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THE CSCE AND ASEAN: COMPARING ARMS CONTROL, CONFIDENCE-BUILDING AND VERIFICATION PROCESSES

A Study Prepared for
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by

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PRINCIPLE FINDINGS AND CONCLUSIONS

This study compares the Conference on Security and Cooperation in Europe (CSCE) and the Association of South-East Asian Nations (ASEAN) in terms of their organizational histories and structures as well as their experiences in the fields of arms control, confidence-building and verification. The aim is to establish whether there have been any similarities or linkages in these areas between the two organizations.

In contrast to the CSCE, ASEAN's experiences in this area have been rather embryonic. Similarities, however, include:

1)   Within the underlying organizational principles of each body is the assumption that the security of each participating state is dependent on that of the others and; an agreement to refrain from the threat or use of force in relations with other participating states.

2)   In both regions the very existence of the organization itself has served a confidence-building function.

3)   Both organizations have recognized economic cooperation as being important to mutual security.

4)   The practice of information sharing has aided mutual confidence-building in both regions. ASEAN members, however, have only participated on a bilateral, unstructured and voluntary basis in comparison to the CSCE's structured, multilateral approach.

These similarities have been accompanied by the following differences:

1)   Europe and South-East Asia have experienced very different histories. It is most likely that the success of confidence-building and arms control in Europe has been largely attributable to Europe's unique historical and political circumstances (i.e., a common culture of European diplomacy and a "lingua franca" of arms control negotiations stretching back at least a century) and; the existence of two opposing blocs, involved in a single conflict, whose history of devastating war has left them with a common interest in avoiding war at all costs. The countries of South-East Asia on the other hand, have not shared a common history or a single conflict and therefore, have not developed the same commonality of interests.

2)   Unlike South-East Asia, Europe had (temporarily at least) settled its boundary disputes before the CSCE process was initiated.

3) Unlike Europe, many of South-East Asia's boundaries are demarcated at sea necessitating a different approach to confidence-building and arms control (i.e., the consideration of air and naval forces).

4) All states involved in European security issues are members of the CSCE. The members of ASEAN however are involved in security issues not only with states outside of ASEAN but also with states outside of South-East Asia (i.e., Japan, China, India).

5) Each region has faced threats of an entirely different nature. The impetus for the CSCE process came from Europe's desire to avoid war between its two ideological blocs. The main security threat within the ASEAN region, however, has been the threat of internal subversion, guerilla activity and civil war.

The main lesson to be learned, is that although the concept of confidence-building may be applicable in the South-East Asian region, because of different historical, political and geostrategic conditions, it is not possible to simply transfer the positive experience of Europe's CBMs to other regions of the world. Confidence-building measures in any region will have to be a product of the local interests and circumstances in that region.

However, there are still lessons which each organization can learn from the other. The CSCE has recently called for warring parties in Europe to seek out bilateral solutions to their problems. This measure is usually more characteristic of the ASEAN members.

The following are a list of suggested lessons which ASEAN members may take from the CSCE experience.

1) Within a regional association which has been established to facilitate cooperation, regular and open discussions of security concerns can help to create a better understanding of concerns and intensions. This may help to avoid insecurity caused by misperception.

2) It will be important to address the growing fears of the escalation of an arms race within the region.

3) In order to avoid misconceptions over the intended use of newly acquired weapons, it may be fruitful to encourage ASEAN members to promote more open communication on the issues of force postures, arms acquisitions, military doctrine and defence strategy.

4) Encouraging scholarly and other non-official discussions on these issues may serve to reinforce existing cooperative efforts.

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INTRODUCTION

The success of the European experience in arms control and confidence-building has left some scholars and policy makers wondering. whether the processes developed in Europe can be applicable and successful in other regions of the world.

The Conference on Security and Cooperation in Europe (CSCE) and the Association of South-East Asian Nations (ASEAN) are examples of regional organizations, which focus in part on international security issues. They have been developing simultaneously on opposite sides of the globe and are undergoing significant transitions as new challenges and opportunities emerge in the post Cold War era.

This study compares the CSCE and ASEAN in terms of their organizational histories and structures as well as their experiences in the fields of arms control, confidence-building and verification. The aim is to establish whether there have been any similarities or linkages in these areas between the two organizations.

PART I

THE ORGANIZATIONS

THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE (CSCE)

History and Evolution

In July 1966, the Political Consultative Committee of the Warsaw Pact Treat Organization issued the Declaration of Bucharest. This extensive declaration proposed a number of measures for the strengthening of peace and security in Europe, including the convening of a European conference on security and cooperation. This was the starting signal for a protracted dialogue between NATO and the Warsaw Pact in which East and West gradually grew towards each other.

Each bloc sought different aims from the conference. The East was seeking a formal recognition of the post-war territorial status quo and further development of economic relations between East and West in an attempt to bolster its declining economies.

The West was mainly interested in achieving progress in the field of military security and humanitarian issues (including the free flow of individuals, information and ideas between East and West which met with strenuous protests from the East).

A compromise was gradually achieved, but only after watershed events brought about an era of detente in East West relations. In 1969 West-Germany began a new policy of Ostpolitik, which led to the normalization of relations between West Germany and East Germany, the USSR, Czechoslovakia and Poland. Then the first SALT agreement between the US and the USSR was concluded in May of 1972.

In light of these favourable developments, both sides agreed to enter into multilateral discussions concerning the preparation of a Conference on Security and Cooperation in Europe. At the invitation of the Finnish government, Multilateral Preparatory Talks (MPT) started at Dipoli (near Helsinki) on November 22, 1972. This conference was attended by 32 of the heads of diplomatic missions accredited to Helsinki, including those from Canada , the US and all European states, both East and West, except for Albania.

The MPT established the organizational and procedural aspects of the CSCE as well as the main lines of the substantive issues which were to be discussed at the conference. Despite disagreements on many issues, the Final Recommendations of the Helsinki Consultations were adopted on June 8, 1973. A major part of this document was dedicated to setting the agenda for the Conference, including a detailed enumeration of all the problems which had to be discussed. Hence, this task gave birth to the three main baskets of the CSCE:

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    I.   Questions relating to security in Europe,
         encompassing both ten basic principles guiding
         relations between the participating States and
         a number of confidence building measures;
   II.   Co-operation in the fields of economics,
         science and technology and the environment;
  III.   Co-operation in humanitarian and other fields.
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Structure of the Helsinki Conference

The Final Recommendations of the MPT also outlined the rules
and procedures of the conference. It was agreed that all states
would participate as sovereign and independent states and in
conditions of full equality. In fact, it was specifically stated
that the conference would take place outside of military alliances
This was expressed in the principle of consensus which was to
govern the decision making process.

The conference was to function through a number of working
bodies including a coordinating committee which was to be its
central organ. In addition, committees and sub-committees were
provided, which could set up their own working groups. All working
bodies and working groups were to be open to all participating
states.

The Final Recommendations also provided for an Executive
Secretary to be charged with technical matters. This individual
was to be a representative of the corresponding host country.
Hence, the original conference structure had only very limited
administrative support. (This was enhanced at the Paris Summit of
1990 as will be explained in detail later on in this study.)

Decision-Making Process

Decision-making at meetings within the framework of the CSCE
is only possible by consensus. This rule was laid down in the 1973
Final Recommendations of the Helsinki Consultations as follows:
"Decisions of the Conference shall be taken by consensus.
Consensus shall be understood to mean the absence of any objection
expressed by a representative and submitted by him as constituting
an obstacle to the taking of the decision in question."[1]

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[1]   Arie Bloed, <u>From Helsinki to Vienna: Basic Documents of
       the Helsinki Process</u>, Dordrecht, Boston and London,
       Martinus Nijhoff Publishers, 1990, pg. 12.

The rule of consensus is mitigated to certain extent by the provision that States are allowed to make reservations or interpretative statements.[2] In this way, states may avoid becoming bound to certain agreements without formally blocking the decision-making process. It should be noted however, that this provision has rarely been used.

Legal Character of the CSCE Documents

The CSCE documents do not have the legal character of treaties. This was explicitly stated by the heads of state at the end of the 1975 conference. The Helsinki Final Act was considered to be a political rather than a legal document.

Although the Final Act of Helsinki and the other Helsinki agreements are not legally binding, they contain numerous clauses which can be traced to legally binding international agreements to which a great number or all of the CSCE states are bound. The main example in this respect is the Charter of the United Nations: the Helsinki agreements contain numerous references to the purposes and principles of this Charter. In addition, references are frequently made to more specific treaties, for instance the 1966 International Covenant on Human Rights. Moreover, the Principles guiding the relations among the participating states contain several provisions which are binding upon states as principles of international law.[3]

The fact that the Helsinki Final Act is not legally binding has had little affect on its political authority. This becomes evident from the fact that the Helsinki Final Act is very frequently invoked as an authoritative source of obligations in order to substantiate that the CSCE states are obliged to adopt certain behaviour or to refrain from certain actions. The great political authority of the Final Act of Helsinki also ensues from the fact that it has been signed by the highest political representatives of the CSCE participants.

