ASEAN: Facing the Fifth Decade

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At its formation forty years ago, ASEAN (created by a joint political declaration rather than a formal charter) was an association of just five Southeast Asian nations in a Southeast Asia divided by the Cold War. In the immediate aftermath of *Konfrontasi,* Singapore's separation from Malaysia and the Philippines claim to Sabah, the top intra-mural concern of the time was rebuilding mutual confidence. It took nine years before ASEAN was able to convene its first summit level meeting at which a blueprint for regional cooperation, the Bali concord was unveiled and the norms of neighbourly behaviour as written into the Treaty of Amity and Cooperation (TAC) adopted. Since 1987 when the treaty was opened to accession by extra-regional states, 12 non-ASEAN states (including all the external partners in the East Asia Summit process) have signed on.

A second summit in Kuala Lumpur the following year marked the end of ASEAN's first decade. The third summit was stalled by the negative vibes in bilateral relations between Malaysia and the Philippines (the expected host by alphabetical rotation) on account of the lingering problems caused by the latter's claim to the Malaysian state of Sabah. Meanwhile in 1984 a newly independent Brunei became ASEAN's 6th member. The third summit was eventually held in Manila on ASEAN's 20th year (1987) in an atmosphere of anxiety following the overthrow of the Marcos regime by a "people's power revolution".

ASEAN's third decade witnessed the gradual winding down of the Cambodia conflict. Regional reconciliation culminated in the historic admission of Vietnam, a hitherto regional adversary, into ASEAN. Vietnam's membership in 1995 was a significant milestone in the ending of the regionalised Cold War. "One Southeast Asia" would have been attained in ASEAN's 30th year but for the untimely coup against a coalition partner in the Phnom Penh government. Cambodia was eventually admitted in 1999, two years after the entry of Laos and Myanmar.

Meanwhile, ASEAN had also begun to regularise its summitry into an annual event following the 5th gathering of Heads of Government in Bangkok in 1995. At the start of its fourth decade, ASEAN was afflicted by the contagious effects of the Asian financial and economic crisis with deep political consequences for certain regimes in the old ASEAN core – Thailand, Indonesia and Malaysia. For Indonesia, the lynch pin of ASEAN, the crisis culminated in the fall of Suharto who had played a pivotal role in stabilising his country's relations with its neighbours through regional association.

The 13th ASEAN summit scheduled in Singapore in November 2007 falls in ASEAN's 40th year. Those ASEAN economies afflicted by the 1997/98 economic crisis are well on the mend. The region has not only recovered but seems poised for a significant make-over with the promise of an ASEAN Charter scheduled to be signed at this summit meeting. It is hoped that with the Charter, ASEAN will move towards being a more integrated, rule-based regional community (in the political/security, economic and social-cultural dimensions) with enhanced institutional capacity including dispute settlement mechanisms, and at long last, legal standing in international law.

Significantly, the Charter in seeking to promote a "people-oriented" ASEAN has among its stated objectives the strengthening of democracy, enhancement of good governance and the rule of law as well as the promotion of human rights and fundamental freedoms. There is even provision for a human rights body albeit with terms of reference to be subsequently determined by the Foreign Ministers. The regional decision making structure as well as the ASEAN secretariat which has been incrementally strengthened over the years, will be further enhanced. But ASEAN will eschew supra-nationalism a' la the European Union.

Forty Years of ASEAN

Several observations may be drawn about ASEAN in over forty years of regional cooperation. First, ASEAN has been most successful at the inter-governmental level, at containing open conflict to the point where the expectation of violence in intra-ASEAN

relations is so minimal that ASEAN can arguably be called a *de facto* security community despite some unresolved security problems (including disputed territorial claims) among regional states.[1] However sustaining such a security community requires conscious underpinning through concrete security and defence cooperation which requires a great deal more effort. The institutionalisation of the ASEAN Defence Ministers Meeting since 2006 is a useful step in this direction.

