



ASEAN's Difficult Trajectory and Silver Linings

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The last five years have shown ASEAN's difficult road marked by intra-mural discord and difficulties for the grouping to continue steering regional cooperative processes. These difficulties have manifested themselves, at least, on three important occasions – (a) discord over the issues of human rights and democracy in Myanmar and over the adoption of ASEAN Charter during the Singapore Summit of November 2007; (b) postponement of ASEAN summit meetings in Thailand in 2008-2009; and (c) absence of Joint Communique at the Phnom Penh Summit of July 2012.

These three incidents have brought out two major challenges facing ASEAN - spill-over impact of domestic considerations on the regional cooperative process and growing systemic pressure on the regional grouping's unity. They could have long-term structural and functional implications for the grouping's integrative processes; its leadership role in the larger region of Asia-Pacific; and the way ASEAN conducts its affairs. However, they have also offered windows of opportunities for 'gradual but not so subtle' change in the way ASEAN looks at ASEAN Way and willingness of the member countries to work around it without openly challenging against it.

Tale of Three Episodes: Singapore to Phnom Penh

The story of ASEAN during the last five years involves three incidents that have raised various issues regarding the existing structure and functioning of the grouping. They have amply demonstrated the regional grouping's limitations in responding to the fast-changing geo-political realities and new responsibilities warranting the full attention of ASEAN. While the first two incidents highlight the domestic spill-over impact on ASEAN grouping, the last one brings forth the growing challenges of ASEAN in managing the systemic pressure emanating from the evolving nature of big-power rivalries in the region.

ASEAN Charter, Myanmar's Human Rights Violations and Gambari's Visit

The first incident took place in Singapore in November 2007 when ASEAN was celebrating its 40th year with the signing of ASEAN Charter, the first ever written code of conduct for the grouping and an introduction of a somewhat rule-based behaviour in the grouping.¹ The summit meeting coincided with mass-protests in Myanmar and consequent military crackdown on the protestors in August-September 2007. While ASEAN member-states signed the Charter, they also called upon Myanmar to respect the value of the recently developed Charter, and address the issue of democracy and human rights violations. The then Prime Minister of the Philippines stated, "the expectation of the Philippines is that if Myanmar signs the charter, it is committed to returning to the path of democracy and (to) release Aung San Suu Kyi. Until the Philippine Congress sees that happen, it would have extreme difficulty in ratifying the ASEAN charter."²

ASEAN instead of celebrating its 4th decade felt its imminent breakdown when Myanmar refused to be pushed to accept the human rights obligations.³ What triggered the discord was the scheduled visit of the UN Envoy, Ibrahim Gambari to Singapore and their interaction with the dialogue partners of ASEAN on the sidelines of the East Asia Summit. It was Singapore that had invited the UN Envoy reportedly to give a briefing to ASEAN over the situation in Myanmar.⁴ Myanmar's the then Prime Minister, Thein Sein refused to allow the meeting and raised objection over the way the meeting was arranged without consulting Myanmar on this issue.⁵ It remains unclear whether Myanmar threatened during the Singapore summit to rather opt out of the grouping.⁶

The summit meeting in Singapore, instead, witnessed internal dissent, Myanmar's successful opposition to what it construed as ASEAN's interference in the former's internal affairs, and ASEAN's forced acquiescence to Myanmar's human rights situations given the principle of non-interference.⁷

A Troubled Thailand Struggles to host annual ASEAN Summit

ASEAN's woes were not over yet. While the grouping saw internal discord in 2007, it failed to even host its annual summit in 2008, thanks to internal disturbance in Thailand. The democratic government under the leadership of Thaksin Sinawatra was deposed in 2006 through a military coup and replaced by an interim government under the Thai military. On the other hand, the pro-democracy movement and the supporters of the deposed government of Thaksin Sinawatra had come on to the street. The whole country was facing a situation of internal instability and political upheaval by 2008.

As a result of this chaos, the ASEAN annual summit under the Chairpersonship of Thailand was postponed three times in December 2008, February 2009 and April 2009.⁸ Though ASEAN did conduct its meetings in February-March 2009, it postponed its summit meeting with the dialogue partners to April 2009. ASEAN, much to the embarrassment of the member states and the dialogue partners, failed to conduct its summit meetings in April 2009 after the ransacking of the venue by members of one of the political factions, known as Red Shirts, supporters of the pro-democracy movement and the deposed Prime Minister, Thaksin. The delegates and representatives from the dialogue partner countries including their heads of states had to be escorted out. In essence, the entire regional cooperative process was held hostage to the inability of the state in providing law and order within its territorial boundary.

Besides, Thailand, which had earlier refused to accept the ASEAN mediation in the case of its dispute with Cambodia over the Preah Vihar temple on the basis of the ASEAN principle of non-interference, got engaged into cross-border skirmishes and military mobilisation against Cambodia. The whole incident not only punctured the bubble that the two ASEAN countries had never gone to war but also raised doubts over ASEAN's conflict mediation role in the case of intra-mural disputes.