In fact, the Helsinki agreement is so often invoked by the CSCE states as an authoritative source of obligations, that now and then the opinion is defended that this agreement is in a process of developing into customary law. In other words, from this point of view the Helsinki agreement is an international instrument in "statu nascendi" or soft law.[4]

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[2] Recommendation 79 of the Final Recommendations of the Helsinki Consultations.

[3] Op Cit., Arie Bloed, From Helsinki to Vienna: Basic Documents of the Helsinki Process. pg. 11.

[4] Ibid., pg. 11.

Developments of the Conference

The conference started in Helsinki on July 3 1973 and the Final Act was signed August 1, 1975. Its achievements have been grouped into three baskets. The first basket consists of two main parts. The first part was the Declaration on Principles Guiding Relations between Participating States and the second part was the Document on Confidence-building Measures and certain aspects of security and disarmament.

The Declaration of Principles contains an elaboration of the following ten principles focused on the European context:

1. Sovereign equality, respect for the rights inherent in sovereignty;

2. Refraining from the threat or use of force;

3. Inviolability of frontiers;

4. Territorial integrity of states;

5. Peaceful settlement of disputes;

6. Non-intervention in internal affairs;

7. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief;

8. Equal rights and self-determination of peoples;

9. Co-operation among states;

10. Fulfilment in good faith of obligations under international law.[5]

The second part of the first basket contained the first generation of CSCE confidence building measures (CBMs). These measures (to be discussed in further detail later) concerned, among other things, the obligatory prior notification of major military manoeuvres exceeding a total of 25,000 troops which take place in an area within 250 kilometres from common frontiers; the exchange of observers to military manoeuvres on voluntary and bilateral basis; and the prior notification of major military manoeuvres at their own discretion.

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[5] Ibid., pg. 6.

The second basket deals with co-operation on the following issues: commercial exchanges; industrial cooperation and projects of common interest; provisions concerning trade and industrial cooperation (eg. arbitration); science and technology; environment; and co-operation in other areas (eg. transport, tourism, migrant labour, and the training of personnel). The third basket contains four areas: human contacts; information; co-operation and exchanges in the field of culture and co-operation and exchanges in the field of education.

After the signature of the Final Act of Helsinki in 1975, the CSCE did not come to an end. The Final Act provided for a follow-up to the Conference which basically boiled down to the convening of periodic follow-up meetings for review and further development. Subsequent follow-up meetings have also decided to organize expert meetings and ad hoc conferences on specific subjects. In the framework of this process an increasing number of official CSCE documents have been adopted. In addition, these specialized CSCE meetings have also resulted in the adoption of substantive concluding documents; a major example is the Document of the Stockholm Conference on Confidence-and Security-building Measures and Disarmament in Europe (1986). Since the signing of the Helsinki Final Act the CSCE process appears to have acquired its own momentum which has survived critical lows in East-West relations.

Basic Features

One of the most important features of the CSCE process is the linkage of all the baskets of the process. This means that progress in one field has usually been accompanied by progress in the other CSCE baskets. In this way, political and security issues, questions of economic co-operation and humanitarian issues are firmly interconnected.

A second basic feature of the (early) CSCE process was its remarkably light institutional structure which was recently changed at the Paris summit in 1990. Until then the CSCE lacked a traditional institutional structure with a permanent administrative organ and permanent political organs. In essence the institutional structure consisted only of periodic follow-up meetings which were organized every two or three years and hosted by one of the CSCE states. Apart from the periodic follow-up meetings, specialized conferences and expert meetings on specific subjects have been organized, on an ad hoc basis, since 1978. In the course of the development of the CSCE process, the number and scope of such specialized conferences and expert meetings have steadily increased.

The Helsinki process is further characterized by the fact that the CSCE is the only European forum where all the states of Europe, the USA, and Canada periodically convene for consultations on almost all important issues of their mutual relations. The CSCE constituted an important East-West forum for discussions and contacts. In practise, the neutral and non-aligned states have played an important role at most CSCE meetings by their efforts to build bridges between East and West. The bloc-to-bloc character of the CSCE was reflected until recently in the fact that the different groups of CSCE states often acted as groups at CSCE meetings.

A series of revolutionary events in Eastern Europe and the Soviet Union led to an eventual restructuring of the CSCE process. These events were initiated by the rather fundamental changes which took place in the Soviet Union after the change in the Soviet leadership in 1985 with the appointment of Mikhail Gorbachev as Secretary General of the Communist Party of the Soviet Union. The new party chief initiated new policies of glasnost, perestroika and new thinking in the Soviet Union which also had far-reaching effects on the international relations of the USSR. In relation to a great number of issues, which had sharply divided East and West for a long time, the Soviet position gradually became more flexible, resulting in an increasing improvement in East-West relations. These new developments had a positive effect on the course of negotiations at the Vienna Follow-up Meeting of 1986.

More far-reaching changes came in the fall on 1989 when one East European Communist government collapsed after another, making possible the unification of Germany and seriously changing the military and political relationship between East and West.

During the Paris Summit of 1990 the CSCE process was institutionalized into a more formal organization. Under the provisions of the Paris Charter, the Heads of State of all CSCE nations shall now meet on the occasion of all follow-up meetings. These Follow-up Meetings will be held, as a rule, every two years to allow the participating states to take stock of developments, review the implementation of their commitments and consider further steps in the CSCE process. In addition, their Ministers of Foreign Affairs shall meet as a Council regularly and at least once a year. These meetings will provide the central forum for political consultation within the CSCE process. The Council will consider issues relevant to the CSCE and take appropriate decisions. Within the Council will be a Committee of Senior Officials who will prepare the meetings of the Council and carry out its decisions.[6]

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[6]   The Charter of Paris For A New Europe. pg. 21.

In order to provide administrative support for these consultations, the CSCE has established a Secretariat in Prague. In addition, they have created a Conflict Prevention Centre in Vienna to assist the Council in reducing the risk of conflict. The final two bodies created were the Office of Free Elections established in Warsaw and the CSCE Parliamentary Assembly involving Members of Parliament from all participating states in an effort to establish further levels of contact.[7]

As the European transition continued with the disintegration of the Soviet Union (resulting in the formation of a number of new states including Armenia, Azerbaijan, Belarus, Kazahkstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine and Uzbekistan), a new era of instability and insecurity emerged. Economic decline, social tension, aggressive nationalism, intolerance, xenophobia and ethnic conflicts began to threaten stability in the CSCE area. Gross violations of CSCE commitments in the field of human rights and fundamental freedoms, including those related to national minorities began to pose a special threat to the peaceful development of societies, particularly in new democracies.

In response to these developments the CSCE produced the Prague Document (January 1992) and the Helsinki Document (July 1992). The combination of these documents put into place a comprehensive programme of coordinated action which will provide additional tools for the CSCE to address tensions before violence erupts and to manage crises which may develop.

The Committee of Senior Officials (CSO) will now prepare Review Conferences which will precede the meetings of the Heads of State. They will review the entire range of activities within the CSCE, including a thorough implementation of debate, and consider further steps to strengthen the CSCE process as well as preparing a decision-oriented document to be adopted at the meeting. [8]

The CSO will also have overall responsibility for managing crisis. In this regard, it can set up a framework for negotiated settlement, dispatch rapporteur or fact-finding missions or initiate good offices, mediation or conciliation. As well CSCE peacekeeping activities could be used to supervise and help maintain cease-fires, to monitor troop withdrawals, to support the maintenance of law and order, to provide humanitarian and medical aid and to assist refugees. This peacekeeping will take place within the framework of Chapter VIII of the UN Charter.[9]

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[7] Ibid., pg. 22.

[8] CSCE Helsinki Document 1992 Challenges and Change. pg. 1.

[9] Ibid., pp. 18-19.

The Chairman-in-Office will be responsible on behalf of the Council/CSO for the co-ordination of and consultation on current CSCE business. In carrying out these tasks the Chairman-in-Office may be assisted by: the preceding and succeeding Chairmen, operating together as a Troika; ad hoc steering groups and; personal representatives, if necessary.[10]

The Council will also appoint a High Commissioner on National Minorities. The High Commissioner provides "early warning and, as appropriate, "early action" at the earliest possible stage in regard to tensions involving national minority issues that have the potential to develop into a conflict within the CSCE area, affecting peace, stability, or relations between participating states. The High Commissioner will draw upon the facilities of the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw (which replaced the Office of Free Elections after the Prague Council Meeting of January 1992).[11]

Furthermore, the 1992 Helsinki Document established a new CSCE Forum for Security Cooperation, with a strengthened Conflict Prevention Centre. The Forum will encompass two committees. The Special Committee, will meet either: for negotiation on arms control, disarmament and confidence-and security-building or; for consideration of, goal-oriented dialogue on and, as appropriate, elaboration or negotiation of proposals for security enhancement and co-operation. The Consultative Committee will work closely with the Conflict Prevention Centre.[12]

Finally, the Committee of Senior Officials will convene as an Economic Forum to give political stimulus to the dialogue on the transition to and development of free-market economies as an essential contribution to the building of democracy; to suggest practical efforts for the development of free-market systems and economic co-operation; and to encourage activities already under way.[13]

It should also be noted that with regards to conflict resolution, the 1992 Helsinki document for bilateral actions within the CSCE framework for the first time. The document's preamble, entitled "Promises and Problems of Change", calls on "participating States concerned to conclude, without delay, appropriate bilateral agreements, including timetables, for the early, orderly and complete withdrawal of such foreign troops from the territories of

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[10]   Ibid., pg. 2-3.

