

**CSCAP MEMORANDUM NO. 36**

**The Rule and Principles Underpinning the  
International Order**



**A Memorandum from the  
Council for Security Cooperation in the Asia Pacific (CSCAP)**

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### **STUDY GROUP ON THE RULES AND PRINCIPLES UNDERPINNING THE INTERNATIONAL ORDER**

#### **Introduction**

The international order is undergoing a critical period of recalibration. Heightened geopolitical rivalries, growing unilateralism and persistent deadlock in multilateral institutions have raised doubts about the durability and universality of longstanding rules and principles in the international rules-based order (RBO). Yet, of key concern for the region is also whether alternative rules and principles can offer legitimate, predictable and inclusive pathways for managing shared challenges while ensuring a stable and prosperous Asia-Pacific.

The Study Group on Strengthening the Consensus on the Rules and Principles Underpinning the International Order (RPUIO) was thus launched in 2019 to examine these questions. Its objectives were threefold: to establish the extent to which there is a common understanding on what constitutes the RPUIO and on the functions/roles it performs; identify the dimensions of the RPUIO that are a source of particular controversy and determine the reasons for controversy; and examine areas where there might be a consensus for change in the existing principles and institutions guiding international relations.

Aus CSCAP, CSCAP Japan and CSCAP Singapore conducted surveys and commissioned two sets of essays through 2020 – 2022 to advance the research initiatives of the Study Group. Two in-person meetings were then convened in Hanoi (2023) and Cyberjaya (2024). This memorandum distils the key findings from those discussions and proposes a set of recommendations.

#### **Background**

Several inter-related dynamics ground the regional debate on the RPUIO. Geopolitical rivalries have expanded to encompass issues including supply-chain resilience, digital governance, infrastructure financing and normative framing, exerting intense pressure on smaller and middle powers. Persistent gridlock in multilateral organisations, notably in the paralysis of the WTO Appellate Body and the UN Security Council, has reinforced doubts on the adaptability and effectiveness of global governance under the pre-existing international order. New governance domains are also outpacing regulatory

frameworks. Developments in AI, quantum computing, climate change and health security require new international rules, but the pathways for establishing them remain unclear. At the same time, technical regulatory regimes in the Asia-Pacific continue to expand and operate effectively despite these growing issues, suggesting a shared baseline commitment to rules across the region.

The Asia-Pacific has long benefitted from political-security and economic regional architectures centred around ASEAN, such as the ASEAN Regional Forum (ARF), the East Asia Summit (EAS), the ASEAN Defence Ministers' Meeting-Plus (ADMM-Plus), the Regional Comprehensive Economic Partnership (RCEP), and other platforms. Notwithstanding an imperative to develop a rules-based community, the region has offered a unique ecosystem of diplomacy that prioritises informality, inclusivity, and consensus-based decision-making, allowing all relevant actors to remain engaged despite differences. These regional characteristics have maintained a constructive space for discussing and advancing alternative cooperation frameworks and principles. Amidst the current phase of contemporary change, examining a shared basis and pathway for cooperation is essential for shaping a balanced, rules-based architecture that reflects regional priorities and norms.

While the ASEAN Community Vision 2045 launched after the conclusion of the substantive work of the Study Group, it has placed considerable emphasis on elevating the role of rules and norms, particularly in maturing the Political-Security Community (APSC). Its Strategic Goals and Measures have highlighted the importance that they will play in forging the next phase of development of the APSC and in this respect, it is hoped that the work of this Study Group may be useful in informing decision-makers on certain critical issues identified, the considered possibilities for avoiding deadlock, and some directions in which to actively work towards the 2045 Vision goals.

## **Findings**

### **I. Areas of Agreement and Cooperation**

Discussions revealed a shared convergence around five core areas:

- a. The United Nations (UN) and its Charter remains the core of the international system that states should abide by, safeguarding the international order underpinned by international law

The UN retains an indispensable role in maintaining global peace and development, and an enduring importance as an anchor of international law.

