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Open Season on the Rules-based Order Confirms its Centrality

By Ron Huisken

SYNOPSIS

Years of skirmishing over the rules-based order have given way to a declared challenge from China and Russia to the principles underpinning the present order. The task now is to figure out how to evade the more costly and dangerous potential outcomes and identify the best available basis for stable co-existence.

COMMENTARY

What Rules?

When Russia's President Vladimir Putin launched his 'special military operation' to invade and occupy neighbouring Ukraine on 24 February 2022, the world shuddered. In a painstakingly premeditated manner, Putin stepped over perhaps the most foundational norm of the prevailing international order. For something like two decades, the international community had sensed the gradual but relentless erosion of confidence in the principles, conventions and processes that comprised this order.

The international community shuddered because, on 24 February 2022, it seemed that the end game had abruptly come into view. China's tacit endorsement of the invasion – which both powers have linked to the notion of indivisible security – triggered an avalanche of speculation about its possible implications for the Indo-Pacific arena.

The rules-based order has emerged as a key axis of the intensifying animosity between the West and the China-Russia partnership. Twenty years ago, the latter's position on this question tended to be characterised by guarded expressions of support, an acknowledgement that the trade regime in particular was central to their aspirations for economic development but flagging a possible interest in unspecified

amendments to the wider regime at some point in the future. Only in recent times, however, – essentially since 2020 – have these states decided to indicate more precisely where and how the rules-based order clashes with their interests and preferences.

The key points of contention that have emerged thus far concern economic competition, governance and international security. While disputes in and around the international trade agenda have probably attracted the most attention in recent decades, they are relatively straightforward to at least comprehend. In contrast, in respect of the other two sources of dispute – governance and international security – simply comprehending the nature and intent of the positions being advanced is more challenging.

China has recently indicated that, while it had a system of governance that was distinctive in a number of ways, it was unacceptable to in any way question its legitimacy or equivalent status to those in the west. China contends that a perfectly valid re-conceptualisation of democracy – and of related concepts such as universal human rights – supports the view that its approach to governance should be recognized as effective and fully legitimate.

With regard to international security, the China-Russia joint statement of 4 February 2022 spoke of an aspiration to shape “a polycentric world order based on the universally recognized principles of international law, multilateralism and equal, joint, indivisible, comprehensive and sustainable security”. The last of these principles – especially the notion of indivisible security – was recognizable as the core contention offered by President Putin in support of Russia’s invasion of Ukraine.

It is All About Power

Is there some way for us to reconcile these disparate approaches to organizing our national affairs? We have to be honest and acknowledge that the outlook is rather bleak. In thinking about the most basic or fundamental reason why national communities have different ideas about where to go and what needs to be fixed for that to begin to happen, a strong candidate is the attitude towards authority and power.

Broadly speaking, the West came to view concentrated power as a threat to justice and decency within states and to stability and peace between states. Their response has been constitutionally decreed limits on, and the disaggregation of, the power of the state and rendering routine changes in the group elected to manage the state. The alternative view considers this threat to lie in challenges to and aspirations to share the power of the state because this is considered to put at risk the national cohesion and discipline that can be harnessed to achieve great accomplishments.

Looking beyond the internal political arrangements of the key players to the arena of international security offers little solace. The dissonance that ultimately stems from the disaggregation versus concentration of authority and power is just as clear. Specifically, a critical consequence is the perceived weakness of reliable internal checks and balances on the choices available to the political leadership in Beijing and Moscow.

This adds a whole further dimension to assessing the significance of whatever information is made available, a dimension inevitably filled out by external actors and which fuels a heightened willingness to seek a more reliable balance in additional and/or stronger external countervailing arrangements. This is regrettable because such external checks and balances are inescapably blunter and more assertive than internal ones.

The revival of the QUAD process in the Indo-Pacific, the trilateral AUKUS arrangement to deliver – amongst other things – nuclear-powered submarines to Australia, and the urgent determination the Ukraine conflict generated in Sweden and Finland to secure NATO membership could be seen in this light. The shock of Russia's weakly rationalized but painstakingly premeditated invasion of Ukraine in 2022 was exacerbated because it encountered already weakened international confidence in the conventions and processes designed to ensure stability and peace.

Adapting the Rules

Is there nonetheless space for a constructive conversation on these matters? Finding that space is a challenge that we must approach with all the creativity and humility that we can muster. The prevailing rules-based order has delivered on a vast scale and across a broad front for over 70 years, not least in preventing war between the major powers. We can therefore presume that the rewards for a process of genuine engagement on constructing a workable adaptation of the current order could be immeasurable.

No state should claim a monopoly on wisdom. No state should presume to be on the right side of history. Democracies may be prone to slipping toward chaos as priorities and process are lost in a scramble to indulge too many disparate aspirations. Equally, however, no authoritarian leadership has ever dared to offer a candid account of how the order and discipline they covet were achieved and is being sustained.

We already have a modest track record of edging closer together on a range of the more sensitive issues on the international economic, political and social agenda. Furthermore, US Secretary of State Antony Blinken has noted that the prevailing order needs to be modernized to address the challenges now facing us but which could not even be imagined when the order was framed. Even if a path to reconciliation cannot be readily identified, both sides acquiring a deeper appreciation for the perspective of the other could prove to be a decisively important shock-absorber.

The final, and definitive, reality is that we must change our ways. Business as usual is not an option. All the empires of which we are aware stemmed from a powerful, unfettered leadership that achieved compelling dominance and used that status to frame the 'orders' associated with them – Persian, Greek, Roman, Mongol and so on down to the United Kingdom and America in recent times. We can also surmise that all these leaders encountered the same dilemma: how to make the order suit the values and interests of the dominant power while also being sufficiently attractive to the others to be essentially self-policing and keeping the costs of sustaining order within manageable bounds.

This traditional way of an actor achieving compelling dominance and using that status

to shape a new order has been overtaken by nuclear weapons. Nuclear weapons are powerful beyond purpose – they have destroyed the relationship between outcomes on the battlefield and any combination of numbers, technology, strategy, tactics, planning, judgement, effort, bravery, skill and honour. Compelling dominance has become much harder to achieve and capitalizing on that dominance in a world sprinkled with nuclear weapon states harder still. The next iteration of the rules-based order, if there is to be one, will have to be the first framed in some collective fashion.

A Role for ASEAN?

The foregoing observations suggest a cluster of straws in the wind, small indications that alongside the need for an innovative approach to refurbishing the prevailing order there may well be something of a political appetite to consider novel approaches even if the likely outcome is a somewhat spartan order. These straws continued to swirl positively during the cluster of high-level gatherings in Southeast Asia in November 2022, notably ASEAN's East Asia Summit (EAS) and the Indonesia-chaired G20. The G20, having found a way through the Ukraine question and energized by a long and earnest bilateral between President Xi Jinping and President Joe Biden, produced a lavish 52-paragraph leaders' statement, perhaps the first consensus statement from a broad group of leaders since the invasion of Ukraine.

ASEAN must ensure that its several familiar and trusted security processes – especially the EAS and the ASEAN Regional Forum – remain alert to opportunities for these processes to assist with creating or sustaining the many protracted conversations between states that surely lie ahead.

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