[11]   Ibid., pg. 4.

[12]   Ibid., pg. 30-33.

[13]   Ibid., pg. 59.

the Baltic States."[14]   This will be of some importance when comparing the work of the CSCE with that of ASEAN.

THE ASSOCIATION OF SOUTH-EAST ASIAN NATIONS

Origins and Development

    The concept of a region of South-East Asia dates only to the end of World War II.   Historically, Southeast Asia has been characterized not by close associations between its very diverse peoples and political systems, but by political fragmentation, and external interference and domination.   The ancient kingdoms of Southeast Asia developed largely in isolation from each other because the geography of the area discouraged regular contact and communication. By the nineteenth century, European powers had come to dominate the region and their influence became a further barrier to any kind of regional sentiment or association.   Although communications and commerce expanded rapidly, the economies of the area developed as competitive producers.

    In more modern times, South-East Asia has been the centre of the

> longest and fiercest ideological struggles in the world since the Second World War: nationalism   vs.   colonial/imperialism, socialism/communism vs. liberalism/capitalism, and   religious   strife.   The   region   has witnessed not only communist revolutions, wars of independence, and international wars, but also subversions, insurgencies, civil wars, coups and other kinds of civil violence. ...[It is also] one of the most dynamic growth centres of the world. The interests of four major world powers intersect[ed] this region: the United States, the Soviet Union, China, and Japan.[15]

    There are three dimensions of conflict in South-East Asia. First, there is the domestic, or internal dimension.   These are conflicts based on ideology, ethnicity, religion, race, communal loyalties, social economic imbalances, economic inequality and

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[14]   Ibid., pg. 5.

[15]   A. Hasnan Habib, "ASEAN in the Search for Peace and Stability in South-East Asia", in Disarmament: United Nations Regional Disarmament Workshop for Asia and the Pacific. New York, United Nations, 1991, pg. 228.

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political differences. Some of the key issues of domestic conflict are change and rising expectations and demands as the result of national development and modernization in a transitory society. As this creates an unstable situation, which may lead to social disturbances over what may be perceived as acts of injustice, discrimination, inequality, or simple failure to meet the rising demands and expectations of the people.[16]

Secondly, there is the intra regional dimension, arising from ideological fanaticism, political, territorial, and jurisdictional disputes, such as the Cambodian conflict, the overlapping of territorial claims in the South China Sea, the Sabah issue and the unsettled delimitation of boundaries between states. Conflicts arising out of territorial disputes are a legacy from the arbitrarily drawn boundaries of the colonial period, or from traditional ethnic rivalries of the pre-colonial period. They may also have their roots in excessive and radical nationalism and problems associated with the survival of newly won independence. These problems are often allied to internal stability and political struggle, which become complicated if neighbouring countries or extraregional powers became involved.[17]

Finally, there is the extraregional dimension. South-East Asia has always been subjected to outside interference and intervention because of its geostrategic position astride the vital sea lanes between the Indian and Pacific Oceans. The compartmentalization of the region during the Western colonization remained even after the emergence of independent nation-states following the Second World War. This reflects the great ethnic, cultural, linguistic and religious diversity as well as the lack of a shared history.

Hence, the Association of South East Asian Nations (ASEAN) was conceived in a region of crisis. The Vietnam war was raging. Relations between Singapore and Malaya were declining until they reached the breaking point when Singapore left the Malaysian Federation and proclaimed itself the free and sovereign Republic of Singapore. The Philippines laid claim to Sabah. Indonesia had launched the "crush Malaysia campaign" against the creation of the Malaysian Federation by the United Kingdom, perceived by the Indonesia as a British neocolonialist plot threatening its independence and sovereignty, and Burma was in domestic turmoil caused by separatist movements. The whole region was in turbulence. The communist threat was very real, in both Indo-China and in Indonesia, until the communist coup of 1965 was decisively smashed in Indonesia.

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[16]   Ibid., pp. 228-229.

[17]   Ibid., pg. 229.

Finally, the "emergence of Suharto's New Order in Indonesia in 1966 enabled a period of detente to develop between Malaysia and Indonesia which facilitated the formation of a new regional grouping. ...[ASEAN's] real impetus [however,] sprang from the Indo-China conflict which was turning South-East Asia into a cockpit of great power rivalry."[18]

On August 8, 1967 the Bangkok Declaration establishing the Association of Southeast Asian Nations was adopted by the foreign ministers of Indonesia, the Philippines, Singapore and Thailand and the Deputy Prime Minister of Malaysia. Although its anti-communist orientation was clear, its goals and future role were not.

The preamble of Declaration stated that: "The countries of southeast Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development and ...they are determined to ensure their stability and security from external interference in accordance with the ideals and aspirations of their peoples."[19]

For the first eight years of its existence ASEAN made only modest progress towards developing substantive co-operation. Progress was slow partly because of the need to achieve a consensus of opinion, which was necessary given that most of the members of ASEAN had so recently been highly suspicious of each other.

"Another major reason for ASEAN's limited progress in this period was that there was not widespread agreement among the members as to exactly how the Bangkok Declaration's goal of ensuring the stability and security from external interference of the region should be achieved."[20] In November 1971 The ASEAN members' foreign ministers agreed in Kuala Lumpur that the neutralization of Southeast Asia was a desirable objective and called for joint action to secure the recognition of the region as a zone of peace, freedom and neutrality, free from any form or manner of interference by outside powers. This formalization of the neutralization concept did not, however, lead to any concerted

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[18]   Tim Huxley, "ASEAN Security Co-operation -Past Present and Future" in Alison Broinowski, (ed.) ASEAN int the 1990s, Houndmills, Basingstoke, Hampshire and London, The MacMillan Press Ltd., 1990, pg. 83.

[19]   Frank Frost, "ASEAN since 1967: -Origins, Evolution and Recent Developments" in Alison Broinowski, (ed.) ASEAN in the 1990s, Houndmills, Basingstoke, Hampshire and London, The MacMillan Press Ltd., 1990, pg 5.

[20]   Ibid., pg. 6.

efforts towards implementation, because most of the ASEAN members had serious reservations about the proposal. Thailand and the Philippines saw their defence links with the US as a better guarantee for their security than an attempt at neutralization, and Singapore preferred to derive its security from the presence of a great power balance of forces. Indonesia, as the largest state in the grouping and with aspirations towards regional leadership, was opposed to Malaysia's concept of a guarantor role for the great powers, particularly if China was to be involved.[21]

While its formal co-operative projects were limited, and its members were divided on the major question of regional security, ASEAN had enabled a pattern of regular contacts to develop among regional leaders, which reduced the likelihood of inter-state conflict and which later provided a base for a more ambitious programme of consultation and co-operation.

A greater sense of urgency developed after the collapse of the non-communist regimes in Cambodia and South Vietnam in April of 1975. ASEAN nations were concerned that a political challenge from a united Vietnam would support communist-led revolutionary movements within their states.

The ASEAN response was a major emphasis placed on promoting economic development as the most reliable way of reducing internal support for revolutionary movements. It was felt that there could be no security without economic development because insurgency was the major cause of insecurity and would remain so for at least the next five to ten years.

The Bali Summit of 1976 produced two major agreements, the Declaration of ASEAN Concord and the Treaty of Amity and Co-operation. The Declaration stated that the members would consolidate the achievements of ASEAN and expand ASEAN's co-operation in the economic, social, cultural and political fields. This document was much more political in nature that the Bangkok Declaration had been. It also stated that the stability of each member state of the ASEAN region is an essential contribution to international peace and security. Hence each member state resolved to eliminate threats posed by subversion to its stability.[22] Furthermore, it called for continuation of co-operation on a non-ASEAN basis between the member states in security matters in accordance with their mutual needs and interests. The most detailed provisions however, related to economic co-operation.

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[21]   This issue will be discussed in more detail in Part II of this study.

[22]   Op Cit., Frost, "ASEAN since 1967: -Origins, Evolution and Recent Developments", pg. 8.

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The aim of the Treaty of Amity and Co-operation in Southeast Asia was to promote perpetual peace, everlasting unity and co-operation among the peoples which would contribute to their strength, solidarity and closer relationship. It was signed by the member states of ASEAN but remained open for accession by other states in Southeast Asia. The signatories promised to enlarge co-operation in many fields with a view to furthering economic development, peace and stability in Southeast Asia. The Treaty provides · for the peaceful settlement of disputes through consultation between the disputants and other treaty signatories.

