

THE ASEAN WAY OF PEACE- MAKING

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INTRODUCTION



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- Southeast Asia after the Second World War: Dutch Politionele Acties 1947-1949 (Dutch Military Aggressions), Konfrontasi, and the Indochina wars.
- Political instability, limited trade, and low levels of foreign investment impeded regional economic growth.
- Foreign interference and neo-colonialism compounded regional challenges.
- Failure of predecessor organisations: the Association of Southeast Asia (ASA) and Maphilindo.
- The Bangkok Declaration (1967) established ASEAN, one year after the end of Konfrontasi.
- Thereafter, an absence of inter-state war and sustained economic development.

CORE PRINCIPLE



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- Consensus and consultation (Musyawarah & Mufakat).
- Non-interference.
- Respect for sovereignty.

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MECHANISMS FOR PEACE-MAKING



- Legal Track: Treaty of Amity and Cooperation in Southeast Asia (TAC), Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ), ASEAN Charter, Protocol to the ASEAN Charter on Dispute Settlement Mechanisms (DSM Protocol) and ASEAN Protocol on Enhanced Dispute Settlement Mechanism (EDSM Protocol).
- Political Track: ASEAN Summit.
- Connector: Rules of Procedure to Support Decision-Making Process at the ASEAN Summit (2023) (RoP on DMP).

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HISTORICAL CASES: INTER-STATE DISPUTES

- Preah Vihear (Cambodia–Thailand): ICJ ruling in 1962; deadly clashes in 2011; Indonesia, as ASEAN Chair, mediated.
- Sipadan–Ligitan (Indonesia–Malaysia): ICJ awarded sovereignty to Malaysia in 2002; extensive pre-ruling consultations; parties accepted the judgment.
- Pedra Branca (Singapore–Malaysia): ICJ’s 2008 split outcome accepted by both; Malaysia’s 2017 applications were later withdrawn in 2018.
- Key insight: ICJ rulings help, but durable peace requires ongoing consultation and political management.

REGIONAL MANAGEMENT: SOUTH CHINA SEA

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- 2002 ASEAN–China Declaration on the Conduct of Parties (DOC): commitments to preventive diplomacy and restraint.
- Ongoing work towards a possible binding Code of Conduct (COC) aligned with UNCLOS.
- Outcomes to date: conflict management; trade and co-operation; ASEAN–China Comprehensive Strategic Partnership; continued high-level engagements.

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CAMBODIA-THAILAND BORDER CONFLICT 2025



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- Fighting erupted on 24 July 2025.
- Malaysia, as ASEAN Chair, brokered a ceasefire on 28 July 2025.
- The Kuala Lumpur Peace Accord was signed by Cambodia and Thailand on the sidelines of the 47th ASEAN Summit in Kuala Lumpur on 26 October 2025.

LIMITS: INTERNAL CONFLICTS AND NON-INTERFERENCE

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- ASEAN's principles of non-interference and sovereignty are applied without exception.
- Myanmar (post-2021 coup): the Five-Point Consensus has proved ineffective.
- ASEAN's responses: limiting representation, sustaining diplomacy, and facilitating humanitarian access.
- There is a pattern of reluctance to act in domestic crises (e.g., Aceh in Indonesia and coups in Thailand).

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NAVIGATING NON-INTERFERENCE: LEGAL-DIPLOMATIC ADAPTATION

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- The RCEP entered into force in 2022 amid the Myanmar crisis.
- Varied responses:
 - Australia: ratified; expressed political concerns but made no legal reservation.
 - New Zealand: deposited a reservation limiting its obligations towards Myanmar under the RCEP.
 - Indonesia and the Philippines: issued interpretative declarations—no recognition implied.
- Trend: use of legal instruments (reservations and declarations) to navigate questions of non-interference and legitimacy.

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CONCLUSIONS



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- ASEAN's peace-making approach combines legal instruments and political processes.
- Strengths: prevents inter-state wars; sustains co-operation and growth; enables preventive diplomacy.
- Limitations: offers limited responses to intra-state crises; relies on political will; underuses formal mechanisms.

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