

# ASEAN WAY AND ITS IMPLICATIONS AND CHALLENGES FOR REGIONAL INTEGRATION IN SOUTHEAST ASIA

*Kim Hyung Jong*

## ABSTRACT

The movement from regional economic cooperation towards regional integration in Southeast Asia has been gaining strength since the end of the Cold War and more remarkably since the economic crisis of 1997-1998. The ambitious plan for regional integration, however, could face challenges due to the diversity of economic development and structure and the lack of political will. In particular, this paper will argue that the ASEAN Way, which has been a basis for regional cooperation in Southeast Asia, is now under pressure for modification, if not removal. It has been argued that the ASEAN Way emphasizing on compromise through formal and informal meetings, consensus-based decision making, avoidance of strict reciprocity, and rejection of hard legalization, often conflicts with the move towards deepening economic cooperation or regional integration. This article elucidates key factors that have challenged the practice of the ASEAN way such as changes to the regional security environment since 9/11, emerging non-traditional security issues, deepening of economic cooperation, strengthening of external relations of ASEAN, and democratization of ASEAN member countries. The article also argues that despite the challenges and limitations, the principle of non-interference cannot be simply abandoned. It remains essential to ensure that smaller states are not brushed aside by big states, and it is particularly important for ASEAN at a time when it expands its cooperation scope towards East Asia.<sup>1</sup>

*Keywords: ASEAN way, regional integration, legalization, non-interference, and non-traditional security*

## INTRODUCTION

It is said that the movement from regional economic cooperation towards regional integration has gained strength since the end of the Cold War and more particularly since the economic crisis of 1997-1998. Leaders of ASEAN member countries agreed to create an ASEAN Community (AEC) comprising ASEAN Political Security, Economic Security and Socio-Cultural Community and this was adopted in 2002. This ambitious plan, however, could face challenges due to the diversity of economic development and structure and the lack of political will. Indeed, the ASEAN Way and the practice of the non-interference policy, which has been a basis for regional cooperation in Southeast Asia, is now under pressure for modification, if not removal. Such challenges that have been encountered in the process of debate over the viability of the ASEAN Way have been significant concerns in the drafting of the ASEAN Charter which may include a provision of suspension for charter violation.

## **ASEAN WAY AND NON-INTERFERENCE POLICY**

The term 'ASEAN Way' has been used to describe the development and practices of ASEAN. Despite the lack of a clear definition, the term ASEAN Way often refers to a mechanism of dispute management through the process of consensus and consultation. Recently Acharya stressed the ASEAN Way as socio-cultural norms which are separate from ASEAN norms. According to him, ASEAN norms comprise the non-use of force, regional reliance, non-interference in domestic affairs and avoidance of military alliance, while the ASEAN Way is characterized by compromise and consultation, consensus building, ambiguity, avoidance of strict reciprocity, and rejection of hard legalization.<sup>2</sup>

The evolution of the ASEAN Way can be traced to the birth of ASEAN. Of the original five members of ASEAN four states (Malaysia, Indonesia, Singapore, Philippines) were newly independent states whilst all five including Thailand, were engaged in the process of nation-building. The founding members of ASEAN faced internal and external security threats and were concerned about national sovereignty.<sup>3</sup> For the political leaders who promoted national resilience against the internal or regional communist threat, stability, prosperity and economic development appeared to offer the solution.<sup>4</sup> The political leaders, thus, wanted ASEAN to contribute to the stability of the state system without interference in domestic affairs. This understanding can be found in the Bangkok Declaration of 1967, which had no legally binding force or institutional capacity. Member countries still experienced bilateral difficulties. Indonesia had just ended its 'Konfrontasi' (confrontation) with Singapore and Malaysia. Malaysia had a dispute with the Philippines over the West Malaysian province of Sabah. In addition, the founding nations of ASEAN were relatively small and highly dependent on external powers for both economic development and security during the Cold War.

At the same time, the ASEAN Way was not only about the principles agreed amongst members but also operated in a socio-cultural sense. For instance the concept of 'ASEAN Way' came in the course of the 1990s to be used together with 'Asian values' despite a clear distinction between the two, which was often pointed out not only by external actors but also by the ASEAN members themselves. Like the ASEAN Way, Asian values too have no clear definition. Asian values derived primarily from Asian civilization and culture which stresses collectivism, social discipline and hierarchical authority in comparison to Western individualism. Even though Malaysia's Mahathir and Singapore's Lee Kuan Yew were both well-known Asian values' advocates,<sup>5</sup> their countries are respectively mainly Islamic and Confucian, with a lot of other cultural elements.<sup>6</sup> Asian values were particularly highlighted during the region's rapid economic growth in the 1990s, and stressed commitment to education, family, loyalty, and a quiescent attitude to authoritarian rule, with the government assuming a patriarchal role.<sup>7</sup>

Consequently, when the Asian economic crisis in 1997-1998 disrupted most of the major economies in the region, Asian values now became an object of criticism from within and outside the region. It was probably an exaggeration to blame Asian values or any unique way of doing business as the sole cause of the Asian economic crisis, as the crisis spread to non-Asian countries, as well, such as Russia and Brazil. Despite the criticism of Asian values for legitimizing authoritarian rule in some countries, the idea of Asian values still has implications for sensitive issues such as human rights and labour standards.

