Southeast Asia in distributing their strength, solidarity and create closer relationship.[49]

TAC also has foundation/principles for its members in creating relationship or cooperation which, discussed in chapter 2. Later, these principles will be the norms which are used by the ASEAN Norms and inspire the formation of "ASEAN Way". Based on the Treaty of Amity chapter 2 those principles are:[50]

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[49] Treaty of Amity, Chapter 1.
[50] Treaty of Amity, Chapter 2.

1. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
2. The right of every State to lead its national existence free from external interference, subversion or coercion;
3. Non-interference in the internal affairs of one another;
4. Settlement of differences or disputes by peaceful means;
5. Renunciation of the threat or use of force
6. Effective cooperation among themselves.

In keeping peace and maintaining continuous friendship among State participants, TAC is also set on the settings of the resolution of conflicts or disputes peacefully. It is stipulated in Chapter IV (Articles 13-17). The chapter highlights that ASEAN provides three ways of resolving disputes, they are:[51]

1. Friendly Negotiation
ASEAN emphasizes its members to avoid disputes in the first place. If the dispute persists, the way taken is a settlement through direct negotiations (friendly negotiation) on the condition that each party should refrain from using violence.
2. Settlement of disputes through the High Council
When negotiating directly, if the conflicted parties does not reap the results, the dispute will be transferred to the High Council. Here, the products produced by the High Council suggest recommendations regarding mechanism as dispute settlement modalities, through good offices, mediation, inquiry or conciliation. It can be said that the decisions made by the High Council do not bind on the parties who are going through the dispute. The terms of the settlement of disputes by the High Council could not be separated from the consent of the relevant parties disputes, as well as third-party (non-regional) can not intervene in the dispute if it is not directly involved in the dispute.
3. Settlement of disputes pursuant to Article 33 paragraph 1 of the UN Charter
If the settlement of disputes through the High Council still has no results, the other way of settlement is with reference to the dispute resolution mechanisms created by the UN. But before handing over the dispute resolution set out in the UN charter, the conflicted parties are expected to take the initiative in resolving their dispute by negotiating in a friendly way.

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[51] Treaty of Amity, Chapter IV, articles 13-17

Until today, the High Council never resolves disputes of the ASEAN member States. That is because the ASEAN member States prefer to submit their dispute to the ICJ (International Court of Justice). However, the existence and the ability and willingness of the High Council of ASEAN member States is to submit their disputes to international adjudication show ASEAN's commitment to resolve the dispute peacefully. Dispute resolution mechanisms which are regulated by TAC were formal instrument of ASEAN in maintaining peace. (Djalal, 2011)

C.2 ASEAN Regional Forum/ARF

ASEAN Regional Forum/ARF is the only security dialogue forum which is a new breakthrough in the Asia Pacific region as a vehicle for the development of mutual trust (confidence building), preventive diplomacy and the efforts of conflict resolution about territorial borders in the region. ARF becomes represents of ASEAN Way and becomes a relationship to foster mutual trust and habits of dialogue and consultation on security issues. (Cipto, 2007)

In this context, the cooperation of ASEAN and its partners in ARF is to create a pattern of relations among States in the Asia Pacific region to be more predictable and constructive. ARF participating States are United States, Australia, Bangladesh, Brunei Darussalam, China, Philippines, India, Indonesia, Japan, Cambodia, Canada, South Korea, North Korea, Laos, Malaysia, Mongolia, Myanmar, Pakistan, Papua New Guinea, Russia,

Singapore, New Zealand, Sri Lanka, Thailand, Timor Leste, the EU and Vietnam. (Acharya, 2001)

The plan of ARF was discussed in the 26th ASEAN Ministerial Meeting and Post Ministerial Conference/AMM-PMC on 23-25 of July 1993 in Singapore. Furthermore, the ARF was inaugurated in Bangkok in 1994. It aims at:[52]

1. Increasing the constructive dialogue and consultation on political and security issues of common interest and common concern;
2. Generating a significant contribution to the efforts towards increasing confidence (confidence building) and preventive diplomacy in the Asia-Pacific

In accordance with the objectives of ARF, its main activity is the development of confidence-building tradition (CBM) followed by preventive diplomacy (PD), and is expected to be able to develop the capacity of conflict resolution soon. Over the last 12 years, ARF has been emphasizing on the development of trust (CBM) among participants.[53]

Confidence Building Measures and Preventive Diplomacy taken by ARF in creating security dialogue among others through military cooperation based on the basis of communication, transparency, restrictions (limitation) and verification which are implemented in programs proposed by ASEAN through the ASEAN meeting Regional Forums, including:[54]