Organizational Character

The organization structure set out in the original Bangkok Declaration included: an annual meeting of foreign ministers, held in rotation in the various capitals; a standing committee chaired by the foreign minister of the country that was next to host the foreign ministers meeting and having as members the ambassadors of the other member states; a number of ad hoc and permanent committees of specialists and officials; and a national secretariat within each member's foreign ministry.[23]

Despite the establishment at the Bali meeting of a central secretariat, ASEAN continues to be highly decentralized. The central secretariat is situated in Jakarta, but does not play a very major role in ASEAN policy development or implementation. The ministerial meetings of foreign ministers and the standing committee continue to be the primary governing bodies and these consultative organs have been joined by additional meetings of ASEAN ministers (including economic, labour, social welfare, education and information). The wide range of standing and ad hoc committees have been grouped under these ministerial meetings.[24]

The annual foreign ministers' meeting has continued to be the most high profile regular ASEAN meeting. Since 1979, these meetings have been followed by meetings (on both an individual and joint basis) with ASEAN's dialogue partners (the US, Japan, Canada, Australia, New Zealand, the EEC and just recently, Korea) which have provided avenues for discussion about political and security issues and a concrete reaffirmation of the association's international acceptance and credibility. The ASEAN structure is complex and its decentralized style reflects a perceived need for decisions on key issues to be taken by national representatives on a high level through extensive consultation.[25]

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[23]   Ibid., pg. 5.

[24]   Ibid., pg. 19.

[25]   Ibid., pg. 19.

Another notable characteristic of ASEAN as an organisation has been the relatively small size and stability of its membership. This has changed only once, with the admission of Brunei in 1984, a development which did not necessitate and changes to ASEAN's structure overall. Although an increase in membership of ASEAN has been canvassed on a number of occasions, the association has been cautious and reserved when considering potential new members. A Sri Lankan bid for membership was rejected. Papua New Guinea however, acquired 'official observer status' in 1976, became a 'special member' in 1983, and gained membership in three ASEAN committees in 1985. "Indonesia's Foreign Minister Mochtar summed up the recent ASEAN consensus on the membership issue when he stated in July 1986:'I think it is enough for ASEAN to have six members... A new member will not automatically make ASEAN more effective.'"[26]

New dialogue relations have also been suggested, but ASEAN has been cautious in considering broadening the dialogue relationships. A move was made in 1984 with the introduction of the 6 plus 5 dialogues with the five Pacific dialogue partners (Japan, the US, Canada, Australia, and New Zealand). However, ASEAN has a strong interest in ensuring that such discussions are not dominated by the major developed Pacific economies (especially Japan) in ways detrimental to its developing Third World membership.

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[26]   Ibid., pg. 21.

PART II
ARMS CONTROL, DISARMAMENT, CONFIDENCE-BUILDING AND VERIFICATION

DEFINITIONS

In order to compare the Conference on Security and Cooperation in Europe (CSCE) and the Association of South East Asian Nations (ASEAN) from the perspective of their experience in arms control, disarmament, confidence building and verification, it is necessary that these terms be clearly defined. Therefore, for the purpose of this study, the following definitions will apply.

Disarmament refers to the reduction of armaments, if not their abolition. It should be distinguished from the related concept of arms control which refers to cooperative agreements designed to regulate arms levels either by limiting their growth or by restricting how they might be used.[27]

Verification encompasses the many means by which parties to agreements check the validity of the information provided by other governments to ascertain whether or not they are in fact complying with the rules to which they have agreed.[28] It may include observation or monitoring of certain activities, on-site inspection of specified facilities or air surveillance over specified territory.

As noted by James Macintosh, the definitions of confidence-building are many and varied.[29] For the purpose of this study however, it will suffice to say that confidence-building can be defined in both very broad or very narrow terms. In the broader sense confidence-building may be defined as "measures which contribute to peace by reducing the levels of mistrust, or uncertainty, which often engender or sustain war or other forms of international hostility."[30] Confidence-building is therefore seen

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[27] Charles W. Kegley, Eugene R. Wittkopf, <u>World Politics: Trends and Transformations</u>. New York, St. Martin's Press, 1985, pg. 474.

[28] External Affairs and International Trade Canada, <u>Verification: Canada's Verification Research Program</u>. Verification Brochure No. 3, 1986, pg. 8.

[29] James Macintosh, <u>Confidence (and Security) building Measures in the Arms Control Process: A Canadian Perspective</u>. (Arms Control and Disarmament Studies, No. 1), Ottawa, Department of External Affairs, 1985, pp.51-61.

[30] William L. Richter, "Confidence-Building Measures for South Asia: An Extraregional Perspective", in <u>Disarmament Confidence and Security-building Measures in Asia</u>, New York, United Nations Department for Disarmament Affairs,

to involve three distinguishable (but not necessarily distinct) dimensions: understanding, information, and assurance. Understanding refers to the mutual perception between adversaries that they have some common interests to pursue through negotiation or other means. It can be established through increased contact and cooperation between governments, increased dialogue over common concerns or even measures as specific as non-aggression pacts. The information and assurance dimensions tend to be less broad and more technical, and include a range of measures, from "hot lines" and troop movement notifications to mutual balanced force reductions.

In the narrow sense, confidence-**and security**-building measures have been defined as "collectively adopted arrangements to limit the military activities of participating states, to make such activities predictable through prior notifications, and to make some of them transparent through the establishment of a system of observation and verification."[31]

In this sense, confidence-and security-building measures might encompass the following activities:

> -Exchange of information on military potentials and military budgets and standardized reporting of military expenditures;
> -Advanced notification of significant changes in the size and structure of military forces;
> -Prior information on military manoeuvres and movement of troops and armaments, including naval ones, in agreed areas of regions;
> -Openness and verifiability of certain military activities;
> -Limitations on the size of the military forces in manoeuvres, forward deployments etc.;
> -Coordination of arms transfer programmes and registration of such transfers with a special body of the United Nations;
> -Improvement of direct communications between the Governments concerned, including the establishment of "hot lines" for

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1990, pg. 170.

[31] Henry, Trofimenko, "The Security-Enhancing Role of Confidence- and Security-Building Measures", in Disarmament Confidence and Security-building Measures in Asia, New York, United Nations Department for Disarmament Affairs, 1990, pg. 137.

communication in times of crisis;

-Establishment of regional risk reduction centres to channel relevant information (including the reporting of disasters on one's own territory that might be of concern to other countries), and the establishment under the aegis of the United Nations of a mutual risk reduction centre;

-Conclusion of agreements to prevent dangerous military activities fraught with the possibility of inadvertent collisions of the military forces of one country with those of another;

-Creation of special international commissions to facilitate safety and security of shipping -merchant, fishing and naval- in certain areas of the world ocean;

-Establishment of zones of peace, demilitarization zones, and nuclear free zones.[32]

There is a direct and perhaps circular relationship between arms control and confidence-building. Arms control agreements build confidence and can, therefore, be confidence-building measures in themselves. In return, the practice of building confidence can often aid an arms control process.

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[32]   <u>Ibid</u>., pg. 139.

THE CSCE-HELSINKI PROCESS

Confidence-building measures were not invented by the CSCE process.[33] However, the CSCE did adopt the idea of such measures and has steadily developed their concept and their content. Within the Helsinki process, CSBMs were more closely analyzed, defined, elaborated, agreed upon, implemented, tested and observed in a gradual, step-by-step process. It can be considered that the CSCE has developed three generations of such confidence-building measures.

The first generation were enshrined in the Final Act of the Conference at Helsinki in 1975. The second stage ended with the adoption of the Stockholm Document in 1986. The latest generation were negotiated in Vienna from March 1989 to March 1992. It is safe to say that these will not be the last as the 1992 Helsinki Document calls for yet another round of CSBM's to be negotiated by the members of the CSCE.

First Generation: Helsinki 1975

In the Final Act, the participating states of the CSCE committed themselves to give notification of military manoeuvres involving more than 25,000 troops 21 days or more in advance. The area covered by this agreement was the whole of Europe with a special regulation applying to the Soviet Union: "Soviet territory more than 250 kilometres east of the western boundaries was not covered by the regime agreed upon."[34]

In the document, states were encouraged, but not obliged, to invite military observers from the other nations to such manoeuvres. The Final Act also invited participating states to

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[33] Certain kinds of CSBMs were developed during the 1950s, the 1960s and the 1970s, particularly in the framework of Soviet-United States relations. Refer to James Macintosh, _Confidence (and Security) building Measures in the Arms Control Process: A Canadian Perspective_. (Arms Control and Disarmament Studies, No. 1), Ottawa, Department of External Affairs, 1985, pp. 16-25.

[34] Peter Hohenfellner, "The Achievements and drawbacks of the Helsinki/Stockholm CSBM Process", in _Disarmament Confidence and Security-building Measures in Asia_, New York, United Nations Department for Disarmament Affairs, 1990, pg. 21.

contribute further to strengthening confidence and security by notifying smaller scale manoeuvres to other participating states with special regard for those near the area of such manoeuvres. All these measures were to be seen under the umbrella provision that participating states had a duty to refrain from the threat of the use of force in their relations with one another (a principle that is also enshrined in Article 2 of the United Nations Charter), as well as from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights.

In assessing this first generation of CSBMs in the CSCE context, one could say that they served two basic purposes. First, they served to inhibit the political exploitation of military force, "thus renouncing Clausewitz' concept that war (i.e. the use of force, and -in a more sophisticated manner- the threat of the use of force) was just the continuation of politics by different means."[35] Secondly, they served to reduce the danger of surprise attack by creating the obligation to give advance notification of manoeuvres beyond a certain level. It is true that this first generation represented only a modest first step in the area of confidence building. However, they stood as a great symbol of cooperation and can be credited with having led the way to more far-reaching agreements at later stages.

