ASEAN's Myanmar Crisis

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ASEAN's Myanmar Crisis

Challenges to the Pursuit of a Security Community

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Cover photo (top): Entrance to the prestigious Defence Services Academy located west of Pyin Oo Lwin (formerly Maymyo) along the Mandalay-Lashio Road (Highway 3).
Cover photo (bottom): One of three similar signs situated along the fortified walls of Mandalay Palace.
Both cover photos were taken by the author.

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CONTENTS

LIST OF TABLES AND FIGURES

Tables

Figures

PREFACE

In October 2003, the Association of Southeast Asian Nations (ASEAN) proposed the establishment of a security community for Southeast Asia by 2020. This proposal, if successful, will involve the implementation of a substantial level of integration in the security, economic, and socio-cultural spheres of the ASEAN member states. As reflected by the scholarly literature on a security community, the outcome of such integration would be the establishment of a "secure" region where the Southeast Asian states (and the communities they embrace) would reflect the degree of trust, reciprocity, and cooperation witnessed by (perhaps arguably) the nascent security community of the European Union (EU). No country in Southeast Asia challenges the emergence of this security community in the region more than Myanmar, a country that has been plagued by the consequences of instability and poor governance for over half a century. Furthermore, and despite considerable pressure and attention by the international community, Myanmar's economy continues to slide into ruin, the generals remain in power, and the ethnic minority groups are subjected to human rights abuses. These circumstances have contributed to, and been caused by, the long period of instability that Myanmar has endured, instability that continues to test the comprehensive security environment of Southeast Asia. Examples of these transnational effects include the multifaceted consequences of large-scale narcotics production and, at least until recently, the occurrence of armed conflict along Myanmar's territorial boundary with Thailand because of armed border incursions. Equally important has been the challenge that Myanmar presents to the operative norms of ASEAN. Twelve years of "constructive engagement" by ASEAN has done little to alleviate the situation, and recent events concerning Myanmar (for example, the potential chairmanship of ASEAN) have seen various ASEAN elites, at a multitude of levels, directly or indirectly, challenge the continued applicability of ASEAN's non-interference principle. The desire by some states and elites to modify the operative norms of ASEAN has, in turn, contributed to a growing fissure between

the more democratic ASEAN members and those that are relatively more conservative and authoritarian in nature. Nonetheless, and as this case study will substantiate, ASEAN will need to resolve these divisions in identity should the organization wish to tackle its "Myanmar crisis" successfully and thereby move ahead in its pursuit of a security community.

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ABBREVIATIONS AND GLOSSARY

AIPMC	ASEAN Inter-Parliamentary Myanmar Caucus
AMM	ASEAN Ministerial Meeting
APA	ASEAN People's Assembly
APEC	Asia-Pacific Economic Cooperation
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
BCP	Burmese Communist Party
CLMV	Cambodia, Laos, Myanmar, and Vietnam
DKBA	Democratic Karen Buddhist Army
EAS	East Asia Summit
ERAT	Emergency Rapid Assessment Team
EU	European Union
FDI	Foreign Direct Investment
ILO	International Labour Organization
IO	International Organization
KNU	Karen National Union
NAM	Non-Aligned Movement
NDSC	National Defence and Security Council
NGO	Non-Governmental Organization
NLD	National League for Democracy
OCHA	UN's "Office for the Coordination of Humanitarian Affairs"
ODA	Official Development Aid
R2P	"Responsibility to Protect" doctrine in the United Nations
SLORC	State Law and Order Restoration Council
SIT	Social Identity Theory
SOM	Senior Officials Meeting
SPDC	State Peace and Development Committee
Tatmadaw	The Myanmar "army"
TCG	Tripartite Core Group

UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
USDA	Union Solidarity and Development Association
UWSA	United Wa State Army