1. Cooperation in the field used for arms control and cooperation in non-proliferation treaty

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[52] Direktorat Jenderal Kerjasama ASEAN Departemen Luar Negeri Republik Indonesia, *Op. cit,* p. 50-51
[53] Bambang Cipto, *Op. cit,* p. 209
[54] *Ibid.*

2. Transparency of the military force that has or uses in the South China Sea to publish documents relating to the policies of defense and security
3. The collective activities such as joint military exercises, training courses and exchange of custody or another officer to visit military facilities and observation training them
4. Early Warning of conflict Situations or early warnings of a State of conflict

From the above explanation, it appears that ARF has a significant role in a variety of security issues storing a number of conflicts. This forum has grown to more than just a forum to foster mutual trust it also discusses the formation of a new regional order in Asia Pacific.

The activities of the inter-session conducted between meetings of ARF, divided on Line One (Track I), which was attended by representatives of governments and Track Two (Track II) was held and attended by institutions research (*think tank*) from States who join ARF. In Line One, two main types of activities are intersessional Support Group (ISG) and several intersessional Meeting (ISM) which is more technical. ISM activity at this time in the form of ISM on Counter-Terrorism and Transnational Crime (ISM on CT-TC) and ISM on Disaster Relief (ISM-DR). (Direktorat Jenderal Kerjasama ASEAN, 2008) However, as a forum for multilateral security dialogue and the development of mutual trust in the Asia Pacific region, it is expected to pave the way for mediation of various problems faced by ASEAN States as in the case of the South China Sea. At the very least, during the last 12 years, it has shown the benefits of this forum as a means for member States to conduct a constructive dialogue and consultations. This development can be seen from

the increase in the number of members which consisted only 18 at the time of formation in 1994 and now, it has grown to 25 in July 2005 (Cipto, 2007).

D. ASEAN Way

According to Amitav Acharya, ASEAN Way is a term favored by ASEAN members States to describe the process of intra-mural interaction and to distinguish it from other, especially Western Power, or from multilateral settings.[55] Several Experts were trying to give 'words' to describe ASEAN Way terms. Singapore's Foreign Minister S. Jayakumara said that the ASEAN Way stresses informality, organization minimalism, inclusiveness, intensive consultations leading to consensus and peaceful resolution of disputes. Another word is from General Ali Moertopo, a senior of Intelligence official of Indonesia. He was ascribed the ASEAN Way to the fact that most of the leaders representing the ASEAN member States for the past seven years or more of its existence have mostly been old friends who know one another so well. We can say that ASEAN Way following cultural relationship and informal meetings.[56]

Another perspective came up from Weatherbee in his book entitled *International Relation in Southeast Asia*, he assumes that ASEAN Way assumes a common interest in a peaceful, harmonious, and stable regional order in which ASEAN States interact with each other on the basis their shared acceptance of common behavioral norms. (Weatherbee, 2001) He also

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[55] *Ibid.* p. 63
[56] *Ibid.*

explains that the application of the ASEAN way has two strategic goals. First is to not allow bilateral disputes between ASEAN member States disrupt wider regional stability and the functioning of ASEAN itself. The second is not to let bilateral issues between ASEAN member States and non-ASEAN member States affect intra-ASEAN relations negatively.

Acharya studying ASEAN via constructivism, argues that the main objective of the informal multilateral institution and non-legal binding mechanism, which is rooted in the mindset of Southeast Asian States, is to have a place for elites to socialize and become familiar with one another, and facilitate problem-solving. The ASEAN Way in disputes settlement or conflict mechanism has two main aspects; the first is avoidance of any formal mechanism, the second is the principles of intensive consultation and consensus. ASEAN avoids resorting to formal mechanisms because they perceive that formal and legal mechanisms strongly indicate a sense of adversarial relationships between them and recognition of threat would be detrimental to harmony and peace. (Acharya, 2001) Many bilateral disputes between members are negotiated through quiet diplomacy, with which the association is not involved (Guan, 2004).

It is worth acknowledging that in some cases of intra-ASEAN territorial disputes, parties will choose a neutral agency or arbitration to resolve their conflict peacefully. Malaysia and Indonesia, for example, agreed in 1996 to solve their conflict over Sipadan and Ligitan Island via the International Court of Justice (Simon, 1998). Cockerham's Stated that

ASEAN was designed to protect the rights of member States, particularly their sovereignty. As a result, it has been a weak organization that does not tend to go beyond the agenda of its members. (Cockerham, 2010)

That is, despite the fact that ASEAN members engage in cautious and quiet diplomacy, which normally postpones and puts difficult issues aside in order to ensure that difficult issues will not interfere with areas of cooperation, ASEAN remains incapable of resolving many disputes among members but is able to leave those issues unresolved (Narine, 1997). Those are drawbacks of conflict management that could derive from the institutional structure, which is weak and depends on consensus and consultation.