If ASEAN can be described as a *de facto* security community in the first place, this has been brought about by conscious confidence-building, the practice of the so-called ASEAN *modus operandi* of non-interference in the internal affairs of member states as well as political decision making by consultation and consensus (not that everyone must agree but at least none should object) which has a reassuring effect on the smallest and the weakest. The value of such a principle in intra-mural relations will continue to be reflected in the ASEAN Charter. Equally important is the containment of bilateral problems from spilling into the formal ASEAN agenda.[2]

That said ASEAN has in subsequent years sought to accommodate a "soft-interventionist" approach (or constructive engagement) on seemingly domestic issues that nevertheless have a decided bearing on the well-being of the regional commons. ASEAN's Regional Haze Action Plan and the Agreement signed in 2002 on Trans-boundary Haze Pollution (although the latter has yet to be ratified by Indonesia and the Philippines) underline a collective concern over the damage to the regional environment caused by the annually recurring forest fires in Indonesia. The more recent expression of "revulsion" by the Chair of the ASEAN Standing Committee in a statement supported by other ASEAN members, at the Myanmar military junta's violent suppression of street protests in September 2007 was a further manifestation of norm setting i.e. emphasis on the unacceptability of disproportionate use of force by a government upon its own people.

With respect to intervention through the use of force by extra-regional players it can be said that even during the height of the Cold War and despite such power interventions in Vietnam and Cambodia, the immediate ASEAN regional environment had been

fortuitously benign. That had the effect to minimizing the opportunities and temptations for external meddling. Today far from being a theatre of great-power competition, ASEAN is benefiting from an external environment characterized by an unprecedented period of calm among the major powers.

ASEAN proved to be a quite successful diplomatic community that responded well to external challenges during the Cold War despite divergent strategic perspectives among regional members. The most serious regional challenge of the time was the Cambodia conflict which saw a conjunction of extra-regional, inter-regional and local power rivalries. It could also be said that the effects of such external challenges have among other things strengthened rather than diminished ASEAN cohesiveness on the diplomatic front. In a more constructive mode ASEAN has also been a sought after platform for cooperative engagement of the external powers as exemplified by the 11 dialogue partnerships currently existing. In the years following the end of the Cold War ASEAN has also been a preferred core building block to wider regional architectures such as the ARF, the ASEAN+3, the East Asian Summit (EAS) – partly reflecting the non-threatening nature of this association of small and medium powers, partly the appeal of a region that has a successfully managed intra-mural relations and largely on account of the structural tensions in the relations among the external partners themselves and the absence of a multilateral cooperative framework (beyond the narrowly focused six-party talks on the Korean peninsula) in Northeast Asia.

Economic as well as other functional cooperation far from being the initial "smokescreen" for quiet political fence-mending, have over the years come increasingly into their own – driven by their own ministerial blocs rather than just being left to the purview of the Foreign Ministers; showing more flexibility in the adoption of the "ASEAN minus X" or "Two plus X" formula" [3] in ASEAN cooperation projects - to the point where economic integration, a virtually taboo word in the early ASEAN days, has become a new regional mantra. While this may be true, a lot more needs to be done by way of clear road maps, targets beyond trade liberalization and enforceable agreements that would take ASEAN towards being a more meaningful economic community

(encompassing a single market and production base, with free flow of goods, services and investments and a freer flow of capital and skilled labour eventually) - by the declared date of 2015, which may be challenging to attain depending on how far and how fast the different components of such an economic community is being pushed.

Involving the Non-Government Sector

Much has also been said about the need to make ASEAN more "people-oriented" and deepen regional cooperation below the level of the bureaucrats who now engage in well over 400 meetings a year. To be sure, there has been within ASEAN increasing thickening of the connectivity between civil society groups, NGOs, the private sectors, and a broadening of people-to-people contacts and the spreading of awareness of regional developments – all aided no doubt by the revolution in communications technology. Indeed the process of economic regionalization between ASEAN economics and the rising (albeit not as fast as some would have hoped) level of intra-ASEAN trade certainly reflect a widening ASEAN economic imprint. [4] Nevertheless substantive integration on the economic plane needs to be fostered if ASEAN were indeed to stay competitive and be an attractive destination for foreign direct investments.

