

2001 ASEAN REGIONAL FORUM CONCEPT AND PRINCIPLES OF PREVENTIVE DIPLOMACY

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INTRODUCTION

1. The ASEAN Regional Forum (ARF) was established by ASEAN in 1994 to maintain peace and stability in the region and to promote regional development and prosperity. It was recognised that rapid development in the regional and global environment had impacted on the security and strategic concerns of countries in the region. It was also acknowledged that the region was remarkably diverse, and that there remained challenges to regional peace and prosperity.
2. The ARF sought to meet these challenges by putting into place a three-stage process - Stage 1 on promotion of Confidence Building Measures, Stage 2 on development of Preventive Diplomacy and Stage 3 on Elaboration of Approaches to Conflicts. It was generally recognised that the ARF would have to establish itself, over time, as a meaningful forum to enhance the peace and prosperity of the region. To do so, the ARF process would have to adopt a gradual evolutionary approach, decision-making by consensus and move at a pace comfortable to all its members in order to achieve its long-term objectives. Discussions should be aimed at enhancing mutual understanding and trust among the Asia-Pacific countries, furthering their dialogue and cooperation, and promoting peace, stability and prosperity in the region.
3. Much progress has been made over the past six years, a relative short time in the life of regional organisations. Constant interaction among Ministers and senior officials of the ARF members, and confidence building measures that have been initiated, have helped to build up comfort levels. This has allowed for discussions among ARF members to be candid and frank, thereby encouraging greater transparency, mutual trust and understanding of each other's concerns and positions. It was stressed that the confidence building would continue to be the main thrust of the whole ARF process, since it is impossible to move the ARF forward without a high degree of mutual understanding and trust among ARF participants.
4. Hence, at the 4th ARF, the Ministers instructed the ARF Intersessional Support Group on Confidence Building Measures (ISG on CBMs) to identify areas in the overlap between CBMs and Preventive Diplomacy, and ways and means of addressing them while maintaining the focus on CBMs. In addressing the issue of overlap, a common understanding on a working concept of Preventive Diplomacy (PD) and the principles governing its practice is necessary to provide a common basis on which to explore this overlap and to enhance confidence in the process. Pursuant to this, the Ministers at the 6th ARF in Singapore instructed the ISG on CBMs to further explore the overlap between CBMs and PD, focusing inter alia on the development of the concepts and principles of PD.

DEFINITION, CONCEPT AND PRINCIPLES OF PD BY THE ARF

5. Agreement on the definition and, more importantly, a common understanding of the concept of PD and the principles governing the practice of PD, would be useful for further progress on the development of PD within the ARF. The definition of PD by the ARF sets out very broad objectives, and the concept would serve as a guide as to the approach to take, while the principles would serve as a guide as to fundamental parameters for the practice of PD in the ARF.
6. The definition, concept and principles of PD as agreed by ARF members are not legal obligations. They are shared perspectives that would apply only to the ARF and should be understood as representing the current status of an evolving consensus in the ARF as discussions continue. These discussions should be aimed at enhancing mutual understanding and trust among ARF members, take into account the actual conditions of the region and be consistent with basic principles of international law and established ARF processes.

DEFINITION OF PD

7. The definition of PD has proven to be controversial. However, there appears to be general consensus that PD is consensual diplomatic and political action taken by sovereign states with the consent of all directly involved parties:
 - a. To help prevent disputes and conflicts from arising between States that could potentially pose a threat to regional peace and stability;
 - b. To help prevent such disputes and conflicts from escalating into armed confrontation; and
 - c. To help minimise the impact of such disputes and conflicts on the region.

CONCEPT OF PD

8. Much academic work has been done within this broad definition of PD, and various concepts have been suggested. We can view PD along a time-line in keeping with the objectives; to prevent disputes/conflicts between states from emerging, to prevent such disputes/conflicts from escalating into armed confrontation, and to prevent such disputes and conflicts from spreading. Some measures could be taken even before a crisis has actually arisen.
9. PD measures could include the following:
 - a. Confidence Building Efforts i.e. efforts to build mutual trust and confidence between states. The successful application of PD has to be built upon continuous efforts to maintain and enhance trust and confidence. Without a high degree of trust among ARF participants, it is unlikely that PD in the later stages of any conflict can be carried out. While the ARF has succeeded in fostering dialogue among ARF members over the past few years, it is now time to look into strengthening the habit of cooperation. Cooperation among ARF members can preempt disputes as well as prevent disputes from developing into conflicts by enhancing trust and understanding.

- b. Norms building i.e. nurturing of accepted codes or norms of behaviour guiding the relationships among states in the Asia-Pacific region. To the extent that the codes enhance predictability and strengthen cooperative behaviour in ensuring regional peace, norms building enhances trust between and among states in the region. The ARF could consider measures in this area, such as developing a code of conduct governing relations among ARF members which is consistent with existing codes such as the Treaty of Amity and Cooperation in Southeast Asia (TAG) and the UN Charter.
 - c. Enhancing Channels of Communication: open, easy and direct communications or channels among ARF participants which serve to promote transparency with a view to avoid misperception or misunderstanding. Such channels would advance information-sharing, provide early warning and facilitate dialogue.
 - d. Role of the ARF Chair. The ARF Chair could play a role as determined by ARF members.
10. At the onset of a crisis, further measures could be considered as appropriate. The ARF should continue to consider possible further measures with a view to reaching consensus on them.

PRINCIPLES OF PD

11. Principles to guide the practice of PD are necessary to increase understanding of the scope and mechanisms of PD and to provide consistency and reasonable expectations of the process. In formulating and applying these principles, it would be useful to draw on the approach that has contributed to ASEAN's success and resilience. This includes the non-use of force in inter-state relations, the peaceful settlement of disputes, non-interference in the internal affairs of members, pragmatism, flexibility and consensus, consultation accommodation.
12. The following are 8 key principles of PD, drawn mainly from discussions in CSCAP:
- a. It is about diplomacy. It relies on diplomatic and peaceful methods such as diplomacy, negotiation, enquiry, mediation, and conciliation.
 - b. It is non-coercive. Military action or the use of force are not part of PD.
 - c. It should be timely. Action is to be preventive, rather than curative. PD methods are most effectively employed at an early stage of a dispute or crisis.
 - d. It requires trust and confidence. PD can only be exercised successfully where there is a strong foundation of trust and confidence among the parties involved and when it is conducted on the basis of neutrality, justice and impartiality.
 - e. It operates on the basis of consultation and consensus. Any PD effort can only be carried out through consensus after careful and extensive consultation among ARF members, with due consideration for the need for timeliness.
 - f. It is 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.
 - g. It applies to conflicts between and among States.

- h. It is conducted in accordance with universally recognised basic principles of international law and inter-state relations embodied, inter alia, in the UN Charter the Five Principles of Peaceful Coexistence and the TAG. These include respect for sovereign equality, territorial integrity and non-interference in the internal affairs of a State.

CONCLUSION

13. The ARF's process should progress at a pace comfortable to all members on the basis of consensus. A step-by-step approach is needed to ensure consensual progress in order to secure the maintenance and continuing enhancement of commitment of all participants in the ARF process. We should seek to proceed with the possible while keeping an eye on what can be done in the longer term. For the ARF to further develop, it is important to achieve a common understanding and consensus on the concept, definition and principles of PD.