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The OSCE - An Unsuitable Model for the ASEAN Regional Forum?

Why was there no security institution similar to the OSCE created in Asia-Pacific space after the end of the East-West conflict? A look at the security policy problems in the region shows there are clear parallels between the two areas: Here as in Europe, there are a series of states going through transformation processes, a patchwork of ethnic groups, national minorities and latent conflicts. In fact, the OSCE is precisely the organization that would provide a model for the security architecture in Asia. However, there are a large number of statements by Asian politicians speaking against this. They reject the transferability of OSCE structures and instruments for the most varied of reasons, whether these are cultural differences, other political styles or basic misgivings about the principles of the Organization.

The only institution established giving an answer to the security policy challenges of the last decade has been the ASEAN Regional Forum (ARF). It includes the ten ASEAN states, Malaysia, Burma (Myanmar), Thailand, Singapore, Indonesia, Brunei, Vietnam, Laos, Cambodia and the Philippines, as well as Papua New Guinea, Japan, the People's Republic of China, Canada, Australia, New Zealand, Mongolia, Russia, both Koreas,¹ India, the EU and the US, in other words, all actors in the Asia-Pacific region engaged in security policy with the exception of Taiwan.

However the term "institution" may be overly exaggerated. At its core, the ARF is just a dialogue process at the government level backed by so-called Intersessional Support Groups (ISG) and Intersessional Meetings (ISM) to prepare annual meetings. The foreign minister of the ASEAN member state who is holding the chair of this Southeast Asian regional organization for the year prepares the agenda and implementation of the dialogue rounds. Why do these differences exist, why is the OSCE rejected as a plausible model?

The central thesis of this article is that security institutions are not established because of power politics and not for exclusively functional reasons. The comparison between the OSCE and the ARF shows that state identity and norms are decisive for the creation and the development of a security institution because they essentially determine what is perceived as a risk or threat and which measures would be acceptable as a response. The institutional distinctiveness of the ARF is an expression of a minimal consensus on interstate norms reflecting the distinctive historical features of the region.

In the following, the term *institution* will be used in a sociological sense to mean the regular complex patterns of action taken by actors, whereas the

1 North Korea has been a participant since 2000.

term *organization* will denote institutions with an actual apparatus. *Identity* refers to the different social constructions of (national) statehood, which have emerged from historical, cultural, domestic and foreign policy processes.² According to constructivist foreign policy theory, the identity of the state determines its interests, while its geopolitical position or its material resources are of prime importance in determining the extent of its limitations.³ *Norms* are the collective expectations about the actions of a given identity.

Security Institutions - A Short Typology

Security institutions can be divided into those that function primarily in response to *threats* and those that are created primarily to avoid *risks*. Moreover, they can be denoted as being *inclusive* or *exclusive*.⁴ Classical alliances as well as modern organizations like NATO are institutions that are directed against threats. They are by definition exclusive at least in that they do not include potential aggressor states. In contrast, the OSCE is clearly structured to manage security risks. Under special circumstances, institutions can fulfil both functions, e.g. NATO integrating Germany or the US-Japanese Security Treaty, which considerably reduces the probability that Japan will undergo remilitarization.

A broad consensus on risks as well as adequate measures to overcome these is the prerequisite for the creation and operation of a security institution that manages risk. This requires that a state does not implement drastic unilateral measures in order to improve its security. In other words: Security is indivisible, a fact that was recognized even at the inception of the CSCE.

Moreover, risk management and averting threats are to a certain extent incompatible. When some of the states in an inclusive institution regard one or more states as a threat, this places considerable limitations on the development of this security institution and restricts its ability to take action. A consensus on dealing with security risks is then difficult to achieve because the relative balance of power in a threat situation is perceived as being the decisive factor. Each measure, which has the potential to surmount a risk, is examined by the parties as to whether it would be an advantage or disadvantage with respect to a would-be enemy.