Increasingly too, non-state actors have attempted to influence ASEAN decision making not only in the economic and functional areas but also the security realm. Non-governmental organizations and research institutes have in various ways sought to improve ASEAN through studies and deliberations in the economic and political-security fields. A linkage of a kind (now regularized into an annual encounter) with the ASEAN Senior Officials has been accorded to the Track-II ASEAN-ISIS network to enable it to submit policy recommendations on critical ASEAN issues. Likewise the private sector is recognised as having has a useful contribution to regional economic cooperation and integration.

People-oriented networks which reflect this aspiration of engaging many sectors of ASEAN societies in the regional community building effort include the ASEAN People's Assembly (APA), an initiative of the ASEAN-ISIS, and other NGO groupings in ASEAN

that seek to influence Track I at least in some indirect way on among others things, issues relating to human rights, democracy and human security. Such efforts at regional networking and "people diplomacy" are also reflective of a slowly transforming process by which ASEAN is moved incrementally from what Jusuf Wanandi calls a *gessellschaft* to a *germeinschaft*.[5] The latter that refers to an "organic entity" encompassing elements of emotional and psychological ties is deemed to give deeper meaning to an organizational entity structured on rational thinking which the former refers to. The people dimension is invariably a centre-piece in the social-cultural community that constitutes the third component (next to the security and economic communities) of the regional community that ASEAN aspires to construct.

A broad based involvement of the non-governmental sector has its merits given the comprehensive, myriad challenges in the security agenda of ASEAN as well as the multi-layered obstacles in the way of enhancing cooperation, not to speak of the ASEAN integration process. A comprehensive approach is now deemed necessary if problems were to be effectively addressed – be they the trans-boundary effects of atmospheric pollution, coping with the challenges to human rights and democracy in the region, advancing good governance, dealing with international terrorism and other non-traditional security threats post-911, or regional community building.

Current attempts to have an ASEAN Charter adopted reflect the continuing search for ways to recalibrate and give sustenance to regional order in its different aspects. It will put in place a more viable system and structure for regional cooperation (underpinned by a regional community) that would provide for a more orderly and predictable outcome or condition the attainment of which (if it comes to pass) will herald a new ASEAN milieu as the regional organization enters its fifth decade. Ideally such a system for regional cooperation would constitute a more meaningful core building block, perhaps even model, to wider regional community building in East Asia in the very long run. However the realization of such regional ambitions hinges on the exercise of political will on the part of the regional governments.

Interconnectedness between domestic & regional order

Central to the exercise of political will is the interplay between domestic and regional order considering that ASEAN is decidedly no greater than the sum of its parts – which are nation states of a diversity of political hues in a spectrum ranging from the "new" and transitional democracies, soft and hard authoritarian governments to an insecure, closeted military regime. The spectrum of regional economies ranges from the most globalised to the least.

Even as we discourse the regional charter, it bears reminding that some regional states are themselves going through the tortuous process of drafting their own constitutions (Myanmar) or retracing their steps back to constitutional rule (Thailand). And even as we hear of the novel idea of a regional human rights body (albeit still very much a work in progress) being written into the charter, it bears reminding that not every ASEAN state has such a mechanism at the national level to begin with.

The way domestic political developments could constrain a member's role in ASEAN's family affairs was brought home starkly by Surayud Chulanont, the head of Thailand's military appointed government ahead of his meeting with UN special envoy Ibrahim Gambari who was tasked to broker a national reconciliation process in Myanmar. General Surayud reportedly said, "I am not an elected Prime Minister. I cannot preach too much about democracy if our government is not an elected one. We must not forget who we are and where we stand before thinking of pressuring the Burmese junta".[6]

It is not just the Myanmar problem which raises a question mark over whether the country will be present at the signing of the Charter and what that in turn implies for the fate of the legal document (including an undesirable delayed signing), but political transitions in another ASEAN country have also caused other concerns to be expressed over the fate of the Charter. A worse-case scenario (which may not transpire) has been pointed out by the ASEAN Secretary General, Ong Keng Yong who noted that the new Thai constitution (passed in a referendum in August 2007) has a clause that disallows the

Prime Minister or government from signing anything without the approval from the National Legislative Assembly which is essentially an interim one pending general elections later in the year. [7]

And while it is publicly acknowledged that civil society groups have a place in strengthening the regional community and civil society groups themselves are increasingly relating to each other in regional terms, there is much disparity and divergence nevertheless in the extent of confidence, trust and access which such groups enjoy with respect to their own governments.

