

## CHAPTER II

### REVIEW OF ASEAN IN THE CONTEXT OF CONFLICT SETTLEMENT

#### **A. ASEAN as Regional Forum**

ASEAN stands for *Association Southeast Asia Nations*, which means the Association for the countries in the Southeast Asian Nations. ASEAN is a regional organization with members in Southeast Asia. (ASEAN, 1991) Although formally ASEAN is an economic, social and cultural cooperation organization, the Bangkok Declaration is based on the political aspirations and commitments of member countries to unite and cooperate in facing the problems in the Southeast Asia region which at that time was colored by the turmoil and quarrels between countries and between forces outside the region.

##### **1. History of ASEAN**

On August 8, 1967 in Bangkok, Thailand, five Deputy Countries / Governments of Southeast Asian countries, namely the Minister of Foreign Affairs of Indonesia (Adam Malik), Deputy Prime Minister and Minister of Defense and Minister of National Development of Malaysia (Tun Abdul Razak), Minister of Foreign Affairs The Philippines (Narciso Ramos), Singapore's Foreign Minister (S. Rajaratnam), and Thai Foreign Minister (Thanat Khoman) followed up the Joint Declaration by holding a meeting and signing the ASEAN Declaration or known as the Bangkok Declaration. (Sejarah dan Latar Pembentukan ASEAN, 2015)

##### **2. Aims & Purposes of ASEAN**

The content of the Bangkok Declaration is as follows:

1. Accelerate economic growth, social progress and cultural development in the region through joint efforts in the spirit of equality and partnership to lay the

foundations for a prosperous and peaceful community of Southeast Asian states;

2. Promote regional peace and stability through continued respect for justice and the rule of law in relations between countries in the region and compliance with the principles of the Charter of the United Nations;
3. Promoting active cooperation and mutual assistance in matters of common interest in the economic, social, cultural, technical, scientific and administrative fields;
4. To provide mutual assistance in the form of training and research facilities in the education, professional, technical and administrative fields;
5. To work together more effectively for greater utilization of their agriculture and industries, the expansion of their trade, including the study of the problems of international trade in raw materials, the improvement of their transport and communication facilities and the raising of the standard of living of their peoples;
6. To promote Southeast Asian studies; and
7. Maintaining close and useful cooperation with existing international and regional organizations with beneficial aims and objectives and exploring all aspects or even cooperation among themselves. (ASEAN, 1991) With the signing of the Bangkok Declaration, a regional organization called the Association of Southeast Asian Nations (ASEAN) was officially established. Initially, this organization aimed to foster cooperation between member states in order to accelerate economic growth, promote regional peace and stability and establish cooperation in various fields of mutual interest. (ASEAN, 1991)

### **3. The Principles of ASEAN**

In their relations with each other, ASEAN Member States have defined the following fundamental principles, as contained in the Treaty of Friendship and Cooperation in Southeast Asia (TAC) of 1976:

1. mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
2. The right of each state to free its national existence from external interference, subversion or coercion;
3. Non-interference in the internal affairs of each other;
4. Regulation of differences or disputes in a peaceful manner;
5. Waiving the threat or the use of force; and
6. Effective cooperation among themselves.

#### **4. The development of ASEAN**

In the next development, this organization made a number of important agendas in the political field such as the ZOPFAN Declaration of Peace, Freedom, and Neutrality (ZOPFAN) signed in 1971. Then, in 1976 the five ASEAN member countries also agreed on the Treaty of Friendship and Cooperation (the Treaty of Amity and Cooperation in Southeast Asia / TAC) which became the basis for ASEAN countries to coexist peacefully.

In the economic field, the Agreement on ASEAN Preferential Trading Arrangements (PTA) was successfully agreed and signed in Manila on February 24, 1977, which became the basis for adopting various instruments in trade liberalization on a preferential basis. In subsequent developments, the Agreement on the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area was successfully agreed in Singapore on January 28, 1992. These advances encouraged other countries in Southeast Asia to join ASEAN members. With the various advances that have been achieved, five countries outside the initiating country are eager to join themselves in this organization, namely as follows:

1. Brunei Darussalam officially became the 6th member of ASEAN on 7 January 1984 at the ASEAN Ministerial Meeting (AMM) Special Session in Jakarta, Indonesia.