From an institutionalist point of view, states establish security organizations to lessen uncertainty about the intentions of other actors and avoid classical armament spirals. In the first case, the framework of the institution should be

2 Cf. Ronald L. Jepperson/Alexander Wendt/Peter J. Katzenstein, Norms, Identity, and Culture in National Security, in: Peter J. Katzenstein (Ed.), *The Culture of National Security. Norms and Identity in World Politics*, New York 1996, pp. 33-75.

3 Cf. Alexander Wendt, *Social Theory of International Politics*, Cambridge 1999, pp. 110-112.

4 Cf. Celeste A. Wallander/Robert O. Keohane, Risk, Threat, and Security Institutions, in: Celeste A. Wallander/Helga Haftendorn/Robert O. Keohane (Eds.), *Imperfect Unions. Security Institutions over Time and Space*, Oxford 1999, pp. 21-47, particularly p. 26.

structured so that actors are able to make clear that their mutual intentions are not aggressive. For example, confidence-building measures (CBMs) would be a step to achieve this. In the latter case, states could establish arms control regimes.

This reasoning alone however is inadequate: From a purely functionalist point of view, the world would have to be full of security institutions. However the OSCE, despite all the problems, is the only organization worldwide, which deals with the whole spectrum of potential security risks and at least in part has developed successful instruments to cope with these.

Security institutions are established as a reaction to the unique conditions of regional security complexes.⁵ However, they are not exclusively shaped by distribution of material capacities, but also in particular by the identities of the states in a certain region. These, on the other hand, are based on the constitutive norms of a state, that is those norms emerging from the social construction of the characteristic concepts of statehood.⁶ Constitutive norms include, for example, basic liberal values, which identify a state as a liberal democracy, or those which identify states characterized by Islamic values. The analysis of such norms can naturally only be achieved inductively, for example by examining the basic norms in the constitutions of states as well as the extent to which they are in fact being observed. Regulative norms are actors' common opinion on what is considered appropriate conduct.

The set of norms, which *all* actors within a regional security complex can agree upon, defines the scope of legitimate actions by states and is the crucial factor for their potential institutionalization, in form as well as degree.⁷ A region whose states have highly differentiated constitutive norms will only achieve a limited consensus on regulative norms. The development of constitutive norms and the increase or decrease in threat perception have equal weight in determining the developmental capabilities of institutions.

With the Helsinki Decalogue, the OSCE participating States have declared a comprehensive set of norms as their common basis. While both blocs recognized the value of confidence-building measures, for a long period of time, no agreement could be reached on the interpretation of the norms of the Helsinki Decalogue. It was only the end of the Cold War that marked a fundamental turning point in history which made the intensive institutionalization of the OSCE possible.

5 Cf. Barry Buzan, *People, States, and Fear. An Agenda for International Security Studies in the Post-Cold War Era*, Harlow (UK) 1991, pp. 187-202.

6 Cf. Jepperson/Wendt/Katzenstein, cited above (Note 2), p. 53.

7 Cf. Brian L. Job, *Norms of Multilateralism in Regional Security. The Evolving Order of the Asia Pacific*. Conference paper presented at the Conference on International Norms: Origin, Significance and Character, Leonard Davis Institute for International Relations, Hyatt-Regency Hotel, Jerusalem, 26-27 May 1997, p. 6.

"(N)egotiated in the euphoric climate of the summer of 1990"⁸ as a normative foundation, the Charter of Paris is the result of a historical situation in which all perceptions of threat disappeared. At the same time liberal democracy appeared to be the only acceptable state order in this new Europe - an order that placed the rights of the individual before those of the state.⁹ In particular, the institutionalization of the principles of the human dimension in the Organization is in accordance with these constitutive norms. Their distinctive feature is the basic concept that a state cannot appeal to the principle of non-intervention in internal affairs when it has disregarded fundamental rights or minority rights. Here liberal norms as moral values coincide with a pragmatic function: A state that protects democratic rights is probably not a source of instability and conflict.