Introduction

On 7 October 2003, the Association of Southeast Asian Nations (ASEAN), at the 9th ASEAN Summit, formally proposed the establishment of a security, economic, and socio-cultural community.[1] As will be demonstrated, the proposal to erect these three pillars reflects the academic literature on the concept of a "security community" and the requirement that such a community can only exist *when the states of the community no longer envisage war as a foreseeable possibility*.[2] In order to ensure such behaviour however, it is necessary for Southeast Asia to develop the kind of structures, norms, values, and sense of community that have been witnessed in the European Union (EU). Given the ethnic, religious, and political diversity of the region, achieving this end will be no easy feat. While Southeast Asia, because of this diversity, suffers from destabilizing dynamics in several of its countries, no ASEAN member is as unstable and challenging to ASEAN's goals as Myanmar.[3]

Recent events, such as the violent crackdown against protesting monks in 2007, the Myanmar Government's poor response to the humanitarian crisis that followed Cyclone Nargis in 2008, and the trial of Aung San Suu Kyi in connection with an "alleged" breach of house arrest rules in 2009, have only served to reinforce international concern about the crisis in governance that Myanmar faces. In the context of ASEAN, the challenge of Myanmar has also been highlighted through a sustained and sometimes brutal critique of the inability of the Association to address and overcome the excessive degree of human insecurity throughout the country (and beyond) together with its transnational consequences. While such criticism has come from all quarters including Western governments and scholars, it has been strongest from the press, human rights activists, non-governmental organizations (NGOs), and a small, but vocal group of parliamentarians within ASEAN itself. The continued inability of ASEAN to resolve the crisis in Myanmar has added fuel to more broad sweeping derision over the failure to either mitigate

significantly, or resolve, a broad range of traditional and non-traditional security challenges. More specifically, concern over ASEAN's acceptance of Myanmar as a member state and its continued support for the junta in power has also damaged ASEAN's stature as a diplomatic community on the world stage.[4] Zaid Ibrahim, the Malaysian parliamentarian who spearheaded the drive for an Inter-Parliamentary Caucus to pressure both ASEAN and Myanmar over the latter's domestic instability and human rights violations summarizes a large proportion of the criticism against ASEAN in the following manner:

> [The] ASEAN governments have for too long remained aloof from … [challenges in the region] … and preferred to take to the sidelines under the pretext of the so-called principle of 'non-interference'. ASEAN lacks the necessary mechanisms for making the grouping more united and having common policies on such urgent issues … [as Myanmar] … and the elected representatives of the people strongly feel that the time has come for them to play a pro-active role at a regional level.[5]

Despite these comments, the question of how effective and meaningful ASEAN is in maintaining stability within the security architecture of Southeast Asia remains a deeply contested issue. In truth, scholarly literature has been swamped by a spectrum of opinions ranging from those which enthusiastically and almost unquestionably endorse ASEAN as a near perfect regional model for Southeast Asia at one end,[6] to unmasked cynicism and contempt from scholars (usually Western) for what they perceive to be the organization's failures at the other.[7] On the issue of Myanmar itself, an even more polarized divide has emerged among academics who analyse the subject. Because of this, there has been very little by way of *critical analysis* that can objectively be considered to sit *between* the two poles of the divide. Exacerbating this fissure is a tendency either to avoid the "controversial" aspects of the debate, or to account for published opinion through the discussion of an incomplete range of issues that will favour the particular pole where one sits. Those that do attempt to provide scholarly analysis — whether objective or otherwise — have become the subject of emotive, sometimes ill-considered and uninformed, attacks against any and all such opinion.[8] So heated has the issue become that some scholars actively deter others from researching the topic out of concern that expressing an opinion on the issue "will earn you the wrath of many no matter what you say".[9] Consequently, a review of the many scholarly articles, monographs, and books on the topic — as cited throughout this publication — would reveal that those articles in support of engagement contain little by way of a discussion on the range of

human rights abuses that occur in the country on a daily basis. At the other end of the spectrum, the publications that do address human rights abuse in Myanmar (commonly works by NGOs) are — with only a few exceptions[10] — highly selective in their analysis and fail to consider viable solutions that take into account the capacity of the state.[11]