The Phnom Penh Setback

Finally, the ASEAN member-states failed to adopt a joint communiqué in its history of 45 years, in the aftermath of divergence among the member-states regarding the text of the communiqué during the 45th ASEAN Ministerial Meeting in Phnom Penh in July 2012. The meeting could not generate consensus on whether or not to refer to specific incidents in the South China Sea that took place during the last one year. While both the Philippines and Vietnam wanted to include specific incidents in the South China Sea, Cambodia, the ASEAN Chair, insisted that no reference be made of individual episodes in the communiqué. The end result was that ASEAN failed to present a united voice, and exposed its lack of coordination and its vulnerability to external pressure.

The absence of a Joint Communiqué, which lays down an agenda for the year-long deliberation within ASEAN culminating finally into the summit level meeting, implies that the grouping no longer has a common agenda for deliberation among its members. Even though member-states had differed in the past over important issues, such as, human rights, South China Sea and Myanmar, they always had managed to develop a joint statement through compromise and consensus.

ASEAN's Double Trouble: Domestic Spill-Over and Systemic Pressure

These three incidents have brought this regional grouping into the dock over three critical issues of (a) efficacy of the ASEAN Way, (b) unity within ASEAN, and (c) ASEAN's leadership role in steering the Asia-Pacific region towards cooperation and integration. They are essentially expressions of two sets of pressures – both from within as well as above – exerted upon the grouping, bringing in the process enormous strain on the structure and functions of the grouping. Moreover, they underscore the grouping's difficulties in facing up to these two-fold challenges coming from both the domestic spill-over as well as the phenomenon of great power politics. While the first condition reflects internal weaknesses of its member states, the second issue highlights the unstable and uncertain character of the global and regional structures of power.

First, these three incidents have brought forth structural limitations imposed on ASEAN from its own guiding principles known as the ASEAN Way.⁹ The structure and functions of the grouping is regulated by a set of norms and principles, what has come to be known as the

ASEAN Way. Two of these principles – non-interference in the domestic affairs and respect for state sovereignty, and decisions based on consensus and consultation – have proved to be the most controversial. It is ASEAN's commitment to non-interference that has constrained ASEAN's effectiveness in addressing the spill-over impact of domestic developments. The mandate of ASEAN does not allow it to interfere in the domestic affairs of a member-state. These domestic challenges have visited ASEAN on different occasions, highlighting a constant debate going among the member-states whether to retain these principles or modify them in relation to the changing realities of the region.

The second set of pressure pertains to ASEAN's growing difficulties in addressing issues involving major powers and the continuing fear about the grouping's possible polarisation in the face of big power rivalries. It is claimed that ASEAN has been able to, through its web of cooperative engagements, enmesh major powers into a complex network of cooperation, bind them to the ASEAN modus operandi of engagement, and lead the region of Asia-Pacific towards stability.

The Phnom Penh setback proves otherwise. ASEAN, instead of managing relations among big powers, appears to have fallen victim to their rivalries. It appears that the grouping's cooperative agenda is being replaced gradually by the agenda of big powers. In other words, ASEAN as a regional cooperative architecture is going through the process of, what can be characterised as 'reverse enmeshment' whereby ASEAN is increasingly emerging as a theatre of great-power rivalries rather than being an overarching cooperative architecture engaging and enmeshing the big powers.¹⁰

The outcome of these two pressures has been varied ranging from its failure in conducting its basic functional meetings to presenting a disunited and weak voice to its dialogue partners and the outside world. What has affected ASEAN, however, the most is a dent in its ability to bring along its ten members, lead the regional cooperative processes and withstand pressure that is coming from the evolving dynamic of power politics in the broader region of the Asia-Pacific.

ASEAN's Silver Linings: 'Gradual but not Subtle' Steps for Change

All hope, however, is not lost. Amidst these seemingly insurmountable difficulties, ASEAN cooperative process has found their own silver linings that have allowed the grouping to strengthen its operations and address its limitations.

The same Singapore summit that saw internal dissent among members and Myanmar's obstinacy also adopted an ASEAN Charter, which was ratified by all its members during the 2008 summit in Thailand. The adoption of Charter, though in a truncated form, placed human rights on the agenda of the grouping, enabling ASEAN member states to discuss those issues, which, hitherto, remained a taboo under one of the norms of ASEAN Way, the principle of non-interference, and respect for state sovereignty. The Charter also stipulates the setting up of a human rights body located within ASEAN Secretariat in Jakarta that would oversee human rights situations in the member-states and recommend appropriate actions to address the situation.