The development in OSCE space in past years has shown that this type of norm consensus is fragile and the "socializing effect" of an international organization can only progress over a long period of time - if at all. A look at the Central Asian states shows that unsuccessful transformation processes and a lack of institutionalization of democratic norms in *domestic policy* processes can counteract the democratization efforts of the Organization.

The developments in Russia are even more significant. Here there are two factors working together: One is a turning away from liberal norms in domestic policy as a result of incomplete transformation, the other is a return to the concepts of spheres of influence and a relative geostrategic balance of power. The West has to a considerable extent contributed to the latter development, in particular by enlarging NATO up to the Russian border. However, NATO is not an inclusive institution, despite all the PfP agreements, but a military alliance directed against threats. Pushed by the West into the logic of threat scenarios, Russia hampers the OSCE in many ways. Despite extensive institutions, the Organization cannot be completely functional, as long as there is no agreement on the definition of security risks, which in turn is determined by state identities and perceived threats. Risk management and averting threats are not compatible. The OSCE is therefore blocked and cannot fulfil its function as a pan-European security model.

Is the ASEAN Regional Forum a Specifically Asian Model?

If one applies the categories for analysis mentioned above to the ARF, clear-cut differences but also certain parallels appear between the OSCE and ARF. At the end of the Cold War, it was much less clear what the future development of inter-state relations in the Asia-Pacific region would be than it was in

8 Victor-Yves Ghébal/Jacques Attali/Flavio Cotti, *L'OSCE dans l'Europe post-communiste, 1990-1996: Vers une identité paneuropéenne de sécurité*, Brussels 1996, p. 23 (author's translation).

9 Cf. *ibid.*, pp. 15-16.

Europe. The confrontation between the blocs had in fact dampened a series of regional conflicts including the disputes on claims to sovereignty over the South China Sea. The rapid decline of the strategic significance of Russia in the region coincided with a potential reduction in the US presence. However, it was unclear how the People's Republic of China would adjust to the new situation. This situation was particularly difficult for the then ASEAN member states, Thailand, Malaysia, Singapore, Brunei, Indonesia and the Philippines.

To ensure the presence of the US armed forces after the announcement in 1992 that agreements on the stationing of troops in the Philippines would not be extended, Singapore, Malaysia and Indonesia offered the US marines the use of their docks.

The extension of the so-called ASEAN Postministerial Conference (PMC) offered an opportunity to fulfil the task of positively influencing China's regional security policy through a "socialization effect".¹⁰ Up to then, the ASEAN PMC had taken place after each yearly ASEAN summit meeting with the dialogue partners Australia, Japan, Canada, South Korea, New Zealand, the US and the EU as well as the consultation partners Russia, China, Vietnam, Laos, and Papua New Guinea. In July 1993, the dialogue participants decided to create a separate forum to discuss security questions in the region.

This newly constructed ASEAN Regional Forum met in 1994 for the first time. It is primarily a dialogue on the government level in the form of a yearly meeting of foreign ministers. The ASEAN state that is holding the chair of this regional organization for the year also takes the chair of the Forum for that year. The ARF's priority is the exchange of information and it is the only multilateral forum for dialogue on security issues in Asia-Pacific space. The yearly ARF is concluded with a final Chairman's Statement, which manifests the consensus between participants. Preparation and follow-up of the meetings occur at diplomatic working-level talks in the Senior Officials Meetings (SOM). A concept paper originating from these SOMs was adopted as the "timetable" for the future development of the forum.¹¹

According to this concept paper, the ARF is to proceed in stages. Stage I is made up of confidence-building measures designed to lead to more transparency in the security policy of the states in the region. Corresponding proposals cover the publication of defence white papers, participation in the UN conventional arms register, exchanges between military and diplomatic personnel as well as joint seminars to promote mutual understanding.¹² Furthermore, the goal of creating a Southeast Asia Nuclear Weapons Free Zone was emphasized. This was more a symbolic declaration because there is no

10 Cf. Jose T. Almonte, Ensuring Security the "ASEAN Way", in: *Survival* 4/1998, pp. 80-92.

11 Cf. ASEAN Regional Forum. A Concept Paper, Brunei 1995.

12 Cf. *ibid.*, Annex A.

Southeast Asian state that could be a potential proliferator, whereas US and Chinese navy ships carrying nuclear weapons are still able to utilize the sea routes in the region.