While institutional mechanisms, particularly the Security Council, face challenges, the UN Charter remains a fundamental cornerstone of legal legitimacy and responsible state conduct. Despite institutional fatigue, there was clear support for preserving its codes and instruments while enhancing their responsiveness to evolving challenges. It was agreed that priority should be given to increasing the representation and voice of developing countries.

b. Basic, functional rules remain strong and universally accepted

Certain rules continue to effectively facilitate the stable conduct of international affairs. Everyday functional regimes, such as postal, aviation, and trade standards, were clear examples of essential sectors that have successfully maintained continuity in international economic activities, demonstrating their resilience to geopolitical rivalries. Participants emphasised that there is no systemic rejection of rules themselves; instead, what is contested is the interpretation and application of certain principles. Pluralism in political and economic systems does not preclude commitment to shared rules, and national differences in visions of order do not prevent finding common ground, if engagement remains based on mutual respect and consistency.

c. RPUIO need strengthening and reform and will suffer if negotiations are not conducted in good faith

Reform of international institutions is necessary to adapt to evolving circumstances and ensure relevance. Discussions on Western-created international organisations underscored the need for more equitable representation and better alignment with contemporary geopolitical realities. There was agreement that such reforms must proceed through inclusive, transparent and good-faith negotiations that preserve the integrity of multilateralism and the principle of sovereign equality. Trust and confidence-building are key parts of the process for maintaining and strengthening the RPUIO, while adversarial approaches undermine them.

d. Inclusivity is a necessary component for legitimacy

Discussions should be participatory and inclusive, including states across the Asia-Pacific. Imposing universalistic frames for regional rules or principles often instead creates a perception of presuming to become the dominant rule-setter. Bringing in a greater range of interests might make negotiations more difficult, but the resulting document, if it can be adopted, will be stronger, more legitimate, and more difficult for any state to dissociate from. ASEAN's model of consensus-based, inclusive engagement was highlighted as a credible framework for norm socialisation and rule-making amidst regional diversity.

Such platforms simultaneously offer the stability and flexibility to accommodate varying interests while building mutual understandings. This inclusivity contributes to both the legitimacy and sustainability of negotiation outcomes.

e. New and emerging domains need new agreements on RPUIOs and forward-thinking to unlock their potential and avert negative side effects

Cybersecurity, AI governance, climate resilience, and public health were identified as critical domains requiring clearer rules. These issue areas are rapidly evolving but remain normatively underdeveloped. There remains significant potential for ASEAN and its Dialogue Partners to take the lead in shaping initial frameworks and practices, especially where formal global rules are yet to be codified.

Given these convergences, several promising avenues for functional cooperation were identified. Peaceful settlement of disputes was agreed to be an important norm for the region to collectively strengthen, with the ASEAN Way and the Treaty of Amity and Cooperation in Southeast Asia serving as key examples of past efforts to promote this principle. Emerging domains such as cybersecurity, AI governance, climate resilience and health security present opportunities for shared rule development, given the absence of entrenched positions. Sub-regional testbeds, such as maritime cooperation in Southeast Asia, could also provide practical platforms to build habits of cooperation and demonstrate the benefits of coordinated implementation.

## **II. Differences in Interpretations, Applications and Implementation**

While certain longstanding rules and principles remain widely accepted, there are persistent divergences in how states interpret, apply and implement them. Competing visions of regional order, such as the ASEAN Outlook on the Indo-Pacific (AOIP), the Free and Open Indo-Pacific (FOIP), and the Community with a Shared Future for Mankind, differ in emphasis, tone and institutional preferences. These narratives reflect distinct priorities: the AOIP privileges inclusivity and dialogue grounded in the ASEAN Way; the FOIP emphasises rule of law and transparency; and the vision for a Community with a Shared Future for Mankind centres on development and shared prosperity through the three Global Initiatives - the Global Development Initiative (GDI), Global Security Initiative (GSI), and Global Civilizations Initiative (GCI). These conceptual differences affect how norms are framed, institutionalised as rules or standards, and socialised.

Disagreements are also observable in the application of principles to specific issue areas. For example, sovereignty and non-intervention are seen by some as paramount, while others advocate greater flexibility for humanitarian action under the Responsibility to Protect (R2P) principle. Economic openness has come under strain from the expanding use of “national security” as justifying free trade exemptions, particularly in the fields of digital infrastructure, semiconductors and critical minerals. Similarly, while international law is upheld in principle, there remains uneven support for international legal mechanisms such as the International Court of Justice (ICJ), Permanent Court of Arbitration (PCA) or World Trade Organization (WTO) dispute resolution processes. These inconsistencies have contributed to selective adherence and perceptions of legal double standards.