ASEAN cooperation is predicated upon the management and underpinning of regional stability, security and order i.e. the bringing about of the prior condition of a relative absence of disorder in intra-regional relations and seeking a balanced relationship among the major powers conducive to a stable external security environment. From the rationale behind the attempts at regional association to coping with the dynamics of intra-mural relations, addressing the challenges to regional security posed by the Vietnam war and then the Cambodia conflict; the widening and deepening of regional association; attempts at narrowing the developmental divide within an expanded ASEAN, capacity building and institutional reform; handling the pressures of democratization and globalization – a crucial factor underlying all these is the interconnectedness and interdependence between domestic stability and regional order.

Some have likened regional resilience to that of a chain whose strength depends on the strengths of the individual links. Such an analogy had special meaning in the early days of ASEAN when regionalism served the interests of those in and outside Indonesia who sought to rehabilitate the country in the family of nations following the era of destructive diplomacy pursued by the previous Sukarno regime. It followed that an unstable, weakened Indonesia would feed back negatively to ASEAN as well. This linkage between domestic and regional resilience was echoed in the regional consequences of domestic political turmoil triggered by the Asian financial crisis of 1997/98 and in

Indonesia, the subsequent demise of the Suharto regime both of which events had negative consequences for intra-ASEAN dynamics and cooperation.

Currently it finds resonance again in an ASEAN whose credibility, cohesion and commitment to tighter integration are being challenged in the light of the domestic political malaise in its weakest link, namely Myanmar. Singapore's Foreign Minister, George Yeo who held the annually rotating chair of the ASEAN Standing Committee at the time the unprecedentedly strong statement on internal Myanmar developments was issued on 27th September 2007, was asked whether the turmoil in Myanmar coming at a time when ASEAN was about to unveil the charter had tested the group's cohesion and unity. His answer was, "Absolutely". Elaborating on the deliberations with his ASEAN counterparts prior to the issuance of the joint statement he said, "We asked how we could possibly talk about ASEAN integration and dispute settlement mechanisms if we ducked such an important issue. If we did that we would lose all credibility and respect. When we talked about ASEAN integration in the future, the international community would ignore." [8]

Globalization from above; democratization from below:

There are complications too arising from the pressure of globalization from above (that continues to have a challenging effect on the traditional notions of sovereignty within ASEAN) and the demands for democratic change from societies below. Many of the problems facing ASEAN today (climate change, environmental degradation, human and drug trafficking, trans-national crime, terrorism, just to name a few of the more pressing securitised concerns) are no respecters of national borders. Not only do they call for closer (in other words, more integrated) cooperation among those in the "regional commons" they also require a flexible approach towards the notion (albeit in an "applied" rather than strictly legal sense) of national sovereignty which remains difficult to attain.

An Asian driven process of globalization defined by the economic rise of China and India is also bringing home starkly, the need for ASEAN itself to be more integrated and competitive. There is however, an evident undercurrent of protectiveness and narrow

economic nationalism (vested political as well as economic interests) bordering on the xenophobic that can get in the way of regional as well as bilateral cooperation and might even set in train a regressive trend just when ASEAN is gearing up towards adopting a Charter. This is particularly so given that ASEAN comprises economies at different levels of development. For some it has not been easy to open up, adjust to and embrace the competition (whatever efficiency that in turn might bring from a dispassionate point of view) that participation in the globalization process entails.

While few would dispute the virtues of democracy in general, the process of democratization can often be messy. The pressures for democratic change and demands for empowerment among peoples have already had their impact on the polities in the Philippines, Indonesia and Thailand (despite swings in the political pendulum in the Thai case) – with consequent repercussions on and complications for neighbourly relations as new, emerging and empowered political groups lay claim to the foreign policy agendas. This indeed makes for a much transformed political landscape as compared to the past when ASEAN political cooperation was very much confined to a club of generally like-minded, pro-status quo political elites who were said to share a "chemistry" of sorts among themselves.