For the purpose of addressing these concerns, the analytical framework of this study is designed to consider the interdependent nature of the *material* and *normative* components of a security community.[12] At one level, this includes a consideration of how material factors such as narcotics, ethnic conflict, human rights abuse, and general instability can affect bilateral relations, ASEAN, and, therefore, the potential for a security community (the security aspect of the theory). At another level, this analysis seeks to delineate how these long-term comprehensive security challenges, in combination with the normative nature of Myanmar's so-called rogue government, impact on the normative behaviour and the formation of collective identity in the ASEAN elite (the community aspect of the theory). As will be seen, both the material and normative facets of the analysis are necessary for an assessment of the manner and extent to which Myanmar will challenge the realization of an ASEAN security community (in theory and in practice). Moreover, and in order to equip the reader with at least some insight as to how these challenges might be best overcome, it is also necessary to consider the historical processes that contributed to their emergence. The study, therefore, has a bottom-up approach where the complexity and multidimensional nature of both the framework and ASEAN's Myanmar crisis, together with a consideration of the many contemporary issues and dilemmas presented by the country, provide a valuable opportunity to contribute to the knowledge in the field. Finally, this analysis aims to give some important insights on the level of cooperation, integration, and mutual understanding necessary should ASEAN truly desire *bona fide* normative and structural change by 2015.[13]

In order to achieve the goals of the investigation, the book has been segregated into eight interdependent chapters. The first and second chapters refine the boundaries of analysis by elaborating and developing the concept of a "security community". More specifically, the first chapter explains and clarifies the conceptual components of a security community in a manner that renders the framework more falsifiable. In building on these considerations, Chapter 2 considers the likely processes that would contribute to the emergence of a security community, including the role of norms, socialization, social identity theory, and the "internal consolidation of the state". Chapter 3 applies one level of the conceptual framework through an historical review that outlines some of the major factors that have contributed to domestic

instability in Myanmar. Based on these considerations, the next section in the chapter outlines the human rights situation in the country, together with examples of how the government has responded to domestic instability, including the implementation of a ceasefire regime.

Chapter 4 considers some of the transnational consequences of instability in Myanmar. The first section reviews the material impact of Myanmar in exacerbating the transnational issues of HIV/AIDS, refugees, illegal migrants, human trafficking, and illicit drugs. The second section considers the manner by which long-term instability, together with its transnational consequences, has been reinforced through a series of key strategic partnerships. China and Thailand have been selected as the two major case studies as they represent examples of bilateral partnerships that potentially challenge ASEAN at both the intramural and extramural levels. Chapter 5 more significantly focuses on the ideational level of analysis (the "community" component of a security community) and provides an historical synopsis of the consequences of Myanmar's membership in ASEAN. The chapter then considers more contemporary challenges to regional cohesion, including the ASEAN "chairmanship crisis" in 2005. Chapter 6 continues to consider how Myanmar has affected regional cohesion and the development of a "community of states". The chapter includes an in-depth analysis of the events surrounding the September 2007 protests by Buddhist monks.

Chapter 7 seeks to link the different components of the study by considering three interdependent factors. The first section outlines parallel developments in ASEAN, including the motives behind the pursuit of greater integration and institutionalization, starting with the project for a security community and culminating in the implementation of the ASEAN Charter. Having outlined the limitations to political and security integration in ASEAN — because of members such as Myanmar — the next section in the chapter considers how ASEAN rebuilt regional cohesion through a new mode of engagement in the wake of Cyclone Nargis, which focused on mediating the distribution of humanitarian aid. Be that as it may, and given the institutional limitations that ASEAN will continue to endure while members such as Myanmar remain engrossed in domestic instability, the final section reviews Myanmar's new constitution and assesses the extent to which the document may induce improved governance in the country. By reflecting on the empirical analysis in the previous chapters, the first section of Chapter 8 seeks further insight through a critique of Western approaches to Myanmar. This analysis leads to a series of recommendations concerning how ASEAN and the international community should engage Myanmar in the future. The ability of ASEAN to play a constructive role in resolving the

situation would provide evidence that the Association is moving towards the construction of a security community. The resolution of the Myanmar crisis, in turn, would remove a major impediment to security community formation in Southeast Asia. Based on these considerations the final section of the chapter concludes with an assessment of the extent to which Myanmar impedes the formation of an ASEAN-wide security community.