Nonetheless, there have been many attempts to modify its cardinal principles and to strengthen the authority of the institution. Some ASEAN members have advocated a flexible interpretation of its principles, while others remain reluctant to revise the ASEAN Way of diplomacy. Thailand and the Philippines, for example, called for a flexible engagement policy; in contrast, some States strongly support the strict application of traditional diplomacy and security. As a result, due to consensus decision-making, an attempt to adopt a more flexible interpretation failed (Katsumata, 2004).

It is quite clear that the ASEAN style of diplomacy can be categorized as consultation, consensus decision-making and quiet diplomacy, which are primarily based on principles of non-interference and State sovereignty. Despite the fact that many scholars have pointed to the ineffectiveness and limitations of ASEAN diplomacy and conflict management by referring to

unresolved and lingering disputes among members, Della-Giacoma, at least, indicates that the record of the association has proved that, since the birth of ASEAN in 1967, a large-scale war and an armed conflict between its member States have been prevented and she points out that preventive diplomacy can be characterized by ASEAN's traditional diplomacy, with its intensive consultation and dialogue, but the cases mentioned involved a little collective action and relied on the activism of a single State. (Giacoma, 2011)

Again, Acharya indicates that the time-honoured practices of consultations and accommodation have enabled ASEAN members to virtually eliminating the possibility of any serious military escalation of intra-mural disputes. (Acharya, 2001) Thus, Southeast Asia States have been proud of their approaches and have their principles is the basis for a framework of confidence-building and conflict management in the ARF.

Although the ARF concept paper paid particular attention to the South China Sea issue, suggesting as a framework the establishment of a zone of cooperation in the South China Sea, China rejected the ARF agenda for South China Sea disputes because it considered that the ARF was unable properly to play a managerial role in contentious issues (Acharya, 2001). It was quite clear that instead of discussion on multilateral terms, China preferred to negotiate its claim to sovereignty in the South China Sea bilaterally, because bilateral negotiation would enhance China's leverage (Beeson, 2009).

Furthermore, in the past decade, China, Malaysia and Indonesia have enhanced and modernized their naval forces in order to defend their claims to

sovereignty over the South China Sea and an exclusive economic zone. This situation might result in escalation and armed conflict. From the viewpoint of international theories, constructivism argues that the ARF has made progress towards a security community contributing to conflict avoidance and the non-use of force. The ARF is expected to socialize China into accepting the legitimacy of this multilateral and transparent institution (Tavares, 2010). Also, it fosters cooperation which is a prerequisite of confidence and trust.

Moreover, in the South China Sea disputes, ASEAN Way aims to build more cooperation by emphasizing intensive consultation and informal dialogue. Thus, second-track diplomacy within the ARF should also be taken into account. The main institutions in the track-two diplomacy of the ARF are the Institute for Strategic and International Studies associated with ASEAN (ASEAN-ISIS) and the Council for Security Cooperation in the Asia-Pacific (CSAP). There are also informal academic sectors, such as scientists, experts and governmental officials who meet for discussions (Heller, 2005). It is essential for government officials to participate in this track-two organization because they can provide governmental resources and ensure that the practicability of track-two diplomacy will meet with their appreciation. Therefore, track-two diplomacy contributes considerably to greater official interaction and to enhancing mutual confidence at governmental level. Also when track-one diplomacy in the ARF has stalled or become deadlocked, track-two diplomacy will find an alternative route.

One objective of ASEAN diplomacy towards China has been an attempt to socialize China with the rules of a regional normative order (Johnston, 2008). China has become absorbed in ASEAN cooperative security, which has resulted in China redefining its goals in the South China Sea. Although Indonesia has played a mediation role in this dispute by convening many workshops since 1990, the purpose of the workshops did not directly aim to resolve the issue of sovereignty over the South China Sea but to advance co-operation on a range of ocean activities among Claimant States. In other words, the situation in the South China is quite complicated and involves many Claimant States hence it should be remedied by building mutual trust and cooperation. In addition, this style of conflict prevention in the South China Sea corresponds with the ASEAN Way of conflict management that puts problems aside and continues to cooperate in other areas. As a result, China has revised its earlier stance and gradually started to participate in multilateralism. It was not until early 1996 that China started discussing the South China Sea issue with other claimants in the ARF.