2. Vietnam officially as the 7th member of ASEAN at the 28th ASEAN Foreign Ministers meeting in Bandar Seri Begawan, Brunei Darussalam, 29-30 July 1995

3. Laos and Myanmar officially became the 8th and 9th members of ASEAN at the 30th ASEAN Foreign Ministers meeting in Subang Jaya, Malaysia, July 23-28, 1997.

4. Cambodia officially as the 10th member of ASEAN in the Special Reception Ceremony on 30 April 1999 in Hanoi.

## **B. ASEAN Community**

ASEAN has experienced development from time to time in accordance with the ideals of the founders of ASEAN to establish friendships and cooperation in creating a safe, peaceful and prosperous region.

### **5. The Establishment of ASEAN Community**

These aspirations were later confirmed by the Bali Concord I agreement in 1976. In the Bali Concord I, the ASEAN Leaders agreed on an Action Program that included cooperation in the political, economic, social, cultural and information, security, and enhancement of ASEAN mechanisms. The agreement marks an important stage for the framework of ASEAN cooperation. ASEAN's determination and hard work with the umbrella of the Bali Concord I had succeeded in maintaining peace and stability and increasing prosperity in the region.

In a further development, ASEAN agreed to form an integrated area in one community of Southeast Asian countries that are open, peaceful, stable and prosperous, care for each other, and are bound together in dynamic partnerships in 2020. These expectations are set forth in the ASEAN Vision 2020 which is set by ASEAN Heads of State / Government at the ASEAN Summit in Kuala Lumpur on December 15, 1997. To realize these hopes, ASEAN adopted the Bali Concord II at the 9th ASEAN Summit in Bali in 2003, namely, agreeing on the establishment of the ASEAN Community. (Sejarah dan Latar Pembentukan ASEAN, 2015)

## **6. The Development of ASEAN Community**

In the development of ASEAN to establish friendships and cooperation in creating a safe, peaceful and prosperous region, the ASEAN Community is a paramount aspect in the field of development of ASEAN.

Recognizing the twin visions of peace and prosperity, ASEAN sustained peace in Southeast Asia by integrating harmonious inter-state relations through the Treaty of Amity and Cooperation in Southeast Asia (TAC) for the ASEAN Member States and several other countries.

The ASEAN Community ascertains that the goal of ASEAN's founding fathers of improving the lives of its people is reflected on the region's economic and cultural development, social progress, regional peace and security, collaboration, mutual assistance in training and research, improvement of living standards, promotion of Southeast Asian studies and cooperation with regional and international organizations.

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o reinforce and continue the desire to form an ASEAN Community, ASEAN has several stages in its development to form the ASEAN Community:

1. The first is at the 10th ASEAN Summit in Vientiane on 29-30 November 2004, three Action Plans (Plan of Action / PoA) were approved for each pillar which is a long-term program in realizing the formation of the ASEAN Community. The summit also integrated the three ASEAN Community Action Plans into the Vientiane Action Program (VAP) as a basis for the short to medium term program period 2004-2010. The shaping is getting stronger with the signing of the Cebu Declaration on the Acceleration of the Establishment of the ASEAN Community in 2015 by ASEAN Leaders at the 12th ASEAN Summit in Cebu, Philippines, on

January 13, 2007. Thus, the formation of the ASEAN Community was accelerated from 2020 to 2015.