While articulating the threats caused by a particular issue can be relatively unproblematic, finding reliable evidence on the root causes in a country as closed as Myanmar, and assessing how they might best be overcome are more challenging. In an attempt to prevail over this challenge, the author has conducted three trips to the country and its eastern border with Thailand between May 2004 and July 2005. While in the country, field trips were undertaken to Yangon and Mandalay, and the rural ethnic minority areas of Kyaikto, Taunggyi, Nyaung Shwe, Kalaw, Pyin Oo Lwin (Maymyo), Hsipaw, and Lashio (near the Chinese border). Additionally, the author travelled along the Thai/Myanmar border from Mae Sot and north to Mae Sai beside the Golden Triangle. Between 2004 and 2008, meetings and interviews were conducted with people, ranging from members of government and political officers to foreign embassy staff, scholars, NGOs, IOs, and scholars. During the course of the past five years, the author has also conducted interviews with policy-makers and scholars from all the ASEAN nations.

The government in Myanmar represents the greatest challenge to solidarity and elite level cohesion currently faced by ASEAN. The chapters that follow illustrate how the level of domestic instability in Myanmar — along with the various comprehensive security challenges that are a consequence of it — have both direct and indirect consequences for Southeast Asia, ASEAN, and beyond. To date, however, both ASEAN and the international community at large — including the United States and the EU — have ineffectively and inadequately dealt with these consequences. While the policies of the latter need to change, so too do the policies of ASEAN. Unfortunately, however, the research conducted for this study also outlines the limitations of ASEAN in terms of its capacity to implement constructive change in Myanmar. Some of the original ASEAN members sought to reform ASEAN's *modus operandi* by deepening the institutionalization of ASEAN through a rules-based charter that would entrench a commitment to the values of human rights and democracy. More importantly, ASEAN announced the intention to establish legally enforceable mechanisms for the protection of human rights, conflict resolution, and post-conflict peace building mechanisms. ASEAN's failure to achieve these goals was reflective of a continued incompatibility between the elite-level identities of each member state, a situation exacerbated

by the diversity of political systems, ranging from democracies to a military dictatorship in Myanmar.

In the Myanmar context, the Association's strategic calculations have been affected by the power politics of China and other exogenous actors such as India and Russia. ASEAN remains deeply concerned about China's growing influence in Myanmar and, until recently, such fears helped to build regional cohesion over how to engage with Myanmar. The continued decline of the human rights situation in the country, together with Myanmar's scant regard for the interests of ASEAN, eventually outweighed the benefits of keeping Myanmar within ASEAN's sphere of influence. Nevertheless, ASEAN's recent practice of openly criticizing and pressuring Myanmar has been tenuous, as was again evidenced by the failure of the Charter to endorse such an approach. The more authoritarian ASEAN members remain concerned about providing *de facto* permission for ASEAN to interfere diplomatically in the internal affairs of the state because of the risk that such a precedent could be used with respect to future human rights issues and instability in their own country. It was only through the tragedy of Cyclone Nargis that ASEAN could rebuild cohesion by depoliticizing engagement. While ASEAN has succeeded in sidestepping international pressure for the time being, neither the ideational nor the material challenges presented by Myanmar (such as threats to regional security) have been resolved. ASEAN will not be able to make significant progress towards the realization of a security community until the "Myanmar Crisis" is resolved. Perversely, Myanmar's new constitution may represent the only prospect for improved governance in the short to midterm.

Notes

1 "Declaration of ASEAN Concord II (Bali Concord II)", (Internet, Association of Southeast Asian Nations, 7 October 2003 [cited 14 October 2003]), available at <http://www.aseansec.org/15159.htm>.

2 This is a simplified definition adopted from Emanuel Adler and Michael Barnett, eds., "A Framework for the Study of Security Communities", in *Security Communities* (Cambridge: Cambridge University Press, 1998), p. 30.

3 After much consideration, the author has chosen to refer to the country as Myanmar (as opposed to its former name of Burma). While the legitimacy of the government is definitely in question, discussions and interactions by the author with the citizens of the country (through three research trips) have indicated that the people themselves have accepted the new name. Furthermore, the government maintains that the name change was necessary to avoid any discrimination against the ethnic minorities.