Stages II and III consist in promoting measures of preventive diplomacy and "developing approaches to conflict resolution". This roundabout phrasing was chosen because of Chinese misgivings in order to avoid suspicions that binding conflict-resolution mechanisms were being created. Medium-term measures developed in the concept paper include the development of a maritime information database for Southeast Asia, co-operation on the utilization of sea routes, joint efforts on search and rescue operations and measures against rampant piracy in the region. In the long-term, the appointment of Special Representatives to undertake fact-finding missions and the establishment of a Regional Risk Reduction Centre are being considered.¹³

The main work on individual problem areas is being carried out by ISMs and ISGs. ISGs develop confidence-building measures while ISMs discuss and implement opportunities for co-operation. Both forms of co-operation are managed by an ASEAN state as well as a non-member of the regional organization who has particularly good knowledge of the area in question or corresponding interests. Accordingly, a series of ISG meetings on peace-keeping were conducted in co-operation with Canada. At the beginning of the year 2000, Malaysia and South Korea sponsored an ISM to discuss confidence-building measures. In addition, there have been numerous seminars, courses and meetings of military personnel and directors of defence academies.

Thus, in principal, the CBMs of the ASEAN Regional Forum are similar to the early CBMs of the CSCE process. However, further institutional development, according to the model of the Helsinki process, was ruled out from the start. Australian-Canadian proposals for a "CSCA" made at the beginning of the nineties were continually rejected.¹⁴ The ARF is in fact an enlargement of the ASEAN model to include the whole Asia-Pacific security complex. The Southeast Asian regional organization plays a decisive role in determining agenda and approach by searching for a consensus, avoiding open dispute and forcefully rejecting everything that appears to be a move towards legalization, more intensive institutionalization or even becoming a true regional organization.

ASEAN Norms as the Lowest Common Denominator

Why do the Southeast Asian states, who are militarily relatively unimportant, play such a central role in the security policy dialogue of a region in which

13 Cf. *ibid.*, Annex B.

14 Cf. Robyn Lim, *The ASEAN Regional Forum. Building on Sand*, in: *Contemporary Southeast Asia* 2/1998, pp. 115-137.

current and possible future great powers like the US, China, India and Japan have security interests? How were they able to leave their mark on the Forum in the shape of a policy style typical of ASEAN?

In 1976, at the first ARF in Bangkok, the principles of the ASEAN Treaty of Amity and Cooperation (TAC) were adopted as code of conduct governing relations between states. These principles are:

- mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
- the right of every state to lead its national existence free from external interference, subversion or coercion;
- non-interference in the internal affairs of another state;
- settlement of differences or disputes by peaceful means;
- renunciation of the threat or use of force.

At a first glance, these principles are similar to those of the CSCE process. However, they do not guarantee human rights and minority rights or freedom of opinion. They do not just represent a compromise, but reflect the security problems of the ASEAN members based on their state identities. For the most part, the Southeast Asian states originated in decolonization processes. The state and nation had to be established on the basis of multi-ethnic societies. Furthermore, "mild" authoritarian regimes were endangered chiefly by communist guerrilla movements. Even after decolonization, the ASEAN states were confronted time and again with intervention by the great powers, whether this was during the Vietnam war or the constant civil war in Cambodia.