2. To achieve the formation of the 2015 ASEAN Community, ASEAN compiled the Blueprint of the three pillars. The ASEAN Community Blueprint is a guide to the direction of the formation of the ASEAN Community on three pillars. The ASEAN Economic-Community Blueprint was adopted at the 13th ASEAN Summit in 2007 in Singapore. Furthermore, the Blueprint of the ASEAN Political-Security Community and the ASEAN Blueprint of the Socio-Cultural Community was adopted at the 14th ASEAN Summit in 2009 at Cha Am Hua Hin, Thailand. In addition, at the Summit the ASEAN Heads of State / Government signed the Cha Am Hua Hin Declaration for Establishment of the ASEAN Community 2009-2011.
3. The next move by ASEAN to form an ASEAN Community through the Bali Concord III which was ratified at the 19th ASEAN Summit in Bali, 17-19 November 2011, ASEAN established itself to realize regional and global interests that are more peaceful, just, democratic and prosperous. Bali Concord III affirms ASEAN's position in the global community as an entity that is outward looking and actively provides solutions to global problems. To ensure the sustainable development of the ASEAN Community, all ASEAN member countries agreed on Bandar Seri Begawan Declaration on The ASEAN Community's Post 2015 Vision at the 23rd ASEAN Summit in Bandar Seri Begawan, 9-10 October 2013. In the declaration, all ASEAN member countries committed to formulating the vision of the ASEAN Community after Post 2015. In its development, ASEAN leaders have authorized Nay Pyi Taw Declaration on ASEAN Community's Post 2015 Vision on 12 November 2014 on the sidelines of the 25th ASEAN Summit in Nay Pyi Taw, Myanmar. The declaration contains the main elements

of the post-2015 ASEAN Community vision, the emphasis that the post-2015 ASEAN Community vision is a continuous process, the assignment of the ASEAN Coordinating Council to oversee the entire process of developing the Post 2015 vision, and the decision to form an in-depth High Level Task Force order to assist the task and work of the ASEAN Coordinating Council Working Group (ACCWG) on the ASEAN Community Post 2015. (Emmers, 2003)

## **7. The Three Pillars of ASEAN Community**

The ASEAN Community consists of three pillars, namely:

1. The ASEAN Political-Security Community (APSC)
2. The ASEAN Economic Community (AEC)
3. The ASEAN Socio-Cultural Community Pillar (ASEAN Socio-Cultural Community / ASCC)

There are three pillars of the ASEAN Community which are tightly bound and mutually reinforcing to bring about lasting peace, stability and mutual prosperity.

### **C. ASEAN Political-Security Community**

The first of the three important pillars of the ASEAN community is the first pillar, which is the ASEAN Political-Security Community (APSC). The coordination of ASEAN cooperation in politics and security is carried out through the ASEAN Political-Security Community Council. The ASEAN Political-Security Community Council meeting is held at least twice a year and is first held in Pattaya, Thailand on April 10, 2009. (Huxley, 1990)

## **8. The Characteristic of APSC**

As the initiator of the ASEAN Political-Security Community, Indonesia pioneered the preparation of the

ASEAN Political-Security Community Blueprint which consists of three main characteristics, namely:

1. Rules which based community with shared values and norms)
2. A cohesive, peaceful and resilient region with shared responsibility for comprehensive security)
3. A dynamic and outward-looking region)

### **9. The Instruments of APSC**

Here are some instruments in the ASEAN Political-Security Community Pillar:

- 1) Declaration of Peace, Free and Neutral Regions (ZOPFAN)

ZOPFAN is a framework of peace and cooperation that is not only limited to the Southeast Asia region but covers the wider Asia Pacific region, including with large countries (major powers) in the form of voluntary self-restraint. ZOPFAN does not exclude the role of large countries in the region but allows the involvement of these countries constructively in handling regional security issues.

TAC or the Friendship and Cooperation Treaty is a Treaty that aims to create political and security stability in the Southeast Asia region. The TAC regulates the mechanism for resolving conflicts between parties in a peaceful manner.