[4] The notion of a diplomatic community was developed by Michael Leifer and refers to a group of states that evidence elements of a "collective-political defence with an extra-mural point of reference". Leifer, *ASEAN and the Security of Southeast Asia* (London: Routledge, 1989), pp. viii and 83. This term continues to be applied within scholarly literature. For example, "Quality of Partnership: Myanmar, ASEAN and the World Community" (Asian Dialogue Society, 2003), p. 7; Anthony L. Smith, "ASEAN's Ninth Summit: Solidifying Regional Cohesion, Advancing External Linkages", *Contemporary Southeast Asia* 26, no. 3 (2004): 416.

[5] Zaid Ibrahim, "ASEAN: Time to Interfere" (Internet — Commentary, *The Irrawaddy* [cited 30 September 2005]), available at <www.irrawaddy.org/aviewer.asp?a=4581&print=yes&c=e>.

[6] For example, K. Kesavapany, "ASEAN Proves to Be a Regional Blessing", *Straits Times*, 18 April 2005; Estrella D. Solidum, *The Politics of ASEAN: An Introduction to Southeast Asian Regionalism* (Singapore: Times Media, Eastern Universities Press, 2003); Mya Than, *Myanmar in ASEAN: Regional Cooperation Experience* (Singapore: Institute of Southeast Asian Studies, 2005).

[7] For example, see David M. Jones and Michael L.R. Smith, *ASEAN and East Asian International Relations: Regional Delusion* (Northampton, MA: Edward Elgar, 2006); David M. Jones and Michael L.R. Smith, "Making Process, Not Progress", *International Security* 32, no. 1 (2007): 148–84. However, it is the scholarly literature that rests between these two poles from which the greatest degree of insight and knowledge is obtained. Examples of such publications include, Ralf Emmers, *Cooperative Security and the Balance of Power in ASEAN and the ARF* (London and New York: RoutledgeCurzon, 2003); Jurgen Haacke, *ASEAN's Diplomatic and Security Culture* (London and New York: RoutledgeCurzon, 2003); Jeannie Henderson, "Reassessing ASEAN", ADELPHI Paper (London: The International Institute for Strategic Studies, 1999); Leifer, *ASEAN and the Security of Southeast Asia*; Shaun Narine, *Explaining ASEAN: Regionalism in Southeast Asia* (Boulder, Colorado: Lynne Rienner, 2002); Donald E. Weatherbee, *International Relations in Southeast Asia: The Struggle for Autonomy* (Lanham, MD: Rowman and Littlefield Publishers, 2005).

[8] For example, see the remarkable correspondence over a report presented to the EU on the issue of Myanmar by Robert H. Taylor (a well-established scholar with many decades of experience on the topic). Located at <www.ibiblio.org/obl/docs3/Burma_Day-Bob_TaylorCV&letter>. See also Joshua Kurlantzick, "Rangoon Squad: Burma's Wicked Apologists", *New Republic*, 22 October 2007.

[9] Email correspondence with an academic, Australian National University, 10 October 2005.

[10] For example, see the important work on the subject conducted by the International Crisis Group at <http://www.crisisgroup.org>.

[11] Such analysis is typically limited to the border areas of Myanmar, treating such volatile areas as being representative of the whole of the country. As will be illustrated, the border areas are a very different world to central Myanmar. Furthermore, not all members of the regime or, indeed, the insurgent groups, should be painted the same colour.

[12] Norms are most simply defined as the "standards of appropriate behaviour" to be expected by a society and can exist at both the domestic and international levels. For example, see Markus Hund, "From 'Neighbourhood Watch Group' to Community? The Case of ASEAN Institutions and the Pooling of Sovereignty", *Australian Journal of International Affairs* 56, no. 1 (2002): 99–122.

[13] The original goal for establishing the ASEAN Community was 2020, but in 2007, the date was brought forward to 2015. ASEAN, "Cebu Declaration on the Acceleration of the Establishment of an ASEAN Community by 2015" (Internet, 2007 [cited 18 July 2007]), available at <http://www.aseansec.org/19260.htm>; "The Politics of Speed: An ASEAN Community by 2015", *The Nation*, 28 November 2006.