Against this backdrop, it is obvious that state and regime, not however the individual or minorities were the referent object for security policy. Western critique of the human rights policy of these states appears in another light if one considers the colonial past of Western nations. Moreover, the states in this region - in contrast to the states in Eastern Europe at the end of the Cold War - are not facing a crisis when it comes to their development model. On the contrary: The tendency in the Asia financial crisis has been increasingly to reject Western institutions. This was made clear by the currency swap arrangement adopted last year between ASEAN, China, Japan and South Korea.

For similar reasons, the basic principles of the TAC are particularly attractive to China. The strengthening of independence and autonomy accompanied by an emphasis on state sovereignty and territorial integrity are the basic values in Chinese policy. These go along with a self-perception that it is the victim of colonial exploitation and US containment efforts.¹⁵

15 Cf. Rosemary Foot, China in the ASEAN Regional Forum. Organizational Processes and Domestic Modes of Thought, in: Asian Survey 5/1998, pp. 425-440, here: p. 427. Cf. Alastair Iain Johnston, The Myth of the ASEAN Way? Explaining the Evolution of the

This made the extension of ASEAN principles and practices the probably only possible compromise in the construction of a regional security institution between Western (including Japan) and Asian participants. At the point of its establishment, the ARF was the only multilateral institution with the exception of the United Nations in which the People's Republic of China was a member. The norms of the TAC represent the lowest common denominator or the basic set of regulative norms.

Why is China participating in a security policy dialogue in the first place? On the one hand, during the first few years after the Tiananmen Square massacre, China made efforts to overcome foreign policy isolation. On the other, an ARF without Chinese participation or a forum whose work was hindered by Chinese obstructionism, would not have been beneficial for China's image in the region as a peaceful partner who accepts the status quo. Moreover, the principle that ASEAN determines the development of the Forum and the topics on its agenda acts as a safeguard for China. The consensus principle prevents topics from being handled where there could be a high "price" on sovereignty. At the same time, because of its membership and institutional form, the ARF is not a forum where the US dominates nor is it one that is forced to attract votes as is the case in the UN General Assembly.¹⁶

The sensitivity of certain ARF participants on their national sovereignty lends special importance to the so-called Track Two of the regional dialogue. Track Two consists of working meetings and conferences including academics, ministry officials and military personnel not in an official function, where regional security problems and paths to solving them can be discussed. In particular, the Council for Security Cooperation in the Asia Pacific (CSCAP) and the ASEAN Institute for Strategic and International Studies (ISIS), a network of research institutes for security policy which work closely with governments, are important in this context. The CSCAP acts as an umbrella organization for national CSCAP committees, which are active in working groups dealing with specific problem fields. The ASEAN ISIS regularly organizes round tables. The supportive function of unofficial dialogue was explicitly acknowledged at the second ARF in 1995. The Chairman of the Forum is at the same time the connecting link between the two levels.

Because many participants of the Track Two dialogue are, in their official functions, decision-makers in the foreign and defence ministries in their countries, ideas developed in Track Two can be raised swiftly at the government level. At the same time, the fiction there is a division between official and unofficial functions allows a discussion of controversial points, whether this arises from their content or is due to their source: *Who* places a particular conflict point on the agenda is sometimes as likely to create conflict as the

ASEAN Regional Forum, in: Wallander/Haftendorn/Keohane (Eds.), cited above (Note 4), p. 290.

16 Cf. Johnston, cited above (Note 15), p. 296.

point itself. Thus Track Two acts as source of ideas but it is also a filter generating generally acceptable formulations of problematic questions.¹⁷

In addition, due to the large number of meetings taking place, there is a kind of socialization effect on the participants in Track Two. Thus, quite a few Chinese ministry officials changed their positions from being critically distant towards the process to advocating the approaches developed in the Forum within their own apparatus.¹⁸ This process even went so far that some of the Chinese foreign policy elite began to see a special value in the multilateral character of the dialogue - a clear change from former Chinese assessments.