The TAC was signed in 1976 by 5 (five) Heads of ASEAN Founding Countries. The TAC was amended in 1987 to open accession to countries in other regions. Until now, there were 35 countries, including 10 ASEAN countries, which had acceded to the TAC. The countries are Indonesia, Malaysia, Philippines, Singapore, Thailand, Brunei Darussalam, Papua New Guinea, Laos, Vietnam, Cambodia, Myanmar, China, India, Japan, Pakistan, South Korea, Russia, New Zealand, Mongolia, Australia, France, East Timor, Bangladesh, Sri Lanka, North Korea, United States, Canada, Turkey, European



Union, United Kingdom, Brazil, Norway, Chile, Egypt and Morocco. (Chile, Egypt, and Morocco sign the Treaty of Amity and Cooperation in Southeast Asia, 2016)

## 2) Southeast Asia Nuclear Weapon Free Zone (SEANWFZ)

The Southeast Asia Nuclear-Weapon-Free Zone (SEANWFZ) is a treaty aimed at realizing a nuclear-free Southeast Asia Region. The treaty was signed at the ASEAN Summit in Bangkok, December 15, 1995. The signing of the Treaty was also a contribution to efforts towards overall nuclear disarmament and to promoting international peace and security. In addition, the Treaty also aims to protect the Southeast Asian Region from environmental pollution and hazards caused by radioactive waste and other hazardous materials.

### **D. ASEAN Regional Forum**

The Declaration on ASEAN Concord II 2003 emphasizes that maritime issues be cross-border so that their handling must be carried out in a comprehensive, integrated and comprehensive manner. The conflicted area which is the region of waters have important meanings in the matter of economy, trade, transportation and communication of all ASEAN member countries as well as global maritime powers. In addition, the Southeast Asian region is considered to have potential conflicts related to maritime issues and vulnerable to non-traditional maritime security threats. (Hwee, 2001)

### **10. The Establishment of ARF**

Therefore, maritime issues need to be addressed in synergy by various ASEAN sectoral bodies, according to their focus and authority and need to be coordinated comprehensively. Maritime cooperation and discussion of maritime issues within the ASEAN framework are carried out in various mechanisms including the ASEAN Regional Forum.

## **11. Purposes of ARF**

As a major vehicle in realizing ASEAN's goal of creating and maintaining regional stability and harmony, ARF sets two main objectives which consist of:

- 1) Develop constructive dialogue and consultation on political and security issues that are of mutual interest and attention, and
- 2) Make a positive contribution in various efforts to promote confidence building and preventive diplomacy in the Asia Pacific region.

With ASEAN remaining as the main driver for ARF, an active, full and balanced participation and cooperation are an absolute requirement for all ARF participants. The ARF process runs in a method "at the pace comfortable to all" for all ARF participants. This method is to consider sensitivity to various issues related to certain participants. The approach adopted by ARF is evolutionary and takes place in several stages, namely Confidence Building, Preventive Diplomacy.

## **12. The Method of ARF**

Since its establishment in Bangkok in July 1994, ARF has undergone an evolutionary process consisting of:

- a. Promoting increased trust between participating countries.
- b. Development of preventive diplomacy.
- c. Elaboration on approaches to conflict prevention.

This approach has enabled ARF participants to deal constructively with various political and security issues faced by the region, including new issues that have emerged as a result of globalization.

As a dialogue forum, ARF has an important role in creating and developing transparency, increasing trust and understanding to prevent or reduce mutual mistrust and misunderstandings between the participating countries. This

will further improve national peace, security and stability. Strengthening peace and regional security will provide a favorable environment essential for the success of national development in each participating country. This will eventually stimulate an increase in the community in the region.

ARF as a forum formed by ASEAN at the 26th ASEAN Ministerial Meeting and Post Ministerial Conference meeting, in Singapore on July 23-25, 1993, is expected to be a forum for dialogue to bridge territorial disputes in the South China Sea. ARF serves to accommodate political and security issues that are of concern and public interest. In addition, it is expected to contribute significantly to efforts to build trust and preventive diplomacy in the Asia-Pacific region as a strategic approach to conflict resolution.