Moreover, irrespective of Asian values, the ASEAN Way unlike the European experience has developed no supranational institution to pool members' sovereignty. Southeast Asian states over the forty years of ASEAN's existence have never compromised their sovereignty. The Bangkok Declaration maintained that ASEAN should avoid any form of external interference in members' domestic affairs and this is seen as non-negotiable.<sup>8</sup> The doctrine of non-interference was an expression of a collective commitment to the survival of non-communist regimes against the Cold War threat from communism, particularly an expansionary Vietnam. ASEAN members henceforth, perceived national resilience as indispensable to regional security and regional collaboration.<sup>9</sup>

The non-interference principle was enshrined in the Treaty of Amity and Cooperation in Southeast Asia, signed in Bali in 1976. Along with the principles of self-determination and sovereign equality, the non-interference principle has prohibited intervention by ASEAN in the domestic affairs of a member.<sup>10</sup> The practice of the norm of non-interference is reflected in the fact that one rarely encounters ASEAN members criticizing their neighbours' internal affairs including human rights issues. Rather, ASEAN members have provided political support for member governments against subversive and destabilizing activities.<sup>11</sup> For example, the norms of non-interference and non-use of force was particularly evident in ASEAN's dealing with Vietnam's invasion of Cambodia. The member states of ASEAN negotiated with Vietnam rather than form a military alliance against it. In a similar vein, the policy of constructive engagement that allowed full admission of Myanmar was also consistent with the norm of non-interference by members and by other external regional powers. Instead of sanctioning or isolating Myanmar, as the Western powers advocated, ASEAN looked for a peaceful resolution based on the internal conflict.<sup>12</sup>

However, the change in the regional security environment following 9/11, the emergence of non-traditional security issues and the problem of both deepening and broadening economic cooperation in an increasingly interconnected world order have seen new pressures exerted upon the ASEAN Way and its norms including the non-interference policy. It is to these pressures and ASEAN's problematic reaction that we turn next.

## **TRADITIONAL AND NON-TRADITIONAL SECURITY ISSUES**

It should be recognized, of course, that the policy of non-interference is not unique to ASEAN, but is a universal principle enshrined in the UN Charter, which also dates back from the Cold War.<sup>13</sup> However, in a globalized world marked by complexity in international relations, transnational issues have emerged in the economic and social spheres which need closer cooperation between states as well as transnational policies.<sup>14</sup> In particular, since 9/11, the rising threat of terrorism in Southeast Asia revealed the need for closer cooperation in the security field. Human rights issues also have gained more attention from international and non-governmental organizations in the highly mediatized new world order governed by the CNN effect.<sup>15</sup> Non-traditional issues which are also transnational issues include terrorism, illegal labour, disease, money laundering and haze have assumed a greater prominence.

Even though historically Southeast Asia has been less troubled by terrorism than the Middle East, the region nevertheless became the focus of U.S counter-

terrorism following the events of September 11 in the U.S. September 11 2001 has dramatically impacted on the world economy and international politics and posed a major challenge for ASEAN which responded by generally cooperating with the U.S. war on terrorism.<sup>16</sup> Consequently, since September 11, the threat of terrorism has been the main theme of regional security dialogues in Southeast Asia. Several factors contributed to Southeast Asia becoming the 'second front'<sup>17</sup> in the global war on terror. These factors reflect al Qaeda's capacity to exploit: tensions within multi-ethnic societies, weak and corrupt regimes, ongoing separatist insurgencies, governments weakened by the financial crisis, as well as newly created democratic space like that in Indonesia and the Philippines whose capacity for security regulation is limited.

The most important regional terror network is Jemaah Islamiah (JI). JI is the group with an affiliation to the Al-Qaeda organization in the region that evolved during the 1990s when a number of JI members trained with Al-Qaeda in Afghanistan. Thus, Al-Qaeda was involved in planning the regional terror strategy that culminated in the Bali attack of October 2002.<sup>18</sup> Despite the fact that regional terrorist groups use religious doctrine to justify their actions, their eventual goal is to achieve political power via a caliphate that will embrace the region. Hence, terrorism in the region is a challenge both to regime security as well as the nation-state system comprised of post-colonial boundaries and the ASEAN Way of non interference.