Despite this progress, the ARF is basically limited in its opportunities for development. Firstly, the problematic Chinese-Japanese-American triangle relationship subliminally dominates interaction also within the institution. The adoption of the new common defence guidelines as a part of the 1997 US-Japan Alliance (Joint Declaration on Security/Treaty of Mutual Cooperation and Security) makes it unmistakably clear for the Chinese leadership that the US has flanked its "engagement" policy with a strengthened military alliance in Southeast Asia. Secondly, after the change of government in the US, there has been an almost complete change in the top foreign policy personnel, which has led to an immense feeling of insecurity on future policy towards China.¹⁹ US security policy has again been partially shaped by the same personnel who served under the George Bush Senior administration, who, for a long period of time, considered any form of multilateral dialogue in Asia-Pacific space superfluous. Here too it becomes evident again that perceptions of threat and exclusive military alliances hinder the function of inclusive security institutions enormously.

Opportunities for ARF Development - Should It Select Specific OSCE Instruments?

If one follows the argumentation in this article, the outlook for possible future development of the ASEAN Regional Forum is more likely pessimistic. Without a fundamental change in the values of significant participating states, this institution might not address the most pressing security risks of the region because these are barred from being dealt with by the principle of non-intervention, as is for example the case of the fragile state of Indonesia. As a result, there is rather little chance of utilizing or adapting proven OSCE instruments in an extensive manner. Even if other ASEAN member states undergo a democratization process, China and North Korea remain obstinate brakemen. Although ASEAN members have the advantage that being small

17 Interview with a Canadian CSCAP participant, Vancouver, April 2001.

18 Cf. Johnston, cited above (Note 15), p. 309.

19 Discussion with a member of the Chinese Academy of the Social Sciences, May 2001.

powers they are ideal "neutral" leading candidates, they lack the required organizational capacities to balance the deficits resulting from a lack of institutionalization. Despite the seconding principle, the OSCE has the capacity to accumulate a great deal more know-how because of the more extensive resources of each Chairman-in-Office and the Organization itself.

Despite this, there are certain OSCE concepts that could be embraced. The option of selecting Special Representatives, who take early action to mediate in a dispute, was already taken into consideration in the ARF Concept Paper. Also the policy style of the former OSCE High Commissioner on National Minorities, Max van der Stoep, with his manifold consultations conducted without creating waves, would be acceptable in Southeast Asia.

Likewise, there should be an opportunity to convene special meetings in crisis situations. During the crisis in East Timor, for example, the states of the region were able to reach a consensus only because of the APEC summit, which by coincidence was taking place at the same time in Auckland, even though that forum does *not* officially allow a discussion of security issues.

In the area of confidence-building measures it has been shown that there is still no agreement on basic definitions. A greater emphasis on arms control questions could at least be the foundation for future co-operation, particularly in view of an easing of tensions on the Korean peninsula.

Within ASEAN, due to the large number of trouble spots following the economic crisis in 1997, new forms of dialogue developed that are a compromise between non-intervention and the requirements of an increasingly interdependent region.²⁰ Thus the resumption of talks between the Burmese opposition and the military regime was attributed to Malaysian silent diplomacy. To the extent that these experiences can be transferred to the ARF, they represent first steps in a learning process towards more effective crisis management. The same is true for the recently begun co-operation between ASEAN and OSCE. Despite this, the future development of the ARF will continue to be characterized by the distinctive historical features of the region, which find expression in state identities. One could almost say the success of the CSCE/OSCE in the area of minority rights as well as fundamental rights will prevent this model from being adopted until democratic values in Asia-Pacific space gain more acceptance.

20 Cf. Herman Kraft, The Principle of Non-Intervention in ASEAN. Evolution and Emerging Challenges. Working paper for the Seventh Meeting of the Working Group on Comprehensive and Collective Security of the Council for Security Cooperation in the Asia Pacific (CSCAP), Seoul, 1-2 December 1999.