Implementation gaps are especially pronounced in newer policy domains. Many states lack domestic legislation for cyber incident response, export controls for dual-use goods, or operational maritime coordination. Regionally, voluntary mechanisms such as the ASEAN Code for Unplanned Encounters at Sea (CUES) and the ASEAN Guidelines on Air Military Encounters play an important stabilising role but have inherent limitations as norms without legal or enforcement guardrails. Capacity constraints and differing levels of institutional maturity further compound divisions. The Study Group noted that without investment in institutional development and dedicated engagement, gaps in application and implementation will persist regardless of normative consensus.

## **Recommendations**

- ASEAN and ASEAN Plus statements should continue to reaffirm fundamental principles of international cooperation, underpinned by the UN Charter as a necessary safeguard against growing tensions.
- ASEAN has and should continue to provide appropriate inclusive platforms for external power engagements that are absent from minilaterals.
- As the AOIP has transformed certain external initiatives into being more inclusive and therefore less perceived to be directed against any state, it should continue to be a baseline for regional cooperation, with the ASEAN Community Vision 2045 providing long-term goals and areas of emphasis.
- ASEAN member states should consider the importance of the rules-based international order and multilateral system in the Strategic Goals

and Measures of ASEAN Community Vision 2045, and facilitate or expedite their implementation as a matter of priority.

- ASEAN and the “ASEAN Plus” mechanisms should provide a format for localising and elaborating rules often originating from the global level (e.g. UN Charter) to the regional (e.g. ASEAN Charter, TAC) and then showing how to implement and practice otherwise abstract principles.
- ASEAN Dialogue partners should work with ASEAN to strengthen projects in sub-regional cooperation, which can serve as a testbed for confidence-building measures (CBMs) among related partners.
- Care should be taken not to categorise rules and principles under overly-broad ideological headers (e.g., “Liberal”, “Conservative”, “Authoritarian”), or to analyse their importance in either/or binaries.
- Flexibility, adaptability, compromise, and good faith is needed to constitute a workable reform process for RPUIOs.
- ASEAN should, in cooperation with ongoing bilateral and minilateral attempts, drive wider Asia Pacific efforts to cement or improve regional non-proliferation regimes in the face of nuclear proliferation and delivery systems amid the deterioration of existing international arms limitation treaties.

## **ABOUT CSCAP**

CSCAP is a non-governmental (second track) process for dialogue on security issues in the Asia Pacific. Membership in CSCAP is on an institutional basis and consists of Member Committees. Current membership comprises Australia, Brunei Darussalam, Cambodia, Canada, China, the EU, India, Indonesia, Japan, the Democratic People’s Republic of Korea, the Republic of Korea, Malaysia, Mongolia, Myanmar New Zealand, the Philippines, Russia, Singapore, Thailand, Vietnam and the USA.

The functions of CSCAP are as follows:

- a. to provide an informal mechanism by which political and security issues can be discussed by scholars, officials, and others in their private capacities;
- b. to encourage the participants of such individuals from countries and territories in the Asia Pacific on the basis of the principle of inclusiveness;
- c. to organise various working groups to address security issues and challenges facing the region;

- d. to provide policy recommendations to various intergovernmental bodies on political-security issues;
- e. to convene regional and international meetings and other cooperative activities for the purpose of discussing political-security issues;
- f. to establish linkages with institutions and organisations in other parts of the world to exchange information, insights and experiences in the area of regional political-security cooperation; and
- g. to produce and disseminate publications relevant to the other purposes of the organisation.

Study Groups are the primary mechanism for CSCAP activity. As of June 2025, there are five CSCAP Study Groups. These are concerned with: (i) Non-Proliferation and Disarmament (NPD); (ii) Safety and Security of Digital Infrastructure; (iii) Strengthening the Consensus on the Rules and Principles Underpinning the International Order; (iv) Northeast Asia Trust Building and Cooperation; (v) Biosecurity and Health Security in the Asia-Pacific.

This memorandum was produced by the CSCAP Study Group on the Rules and Principles Underpinning the International Order and was approved during the 62<sup>nd</sup> CSCAP Steering Committee Meeting on 20 June 2025.

Further information on CSCAP can be obtained from the CSCAP website at [www.cscap.org](http://www.cscap.org) or by contacting the CSCAP Secretariat:

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