It should also be noted that with the exception of one large manoeuvre in 1981 in which advance notification was not given, all participating states duly fulfilled their duty to inform the other participating states about military exercises above the 25,000-level. In fact, many Western and neutral and non-aligned states extended the notification time beyond the required minimum. Those states also chose to notify manoeuvres at a lower threshold. The performance of the Warsaw Pact states however, was poor in the areas of voluntary notification at lower thresholds and observation by invitation however. In addition, no states chose to utilize the provision of the Final Act inviting them to notify other manoeuvres conducted by them, which tacitly meant naval and\or air exercises. No state gave notice of such undertakings.[36]

The Second Generation: Stockholm, 1986

As the Stockholm measures mark a tangible advancement of the Helsinki regime, they are referred to as second generation CSBMs. The Stockholm Conference on Confidence-and Security-building

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[35] Ibid., pg. 22.

[36] Ibid., pg. 23.

Measures and Disarmament in Europe (later referred to as CDE) started in January 1984 according to the mandate laid down in the Concluding Document of the Madrid Meeting, of September 1983. The CDE concluded in September of 1986 with the adoption of the Stockholm Document.

The Stockholm Document reaffirms the principle of the avoidance of the use or threat of force in the bilateral as well as in the international relations of its participating States. Furthermore, the provisions of the Helsinki Final Act with regard to notification of manoeuvres were amplified by the Stockholm agreement in the following ways:

> States have to give notification, 42 days in advance, for four types of military activity: first, land-force exercises involving at least 13,000 troops of 300 battle tanks and organized in a divisional structure (if more than 200 sorties of aircraft are to take place in the framework of such activities, they have to be included in the notification); secondly, amphibious landing exercises involving at least 3,000 troops; thirdly, parachute assault engagements involving at lest 3,000 troops; and fourthly, the engagement of land-force formations in a transfer from outside the zone subject to the Stockholm Document to arrival points in the zone, or from inside the zone to points of concentration in the zone, to participate in a notifiable exercise activity or to be concentrated. The same threshold as above (13,000 men or 300 battle tanks) applies also for this regulation. For activities carried out without prior information on the troops involved --so-called alerts-- notification shall be given at the time that such engagements begin. The Stockholm Document reaffirms the Final Act's obligation to disclose the manoeuvre's designation, purpose, States involved, and types and strengths of the forces participating, but it requires in addition the revelation --on a mandatory basis-- of the level of command, the starting and finishing dates, the number and types of divisions taking part in the exercise, and specific data on the devices and ammunition used.[37]

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[37]   Ibid., pg. 24.

The Stockholm Document also requires that notification of military activities involving more than 40,000 troops has to be given two years in advance. If such notification is not possible, activities exceeding 75,000 troops are not allowed.

A new element of the Stockholm Document is the obligation to exchange an annual calendar of all notifiable manoeuvres for the subsequent year. The calendar has to be issued not later than 15 November each year.

Furthermore, the CDE agreement is applicable in the whole of Europe, as is often said, "from the Atlantic to the Urals", including a zone of more than 1,000 miles of Soviet territory east of the Ural mountains.[38]

The participation of observers was also greatly strengthened as invitation was made mandatory. Observers from all participating states must be invited if the exercise employs land forces exceeding 17,000 troops, or if amphibious landing or parachute assault exercises involve more than 5,000. Each State is allowed to send two military and/or civilian observers. The host country is obliged to give information on the purpose, the basic situation and other features of the manoeuvre and to provide the observers with appropriate equipment and/or to allow them to bring their own equipment. There is, again, exception for alerts: they do not require observation if they take no longer than 72 hours.

Certainly the major achievement of the Stockholm Document is the regulation of verification. Every participating State has the right to conduct an inspection of the territory of another participating state whenever it has doubts about compliance with the agreed confidence-and security-building measures. No limit is inserted on how often inspections can be requested by a participating state. However, there is a passive quota to reflect that no participating state is obliged to accept more than three inspections per calendar year, and not more than one inspection from the same state. Inspection is possible on the ground, from the air, or both, within the area specified by the requesting state. The inspection has to be terminated within 48 hours.

During this generation the concept of confidence building was transformed into a set of practical procedures. The Stockholm Document is particularly designed to reduce the danger of military conflicts due to misunderstanding or misinterpretation of movements of armed forces. This is achieved by: providing all participating states with a great deal of information about the military concepts, structure and strength of the other states, thus contributing to reducing the risk of miscalculation of another state's military possibilities and; providing rapid on-site

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[38]   Ibid., pg. 25.

inspection to clarify and arrive at a realistic assessment of the situation should mistrust or fear arise. Compliance with the Stockholm Document has been more than satisfactory. In many ways, cooperation and notification went beyond the strict letter of the 1986 Stockholm Agreement as states on both sides chose to contribute more information than necessary.

The Third Generation: Vienna 1992

"The Concluding Document of the Vienna Follow-up Meeting of the CSCE, signed on 15 January 1989, laid down the mandate for a twofold set of negotiations to take place in a parallel manner in Vienna. The first was the Negotiation on Conventional Armed Forces in Europe (CFE), in which only the 23 member States of the two alliances took part. The second was the Negotiation on Confidence- and Security-building Measures, involving all participating States. Both forums started their work in March 1989 in Vienna. The CFE Treaty was signed at the Paris Summit in 1990 and the third round of negotiations on confidence-and security-measures was completed in March of 1992.

"The end of the traditional East-West conflict as well as the new climate of confidence and cooperation in Europe resulted in a commitment to military transparency inconceivable even a few years ago."[39] During this round of negotiations the participating states of the CSCE[40] agreed to an annual exchange of information on their military forces concerning the military organization, manpower and numbers and types of major weapon and equipment systems (including air and sea); plans for the deployment of new major weapons and equipment systems and; military budgets.

The information exchanged is subject to verification through evaluation visits(including visits to air bases). With a view to

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[39] Heinrich Gleissner, "The European CSBM Experience", in Disarmament Topical Papers 7 Confidence and Security-building Measures: From Europe to other Regions. New York, United Nations, 1991, pg. 4.

[40] Now also including: Armenia, Azerbaijan, Belarus, Kazakhstan, Moldova, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. It should also be noted that these new states agreed to the extension of the application of the CSBMs in the Vienna Document 1992 to include their territory (pg. 32). It should be understood, however, that the advent of many of these successor states from the USSR and the current civil war in Yugoslavia has resulted in a less than satisfactory compliance record with the 1992 Vienna Document.

reducing military risks, the participating states also agreed on mechanisms for consultation and cooperation as regards unusual military activity as well as on cooperation with regard to hazardous incidents of a military nature. Furthermore, They agreed to promote military contacts and to create a direct communications network between the capitals of the CSCE states for the rapid transmission of all CSBM related data.[41]"[42]

The Conventional Armed Forces in Europe (CFE) Treaty

The objectives of the Conventional Armed Forces in Europe (CFE) negotiations were the establishment of a secure and stable balance of conventional forces at lower levels; the elimination of disparities prejudicial to stability and security, and the elimination, as a matter of priority, of the capability for launching a surprise attack and for initiating large-scale offensive action. In addition, it was NATO's intention that "no one country should be allowed to dominate Europe by force of arms and that there should be a limit on the amount of equipment that could be stationed outside national territory."[42]

In the autumn of 1989, one East European communist government after another collapsed, making possible the unification of Germany and changing the military and political context of the (CFE) negotiations. When the Soviet Union announced its intention to withdraw forces from Eastern Europe and when the newly elected governments in these countries disclosed their own plans to reduce the size of their military forces, some questioned whether a CFE Treaty was still necessary. A treaty however, remained the best insurance that these unilateral actions could not be legally reversed at a later date. Hence, on November 19, 1990 the 22 nations of NATO and the Warsaw Pact signed the Treaty on Conventional armed Forces in Europe (CFE), which provided an underlying element of certainty and confidence in an era of rapid change.

The CFE Treaty applied to 22 nations and tens of thousands of armaments which were spread over an area of more than 1.5 million square miles. Upon its conclusion, it was considered to be "the most ambitious arms control agreement ever signed."[43]

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[41]   Ibid., pg. 5.

[42]   Micheal Moodie, "The Treaty on Conventional Armed Forces in Europe", in Disarmament: A periodic review by the United Nations, Volume XIV, Number 2, 1991, pg. 13.

[43]   Ibid., pg. 17.

The CFE Treaty limits:

(1) tanks to 20,000 for each group of states;[44]

(2) armament combat vehicles to 30,000 for each group of states,with a subceiling on;

(3) armoured infantry fighting vehicles (AIFVs) and heavy armament combat vehicles (HACV's) to 18,000 for each group of states, of which no more than 1,500 for each group of states can be HACVs;

(4) artillery (guns, howitzers, mortars, and multiple rocket launchers of 100mm calibre and above) to 20,000 pieces per side;

(5) combat aircraft to 6,800 for each side, excluding primary trainers;

(6) attack helicopters, to 2,000 for each bloc and;

(7) the signatories made a political commitment outside of the Treaty to limit land-based naval aircraft to 430 for each side with no more than 400 for any one country.[45]

In addition, the Treaty sets sufficiency limits for any one country to: 13,300 tanks; 13,700 artillery pieces; 20,000 armoured combat vehicles; 5,150 combat aircraft; and 1,500 attack helicopters. In this way, an attempt has been made to guarantee that no one country will be allowed to dominate Europe by force of arms.