The pluralisation of new actors which are seeking to lay their hands on the foreign policy lever in say, Indonesia are generating problems for the management of bilateral relations with immediate neighbours Singapore and Malaysia – the stalled defence cooperation agreement and extradition treaty with Singapore, earlier problems over the export of sand and then granite to the republic, the previous maritime fracas with Malaysia over Ambalat, problems with Malaysia over the treatment of Indonesian migrant workers and nationals, even rival claims over ownership of a favourite old song, are manifestations of this underlying discomfort.

The challenge here for the ASEAN leadership lies in continuing to ensure that bilateral problems of such nature do not spill over to stall regional cooperation. With respect to the pluralisation of foreign policy actors in Indonesia, one influential Indonesian observer

has drawn comparison with the situation in Singapore where decision making is still relatively centralised despite more public space being accorded to the private sector, academia, the media, the younger generation, and civil society. As he noted, "In Indonesia, the landscape is messier because all those different groups demand a say in the fate of Indonesia…" [9]

In the case of Myanmar, ASEAN is reminded of the possible serious effects of domestic turbulence at a defining moment of regional transformation. Its capacity to effect real political change in Myanmar however, is highly circumscribed. Nor can it alone bring sufficient pressure to bear on the junta. Hence the need to work with other external partners (China, India, Japan) and the United Nations to find a way out of the political "imbroglio" – a description that was encountered often in the case of an earlier albeit not quite comparable problem over Cambodia.

While broad engagement rather than ostracism may be the way to go with respect to Myanmar (despite persisting debate over the merits or otherwise of imposing sanctions) it is also most difficult to practise on a paranoiac military regime that is quite determined to isolate its people from outside influences against all odds. At the heart of this "*problematique*" for ASEAN is how much economic and political leverage it actually has and how far it should go in accommodating a pro-active, indeed flexibly "interventionist" approach towards a recalcitrant regional member whose domestic policies (political repression, ignoring of basic human rights and use of unacceptable force upon its own people, including monks and civilians) are having deleterious effects not only on the collective image and credibility of the regional grouping but also its capacity for cohesive engagement with the world beyond.

In all probability Myanmar will make its appearance at the Singapore summit and the Charter will be signed and declared to the world. For ASEAN this will be another but decidedly significant, stepping stone to the next level of cooperation and community building. Much will depend on how political will is being marshalled in each regional member to really implement the commitments enshrined in the document as ASEAN

enters its fifth decade. Failing that, ASEAN runs the risk of confirming to its critics that it is about making process rather than real progress.[10]

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[1] For a discussion of the evolution of ASEAN's way of managing conflict see Mely Caballero-Anthony, *Regional Security in Southeast Asia :Beyond the ASEAN Way*, Singapore: ISEAS, 2005.

[2] For a historical background to the emergence of the "ASEAN way" see Rodolfo C. Severino, Southeast *Asia in Search of an ASEAN Community: Insights from a former ASEAN Secretary-General,* Singapore: ISEAS, 2006. ch.1.

[3] Such a formula allows those who are ready to participate in a cooperative venture to proceed while allowing others to join in subsequently.

[4] Currently intra-ASEAN trade is just about a quarter of ASEAN's total trade.

[5]Jusuf Wanandi, "ASEAN's Informal Networking", *The Indonesian Quarterly*, 1995, Vol. XXII/1, p. 56.

[6] *Straits Times*, 15 October 2007, p.6.

[7]*Today*, 17 October 2007, p.2.

[8]*Straits Times*, 2 October 2007, p. 8.

[9] Jusuf Wanandi, "Singapore-Indonesia Cooperation in the Midst of Change and New Challenges", in Gillian Koh (ed), *Singapore Perspective, 2005: People and Partnership*, Singapore: Marshal Cavendish Academic, 2005, p.134.

[10] For an example of such critical review of ASEAN see, David Martin Jones and Michael L.R. Smith, "Making Process, Not Progress: ASEAN and the Evolving East Asian Regional Order", *International Security*, Vol. 32, No. 1 (Summer 2007), pp. 148-184.