The Charter designated ASEAN as a legal entity, enabling the grouping to receive Ambassador and designated representatives at its headquarter in Jakarta.¹¹ Rodolfo C. Severino, ASEAN's former Secretary General, identifies three important implications of the ASEAN Charter – ASEAN's move towards rule-based path, introducing a sense of responsibility among the member-states towards the success of ASEAN, and a culture of compliance towards the implementation of ASEAN decisions.¹² In fact, the Charter has introduced a gradual drift towards certain set of formalism or rule-based behaviour in the grouping that has relied on somewhat informal and norm-based method of engagement. Indonesia's Trade Minister characterised this blueprint as 'a radical change' and 'a milestone' in the history of the grouping.¹³

An important silver lining came in the form of resumption of its leadership role by Indonesia, which had gone somewhat insular due to its own uncertain democratic transition in the aftermath of the departure of Suharto, one of ASEAN's patriarchs. In the event of the postponement of 14th ASEAN Summit in 2008 in Thailand, a special session of ASEAN was convened in Bali, Indonesia to enter into force, the ASEAN Charter. ASEAN's growing confidence in the Indonesian leadership was very much apparent during the Indonesian Chairmanship in 2011 when the grouping took a proactive approach towards not only engaging the major powers but also taking an important stand on the escalating hostility in the South China Sea. The effectiveness of the Indonesian leadership of ASEAN has also been evident in the

aftermath of Phnom Penh setback when the Indonesian Foreign Minister, Marty R. M. Natalegawa assumed the role of crisis manager to salvage ASEAN's image and convinced all its member-states to come up with a Joint Statement.

Moreover, the Shuttle Diplomacy by a ministerial troika, led by the Indonesian Foreign Minister put in place an arrangement whereby a few leaders could discuss and take measures on behalf of other members of the grouping, leading to subtle momentum for modification in the principle of consensus and consultation (*Musyawah* and *Mufakat*) in case of any contingency. The Shuttle Diplomacy also points towards the growing willingness of the member-states to utilise its resources towards smooth functioning and developing its own mechanism of dealing with the evolving power politics in the region.

Conclusion

A gradual process of reform is underway that is preparing ASEAN to address its two-fold challenges by introducing modifications in the ASEAN Way and equipping the grouping with the essential wherewithal to deal with them. It is the grouping's resilience and flexibility for change that has facilitated its continued relevance and leadership role in the politico-strategic and integrative processes taking place in the region of Asia-Pacific. Though these flashes of silver linings may have helped ASEAN in managing its difficulties, the grouping needs to draw lessons from them. A lot depends on how ASEAN reads the writings on the wall and improvises upon its *modus operandi*. The grouping would gain a major source of strength by 2015 when it would achieve its long-term goal of building three pillars of ASEAN community by 2015 – ASEAN Political and Security Community, ASEAN Economic Community and ASEAN Social and Cultural Community.

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- ² “Myanmar needs Democracy for ASEAN Charter: Manila,” *Reuters*, 19 November 2007, <http://www.reuters.com/article/2007/11/19/us-asean-philippines-idUSSP5766920071119> (accessed on 10 September 2012)
- ³ Marty Natalegawa, “Myanmar Government puts ASEAN charter at Risk,” *The Jakarta Post*, 09 October 2007, <http://www.thejakartapost.com/news/2007/10/09/myanmar-government-puts-asean-charter-risk.html-0> (accessed on 5 September 2012); Wayne Arnold, “Historic Asean charter reveals divisions,” *The New York Times*, 20 November 2007, <http://www.nytimes.com/2007/11/20/world/asia/20iht-asean.1.8403251.html?pagewanted=all> (accessed on 5 September 2012); Donald K. Emmerson, “ASEAN’s Black Swan,” *Journal of Democracy*, vol. 19, no. 3 July 2008, pp. 72-74
- ⁴ Wayne Arnold, “Surprise Pressure From Myanmar’s Neighbors,” *The New York Times*, 20 November 2007, http://www.nytimes.com/2007/11/20/world/asia/20asean.html?_r=1&oref=slogin (accessed on 10 September 2012)
- ⁵ Donald K. Emmerson, “ASEAN’s ‘Black Swan’,” op. cit. pp. 73-75
- ⁶ Ibid, p. 75
- ⁷ Marty Natalegawa, “Myanmar Government puts ASEAN charter at Risk,” op.cit; Donald K. Emmerson, “ASEAN’s ‘Black Swan’,” op.cit. p. 74
- ⁸ Joseph Chinyong Liow, “Southeast Asia in 2009: A Year Fraught with Challenges,” *Southeast Asian Affairs*, vol. 2010, p. 4
- ⁹ Rodolfo C. Severino, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-General*, (Singapore, ISEAS, 2006), pp. 11-36; Amitav Acharya, *Constructing a security community in Southeast Asia: ASEAN and the Problem of Regional Order*, (London, Routledge, 2001), pp. 63-66; Amitav Acharya, “Ideas, identity, and institution-building: From the ‘ASEAN way’ to the ‘Asia-Pacific way?’” *The Pacific Review*, vol. 10, no. 3, 1997, pp. 319-46
- ¹⁰ Vibhanshu Shekhar, “Polarised ASEAN’s Reverse Enmeshment” *Institute of Peace and Conflict Studies*, no. 3685, 31 July 2012, <http://www.ipcs.org/article/southeast-asia/polarised-asean-reverse-enmeshment-3685.html> (accessed on 08 September 2012)
- ¹¹ Rodolfo C. Severino, “The Year in ASEAN: the Charter, Trade Agreements, and the Global Economic Crisis,” op.cit. p. 61
- ¹² Ibid, pp. 61-62
- ¹³ Wayne Arnold, “Historic Asean Charter Reveals Divisions,” op.cit.