The Treaty also contains provisions which contribute to confidence and stability in Europe. The most important of these is the storage provision, which limits the readiness of both groups of armed forces by imposing equal ceilings of equipment that may be in active units. Other ground equipment must be designated in permanent storage sites. The limits that each group of parties may have in active use are : 16,500 tanks; 17,000 artillery pieces; and 27,300 armoured combat vehicles.

A central feature of the CFE Treaty is the ability to verify effectively the reduction of armaments and the maintenance of ceilings at lower levels. The Treaty includes provisions for

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[44] Since the Warsaw Pact nations held over half the tanks in Europe, this limit required the reduction, primarily through destruction, of thousands of Eastern tanks.

[45] Conventional Armed Forces in Europe Treaty. 19 November 1990.

detailed information exchanges, on-site inspection (both mandatory and challenge inspections, the latter of which can be refused), and on-site monitoring of destruction. Parties have an unlimited right to monitor the process of reduction. The Treaty also established a Joint Consultative Group, to consider measures to enhance implementation of the Treaty and address questions relating to compliance with the Treaty.

For the first four months after the Treaty entered into force there was an intense period of "baseline inspections" to validate the data. After this began a 3 year period in which reduction of treaty-limited equipments to take place. During this period the parties have the right to monitor the destruction process and to conduct mandatory on-site and challenge inspections. At the conclusion of the reduction period, there will be another four month period of intense inspections -"a second baseline period." Thereafter, mandatory and challenge on-site inspections will be used to monitor continuing compliance with the Treaty. Throughout the life of the Treaty there is to be regular, detailed information exchanges. The Treaty also calls for an aerial inspection regime to be developed in the future.[46]

The major weakness of the Treaty which is of concern today is that it reflects the old European order rather the new European security environment. The CFE Treaty is based on the premise of the existence of two coherent military alliances in Europe, which disappeared during the 12 months separating the fall of the Berlin Wall and the convening of the Paris Summit.

During negotiations, the original proposal was adapted to provide an agreeable solution to the German question "by providing an appropriate framework for the unilateral commitment to limit the manpower level of the German army."[47] This was followed by the 1992 CFE 1A Agreement which set military manpower limits in the area of application for all participating states. However, the structure of the Treaty quite clearly still reflects a bipolar conception of European security, inherited from the Cold War, which does not adequately correspond to the more complex and diversified security problems now facing the European countries.

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[46]   Op Cit., Moodie, "The Treaty on Conventional Armed Forces in Europe", pg. 19.

[47]   Gilles Andreani, "The Paris Summit: A Disarmament and Security Assessment", in Disarmament: A Periodic Review by the United Nations, Volume XIV, Number 2, 1991, pg. 5.

THE ASSOCIATION OF South-East ASIAN NATIONS

Analyzing the CSCE's experiences with arms control, disarmament, confidence-building and verification has been a relatively simple and straight forward task. This has not been the case in relation to the experiences of ASEAN. The ASEAN experience in this policy area have not produced any examples of arms control, confidence-building or verification which have been as obvious, structured or straight forward as those produced by the Helsinki process.

That is not to say that ASEAN has not attempted arms control or confidence building. It may be argued that there have been five such examples in ASEAN's development: 1) the confidence-building nature of the ASEAN regime itself; 2) the attempted arms control process of ZOPFAN and SEANWFZ; 3) intelligence sharing; 4) joint military exercises and; 5) development of the Post-Ministerial Conferences with ASEAN's six external dialogue partners.

The first example of confidence-building can be found in the establishment of ASEAN itself. "If confidence building is defined in a broad sense to mean any measure that builds confidence, then ASEAN has, for a long time, been a confidence-building regime."[48] The formation of ASEAN came about with the common realization that confrontation and conflicts which existed among the countries of the region in the past were counterproductive and that security could best be guaranteed by the establishment of a regional order which promoted avoidance of conflict and positive co-operation. In a concrete form, 1976 The Treaty of Amity and Co-operation in South-East Asia, laid down the rules of conduct for its members, by which they would refrain from threatening one another and would settle their disagreements peacefully and without outside interference. The habit of consultation and consensus-building has reinforced the process of conflict avoidance.

The 1976 Treaty stressed political, economic and socio-cultural cooperation, in part, in the hope that it would assist in the development of mutual confidence as well as a sense of community among the South-East Asian states in which the role of force would be minimized or eliminated. As a result, bilateral relations, which were riddled with conflict in the mid-1960's, have become considerably stronger. The Association has been a

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[48]   Kusuma Snitwongse, "South-East Asian security Issues and Confidence-building" in <u>Disarmament Topical Papers 6 Confidence-building Measures in the Asia-Pacific Region</u>, in New York, United Nations Department for Disarmament Affairs, 1991, pg 144.

significant factor in preventing the type of hostility and fratricidal wars that have characterized Indo-China.[49]

It is undeniable that ASEAN has contributed to the goodwill, trust and confidence among its member states, thus facilitating the transformation of a subregion of turmoil into a more stable and predictable one in which the role of force has been minimized. "All of this adds up to confidence-building in a comprehensive sense, apart from the politico-military sense."[50]

An example of attempted arms control can be found in ASEAN's efforts towards the establishment of a Zone of Peace, Freedom and Neutrality (ZOPFAN) in South-East Asia and a South-East Asian Nuclear Weapons Free Zone (SEANWFZ). The concept of ZOPFAN was initiated by concern over the possible withdrawal of the US security umbrella from the region. It was therefore meant to replace the US as South-East Asia's protection from external threats.[51]

ZOPFAN had its origins in the Malaysian proposal for the neutralization of South-East Asia, which was formally articulated by the Malaysian Prime Minister Tun Abdul Razak at the non-aligned summit in Lusaka in September 1970 which received only a mixed reception from its ASEAN partners. Acceptance of the concept by ASEAN members came only after significant modification. Gradually the idea of neutralization was replaced with that of neutrality.

While neutralization by definition would have made peace and security in the region dependent on major power guarantees, neutrality would confer the responsibility and initiative to the regional states, although recognition and respect by external powers would continue to be important.[52]

At their November 1971 meeting, the ASEAN foreign ministers created a committee of senior officials to draw up the blue print

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[49] Muthiah Alagappa, "Security in South-East Asia: Beyond a Zone of Peace, Freedom and Neutrality(ZOPFAN)", in Disarmament Topical Papers 6 Confidence-building Measures in the Asia-Pacific Region, in New York, United Nations Department for Disarmament Affairs, 1991, pg. 122.

[50] Op Cit., Snitwongse, "South-East Asian security Issues and Confidence-building", pg 145.

[51] Ibid., pg 143.

[52] Op Cit., Alagappa, "Security in South-East Asia: Beyond a Zone of Peace, Freedom and Neutrality(ZOPFAN)", pg. 103.

for ZOPFAN. The Conceptual Framework and Proposals Concerning Steps for the Creation of ZOPFAN was adopted by the ASEAN heads of Government at their Bali summit in 1976. "According to this blueprint, ZOPFAN may be deemed to exist when the regional states are free to pursue national development and regional co-operation without interference from outside powers. Peace is defined as a condition in which the region is free of ideological, political, economic, armed and other forms of conflict. Freedom is defined as the right of states to resolve their domestic problems in whatever manner they deem appropriate and to assume the primary responsibility for regional security and stability. Neutrality requires the regional states to maintain impartiality in their relations with the major powers and refrain from involvement in ideological, political, economic, armed or other forms of conflict.[53]

The thrust of the blueprint appears to be the creation of an indigenous regional order in South-East Asia that would be respected by outside powers. In operative terms, this would require states in the region to conform to certain norms: make changes in their international political and security orientation; develop regional mechanisms and procedures for the settlement of disputes; gradually eliminate foreign military presence and; gain external respect and recognition of this new regional order.

The 1976 Treaty of Amity and Co-operation in South-East Asia accords greater emphasis to promotion of peace through regional co-operation while also elaborating principles for inter-state conduct and procedures for pacific settlement of disputes. It suggests a broader interpretation of ZOPFAN in which peace is to be achieved through:

> 1) Prevention of interference by outside powers. To achieve this, regional states are required to adopt strict impartiality in their relations with the major powers ...
> 2) Conformity to internationally accepted norms and an undertaking by regional states to prevent future disputes and resolve existing ones through pacific means ...
> 3) Regional cooperation to build a community of South-East Asian nations in which the role of force will be minimized if not eliminated.[54]

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[53] <u>Ibid</u>., pg. 103.

[54] <u>Ibid</u>., pg. 104.

This broader interpretation of ZOPFAN was not only a more accurate representation of the concept but was also in keeping with the ASEAN approach to peace and security.

By 1978 stalemate over the Vietnamese invasion of Cambodia had brought the implementation of ZOPFAN to a halt. But by 1984 fear of ZOPFAN's indefinite postponement led ASEAN foreign ministers to revive the Working Group on ZOPFAN. The following year they directed it to elaborate the principles, objectives and elements of a nuclear-weapon-free zone in South-East Asia (SEANWFZ), to be a component of ZOPFAN.

It must be understood however that ZOPFAN and SEANWFZ never came into being. This is because no consensus within ASEAN could be reached on the issue of great power presence in the region. During the cold war Thailand and Singapore were committed to a balance of power approach to security in the region, while others felt that security was better protected by the United States than by ZOPFAN. As well, application of these proposals were dependent on great power acceptance and the US was quite clear in its rejection to the concept of a SEANWFZ.

Although ZOPFAN and SEANWFZ are no closer to reality than when they were first proposed, they still represent an attempt on behalf of ASEAN to limit the presence of foreign troops and weapons within its territory. This perhaps represents one of the major differences between the ASEAN and CSCE processes. All of the major players in the European security equation were members of the CSCE and thus, it was capable of serving as a forum in which negotiations could include all necessary players. ASEAN on the other hand, is only a sub-regional organization and thus, many of the key players in its regional security equation are not only external to the Association, but also external to the region. Much of its own security, therefore, was truly beyond its control.

Another example of confidence-building can be found within the context of ASEAN intelligence-sharing. ASEAN-wide collaboration among intelligence organizations has taken place for some years now. Intelligence-sharing has been essentially rooted in the fact that all ASEAN members fear internal subversion. In particular, intelligence organizations have been keen to guard against the spread of communism and to pool information on communist guerilla activity as well as other forms of insurgency in the region.[55]

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[55] Richard Stubbs, "Subregional security cooperation in ASEAN: Military and Economic Imperatives and Political Obstacles", in Asian Survey, Vol. XXXII, No. 5, May 1992, pg. 404.

Malaysia and Indonesia have exchanged information on some maritime security issues through an expanded framework set up under the joint boarder committee. Singapore and Indonesia have recently developed better relations and, as a result, the exchange of intelligence has increased. Moreover, Malaysia and Singapore have exchanged intelligence on a regular basis since the colonial era and continue to keep each other informed on common security issues. Brunei has also developed intelligence links with its immediate ASEAN neighbours.[56]

The emphasis in joint military exercises among the ASEAN states has been on bilateral exercises. Due to the geographic situation of the ASEAN nations, emphasis has been on naval and air rather than land exercises. Agreements have been signed that will allow Singapore to train troops at Indonesian military facilities, conduct naval exercises in Indonesian waters, use the Siabu air weapons testing range in Sumatra for air to ground training, and, most recently, jointly develop a computerized air combat range near Pekanbaru in Riau province, Sumatra. Singapore has also been able to develop excellent training facilities in Brunei, and there have been reciprocal visits to discuss various security issues.[57]

For Malaysia and Singapore, the recent revival of the Five Power Defence Arrangement (FPDA), which ties the non-regional countries of Australia, Britain and New Zealand into the defence of Singapore and Malaysia, has provided the framework for co-operation. The Annual FPDA exercises have helped to cultivate greater co-operation between Malaysia and Singapore.

ASEAN, however, has so far not proceeded towards the establishment of a multilateral security forum. In a general sense ASEAN clearly is intended to increase the security of its members through its cooperative activities but the members have not until very recently, considered the creation of a multilateral security forum. This reflected the long time concern that an overt association between ASEAN and military security would alienate other powers such as Vietnam.

It appears however that this view may be changing. With the end of the Cold War, the negotiated settlement of the Cambodian problem and the demise of local insurgency groups, security issues are switching from internal to external concerns.

Of outmost concern is China whose land and sea frontiers border on the region. Its extensive claim to the South China Sea, which overlaps with those of many South-East Asian countries,

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[56]   Ibid., pg. 404.

[57]   Ibid., pg. 405.

combined with its readiness to enforce its claim by force and the formidable size of its army, make it a major security concern for ASEAN.

As well Japan's predominance in the economic realm is accompanied by a growing readiness to play a political role commensurate with its economic status, ASEAN is concerned about the possibility of military activity by Japan, especially the possibility that Japan might take on an independent military role outside of the US-Japanese military arrangement.

Moreover, significant advances have been made by the Indian navy, allowing it access to the South China Sea. ASEAN need be concerned that this will fuel Chinese-Indian competition and conflict caused in part by Chinese naval capabilities in the Indian Ocean.

As a result of these new concerns, a series of seminars endorsing the ASEAN peace and security concept was held in 1991. It culminated in the Singapore Declaration which came out of the 1992 ASEAN Forum. "The declaration welcomes accession by all Southeast Asian countries to the 1976 Treaty of Amity and Cooperation and encourages the use of established consultative fora to promote external and intra-ASEAN dialogues on security."[58]

In addition, ASEAN leaders have agreed to develop the post-ministerial conference (PMC) (which was a vehicle for ASEAN discussions about economic issues with powers outside the area: the United States, The European Community, Japan, Australia, Canada, New Zealand and, since 1991, South Korea), as a basis for a security dialogue with other Asia-Pacific states. In May of 1993 a Senior Officials Meeting was convened to discuss regional security concerns prior to the July 1993 Post Ministerial Conference.

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[58] James A. Nockels, "Defence Cooperation in Southeast Asia and the South Pacific", in Ralph A. Cossa (ed.), <u>The New Pacific Security Environment: Challenges and Opportunities The 1992 Symposium</u>, Washington D.C., National Defence University Press, 1993, pg. 143.

PART III: CONCLUSION

AN ANALYTICAL COMPARISON

The purpose of this study has been to compare the CSCE and ASEAN with particular emphasis on the ways arms control, confidence-building and verification issues have been addressed in the past as well as how these processes might evolve in the future. This analysis is meant to identify political, organizational, legal and other similarities and differences as well as general lessons regarding the transferability of such processes, approaches and strategies among regions of the world.

SIMILARITIES

To date there has been relatively little to compare between the two organizations. In contrast to the CSCE, ASEAN's experiences have been rather embryonic. However, there are certain general similarities which are worth citing. Perhaps the most important commonality lies in that the fact that the underlying principles of each organization are similar. Both organizations work on the assumption that security within the region is indivisible (ie: that the security of each participating state is dependent on the security of the other participating states). The initial documents produced by each organization therefore, include an agreement to refrain from the use or the threat of the use of force in its relations with fellow members. To this end, both organizations also provide for the peaceful settlement of disputes through consultation between the disputants and other participating states. These perhaps can be considered to be the two universal characteristics of confidence building as no confidence can be built in their absence.

It is also important to note that in each instance, the simple existence of the organization itself and the contacts and consultations it encompasses, (even in the non-military fields), have served a confidence-building function. It should also be noted that each organization has a broad mandate including economic and other issues. This is because each grouping recognized the low politics of economics and trade as being important to their future security.

In addition, the practice of sharing information has been common to both experiences. This must be clarified, however. In the case of ASEAN the information shared was not on military movements, capabilities and posture as was the case with the CSCE. It was instead characterized by an intelligence sharing aimed at the containment of communist guerilla activities within the ASEAN states. The sharing of information within ASEAN also lacked the obligatory, structured, multilateral approach characteristic of the CSCE. Instead, it was carried on bilaterally and voluntarily. This sort of information sharing has been characteristic of many CSCE states but it has not been carried on within the auspices of the CSCE itself.

ASEAN has also experienced a number of joint military exercises which do not appear to have been a part of the Helsinki regime. These joint exercises have once again been voluntary and bilateral. Much of the same activities existed within the parameters of each of NATO and the Warsaw Pact alliances. All of these countries are members of the CSCE.

DIFFERENCES

This unfortunately appears to be where the similarities between the two organizations end. Given the past success of the Helsinki process, many, including Mikhail Gorbachev, have suggested that the CSCE should be used as model for future confidence-building and arms control in South-East Asia. There seems, however, to be little evidence that this is possible or practical.

Although the concept of confidence-building may be applicable in the South-East Asian region,

> because of different historical and political conditions, it is certainly not possible automatically to transfer the positive experience gained from CSBM's in Europe to other regions of the world. A peace and security order for a region must from the first instance always emanate from that region itself and take account of the specific local interests and circumstances. [59]

Hence, the concrete character of confidence-building in South-East Asia will necessarily differ from that of Europe due to different historical, political and geostrategic conditions in each region.

It can be argued that the success of confidence-building and arms control within the CSCE process was largely attributable to Europe's unique historical and political circumstances, such as the West German policy of Ostpolitik, the flowering of detente during the 1970's and the rise to power of General Secretary Gorbachev.[60] In fact, the entire European situation during the Post World War II

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[59] Josef Holik, "Underpinnings and Adaptability of European CSBM Concepts", in <u>Disarmament Topical Papers 7 Confidence and Security-building Measures: From Europe to Other Regions</u>. New York, United Nations, 1991, pg. 11.

[60] Trevor Findlay, "Confidence-Building Measures for Asia\Pacific, Working Paper No. 55", Canberra, National University of Australia, 1988.

era was truly unique. For over forty years, Europe was characterized by two opposing blocs whose security depended on the success of a policy of nuclear deterrence. The CSCE had to deal with one basic conflict and the presence of nuclear weapons created a common desire on both sides to avoid war at all costs. This particular situation created a desire for confidence-building and arms control which has been equalled in no other region of the world.

In South-East Asia on the other hand, there are no clear dividing lines between opposing blocs and there is definitely no commonality of interests as was created in Europe by the existence of nuclear weapons. Rather, South-East Asia has been characterized by varied patterns and dynamics of international relations. Different levels of social, political and economic development have created great disparities in interests in the countries of this region.[61]

In addition, due to their geographic positioning and the effects of colonialism, the ASEAN countries do not share a common history and culture as is shared in Europe.

> However much the ...CSCE states are divided on ideological, political, and socio-economic grounds, they still share a common culture of European diplomacy and a _lingua franca_ of arms control negotiations stretching back at least a century. ...There also is a long history in Europe of surprise attack ...which threatened to or did engulf the whole continent in war. This has created a defence culture concentrated on preparedness against surprise attack and which has therefore grasped the significance of confidence-building measures. Efforts to establish a European security regime go back as least as far as the Congress of Vienna in 1815.[62]

The recent histories of each region have also been very different. Since the Second World War there have been a number of violent conflicts (both internal and external) in South-East Asia. These conflicts have left a legacy of mistrust, anger, fear, passions, and national and racial divisions that often come into play and tremendously complicate the collective effort of confidence-building. Some scholars have stated that the use of

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[61] _Op Cit._, Trofimenko, "The Security-Enhancing Role of Confidence -and Security-Building Measures", pg. 141.

[62] _Op Cit._, Holik, "Underpinnings and Adaptability of European CSBM Concepts", pg. 24.

force in Asia, on both the large and small scale, has become customary - almost the norm.[63]

By contrast, the situation in Europe for the first 30 years following the end of the Second World War, (that is until the time that CSBM's started to be worked out and implemented), was mostly stable despite the occasional inflation of accusatory polemics between the two blocs. At the same time, talks about some form of collective alleviation of tensions began soon after the end of the war and have practically never ceased. In some way this sustained the longstanding striving for a united Europe that for several ages has been the dream of many.

Another difference between the regions is that when the CSCE process was initiated, the countries of Europe had (temporarily at least) solved the territorial questions raised by World War II. They had reconciled themselves to existing boundaries which dissipated a great deal of insecurity and hence enhanced the willingness to be trusting and confident in ones neighbours. This was not the case with ASEAN. After twenty-five years the countries of ASEAN still have not hammered out the answers to many of their territorial questions. This chore remains complicated by the fact that many of the territorial disputes within ASEAN involve both member and non-member states.

To a large extent, this is due to another key difference between the regions. Unlike the nations of Europe, many of the boundaries of the ASEAN states are demarcated at sea and have been complicated by the Law of the Sea's provision for an Exclusive Economic Zone for maritime nations. Hence, most of the ASEAN nations share boundary disputes with each other as well as with external powers.

The fact that the nations of ASEAN are engaged in boundary disputes with external powers suggests another difference between the two regions. ASEAN can be described as a sub-regional organization and many of its security issues are broader in nature than the organization is itself. Its ability therefore, to provide a negotiating forum for confidence-building and arms control in the region may be constrained. Europe on the other hand, is a largely self-contained sub-continent. The United States and Canada are the only powers immediately relevant to European security issues which are not in the immediate region. However, both the US and Canada have been members of the CSCE from the outset along with the rest of the regional players. The current member states of ASEAN, however, feel that they would be swamped by the political clout of the great powers of the region (Japan, China and India) if they attempted to include them in the organization. For this

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[63]   Op Cit., Trofimenko, "The Security-Enhancing Role of
         Confidence -and Security-Building Measures", pg. 141-142.

reason the ASEAN members have resisted the formation of a larger organization or the addition of any new members to the existing organization. The CSCE therefore has been a more adequate forum to discuss regional security issues than ASEAN has been.

Another important difference between the regions has been one of threat perception. Impetus for the CSCE process came from Europe's desire to avoid war between its two ideological blocs. The main security threat within the ASEAN region was the threat of internal subversion, guerrilla activity and civil war. One might ask how effective CSBM's and arms control can be in preventing and controlling these situations. The answer may very well be "not at all". Arms control and confidence-building measures between governments can not be expected to prevent or reduce internal subversion or civil war as the leaders of these movements are not legitimate governments and are therefore not included in the negotiations. However, insofar as confidence-building contributes to better coordination and cooperation, there may be benefits which affect the intensity of internal disputes. In addition, confidence-building and arms control measures were designed to help prevent wars not to end them. As the security threats to ASEAN members continue to evolve from those of an internal to an external, nature however, the use of confidence-building measures may become more applicable.

IMPLICATIONS FOR THE FUTURE

This brings us to the present and the future. Since the disintegration of the Soviet Union, the European situation has become far more similar to that which South-East Asia has endured. Its single East-West conflict has been replaced with a resurgence of the national, ethnic, religious and boarder conflicts which plagued Europe in the pre-Cold-War era. The confidence-building, disarmament and verification measures of the CSCE saw Europe safely through the Cold War, which was no small feat. However, whether or not they are equipped to deal with Europe's post-Cold War problems, such as the civil war in Yugoslavia, has yet to be seen. As mentioned above, arms control and confidence-building measures were developed to help prevent wars not to end them.

Should the CSCE measures prove themselves capable of handling present day European security dilemmas, then perhaps they will have developed some truly transferrable characteristics. But this remains to be seen. So far, the CSCE has proven to be most ineffective in dealing with the conflicts that have risen out of the disintegration of the Soviet Union.

In the mean time, it appears that the CSCE has begun to call for an approach to conflict resolution which has traditionally been more characteristic of ASEAN. The 1992 Helsinki Document calls for the parties to existing conflicts within Europe to seek out

bilateral agreements for the withdrawal of foreign troops from the territory of the Baltic states. In the past it has been the ASEAN states which have relied on bilateral approaches to confidence-building.

Perhaps one lesson to be learned from this is that the grand, multilateral, regional approach to confidence-building is only possible in such unique circumstances as those which characterised Europe during the Cold War years. In the absence of such conditions of common interest, bilateral approaches to arms control and confidence building will be far more appropriate.

It appears, however, that the Post-Cold-War environment has created a number of opportunities for confidence-building measures to be enhanced within the ASEAN community. The members of ASEAN are now in a position to take advantage of the easing of their internal tensions and to coordinate their responses to external threats in an attempt to avoid any misconceived intensions between them. The recent (May 1993) Senior Officials Meeting, convened to discuss regional security issues prior to the upcoming Post Ministerial Conference has made a solid start. If this practice can be sustained it may evolve into a regular forum for the discussion of ASEAN and South-East Asian security issues.

Another priority for ASEAN should be to address the growing fears that an arms race may be developing in the region. In response to perceptions about changes in their security environment, many ASEAN members have been enhancing their military capabilities. Lingering suspicions from the past and a lack of communication of intentions has led to a number of misperceptions which could lead to a destabilizing arms race in the region. This is one area in which the CSCE's experiences may hold lessons for the members of ASEAN. It has been shown that an unchecked arms race can lead to serious destabilization in a region. It has also been shown that the communication of intentions and an agreement to give notice of changing force postures can help to dissipate the mistrust and misperceptions which fuel an arms race.

However, initial confidence-building measures in this area may need to be far more modest than those attempted in the CSCE. Given that the ASEAN members do not have the military strength to defend themselves, individually or collectively, against many of their external threats (China, Japan, or India), the suggestion of arms control negotiations between them may not be appropriate at this time. There is room, however, for confidence-building measures. The members of ASEAN could start by convening a Senior Officials Meeting to discuss the possibilities of promoting more open communication on the issues of force postures, arms acquisitions, military doctrine and defence strategy.

During the initial stages, ASEAN members could agree to exchange information on their military doctrines defence strategies and military postures. In subsequent stages, members could agree

to give prior notification of any new arms acquisitions and to offer an explanation for the use of these new weapons. Finally, if these stages have been successful, discussions could begin if deemed necessary, on the prior notification of troop movements. At each stage, negotiations should begin with a discussion of threat perceptions so that each member will know the reasons for which its neighbours are acquiring weapons. If this can be achieved, then the members of ASEAN may enhance their ability to defend themselves against external threats without risking the possibility of a destabilizing arms race among them.

Another lesson which may be learned from Europe is that contacts and discussions at all levels can, over time, enhance negotiations which take place at an official level. It may be fruitful for ASEAN members to encourage parallel discussions and contacts to take place within academic and other non-official communities. Over time, discussions and contacts on different levels may come to reinforce one another's efforts.

It may also be fruitful for ASEAN members to encourage the same sort of scholarly and non-official discussions with its dialogue partners. This process could eventually enhance any security or confidence-building discussions which might take place at ASEAN's Post Ministerial Conferences. Should these discussions prove to be fruitful and should ASEAN find success in implementing a more formal confidence-building process within its own Association, then perhaps there will be an opportunity for ASEAN members to discuss confidence-building measures with their dialogue partners at the Post Ministerial Conferences.

The final lesson which may be learned from the European experience is that the processes of arms control and confidence-building will not unfold quickly. It will take a great deal of time and effort to overcome a history of uncertainty and to build in its place, a cooperative effort towards a common security interest. Any success which may occur, will probably be gradual and the process will need to follow a logical evolution with each step building on the last.

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