ASEAN's response has largely been restricted to the form of statements and declarations. For instance, ASEAN members adopted the Declaration on Joint Action to Counter Terrorism in 2001, which unequivocally condemned any act of terrorism in all its forms and manifestations, but it lacked practical counter-measures against terrorism.<sup>19</sup> At the regional level, as concluded at the Senior Officials Meeting of the ASEAN Ministers' Meeting for Transnational Crime (AMMTC) in 2002,<sup>20</sup> anti-terrorism cooperation has focused on sharing intelligence and information rather than joint operations. Indeed, differences in domestic politics in dealing with or defining terrorism together with a lack of capacity are enduring obstacles to strengthening regional cooperation in this non traditional security area.

In the absence of an effective multilateral framework to deal with the terrorist threat in Southeast Asia, bilateralism or sub-ASEAN regionalism has represented the ASEAN fallback position. In this context, Malaysia, Indonesia, and the Philippines, most prone to JI organization and attacks, signed an agreement, which provides for anti-terrorism exercises, combined operations, and sharing of information including the setting up of a hotline between the three countries.<sup>21</sup>

At the multilateral level, the ASEAN Regional Forum (ARF) has also adopted a series of measures aimed at cutting off funds to terrorists. Its July 30, 2002 declaration called for freezing terrorist assets; international cooperation on the exchange of information and outreach; compliance and reporting. Most of these steps, however, are commitments to comply with measures already proposed and adopted by the United Nations, to which ASEAN states belong, rather than a new regional initiative conceived by the ARF.<sup>22</sup> Moreover, given the complexity and global dimension of the terrorist financial reach, regional action can only yield a limited result in addressing the problem.

Yet, the most significant effect of September 11 and the war on terror is the U.S. strategic re-engagement in Southeast Asia. This, rather than any strengthening of regional security cooperation is the most important security outcome of the Bali

bombing.<sup>23</sup> At the end of the Cold War, which had afforded security cooperation between the U.S. and ASEAN up until 1990, there was uncertainty about the American military presence in the region. However, since September 11 counter-terrorism measures in a number of ASEAN states now assume increased cooperation with non-regional actors, in particular the U.S. In this context, Thailand, proposed a US-ASEAN summit in 2002 as a conclave on the sidelines of an APEC meeting (to which all parties also belong). China, another external actor with growing regional influence since the end of the Cold War also has proposed regular East Asian ministerial meetings to discuss efforts on international crime control and counter-terrorism. It has also proposed a counter-terrorism pact between the U.S. and APT.<sup>24</sup> In 2002, ASEAN and the U.S. signed a counter-terrorism pact, calling upon signatories to freeze assets of terrorist groups, strengthen intelligence sharing and improve border patrols.<sup>25</sup>

Ultimately, the lack of a coherent counter terror response via a multilateral ASEAN forum reflects the evolving differences in foreign policy and religion amongst member states. Since the series of terror attacks in Indonesia, notably the Bali blast which killed 202 people in 2002 and the Marriott Hotel attack in Jakarta (2003) which killed 12, even Malaysia and Indonesia which are both predominantly Muslim countries have perceived the religiously motivated terror threat differently. Malaysia was stung by reports that two of its citizens played a major role in bomb attacks in Indonesia, and in the Al-Qaeda-linked JI network. Malaysia which since 2001 has detained more than 70 Islamic militants, many of them allegedly JI members, denied the Indonesian allegation that it was harbouring terrorists and criticized Indonesia instead for its permissive attitude to Islamic militancy.<sup>26</sup>

In short, the rising threat of terrorism in the region since September 11 revealed the limited capacity of the regional organization as well as no clear operational action plans. In addition, the lack of firm regional counter-terrorism measures, a direct consequence of the non-interference policy has in an era of increased interconnectedness provoked bilateral tensions between some members, notably Indonesia, Malaysia and Thailand.

In the somewhat different case of Myanmar, the weakness of the ASEAN Way of constructive engagement has been equally exposed. In particular ASEAN policy of constructive engagement with the SPDC since 1997 has been dismissed by the West for its failure to seek the release of Ang San Suu Kyi, the leader of the democratic opposition, who was detained once again by the military junta on May 30, 2003. The detention was followed by clashes between her supporters and those of the government. The U.S. imposed sanctions including a ban on imports from Myanmar, the freezing of assets of senior Myanmar officials in the United States and an entry ban on Myanmar's leaders.<sup>27</sup> Prior to the ASEAN Summit in 2003, the Prime Minister of Malaysia, Mahathir Mohamad hoped she would be released and advised the Government of Myanmar to take into consideration the views of ASEAN<sup>28</sup>, even though Mahathir did not expect any firm resolution against Myanmar at the ASEAN meeting.<sup>29</sup> In fact, leaders of ASEAN at the Bali Summit in 2003 opposed economic sanctions against Myanmar and supported the plan announced by Myanmar's military rulers to adopt a democratic road map after four decades of dictatorship. Not surprisingly, the U.S. disagreed sharply with the ASEAN position.<sup>30</sup>

Further evidence of the limitations of the ASEAN Way is apparent in the ASEAN approach to environmental issues that affect member states. Thus, haze

and smoke pollution from the burning of logged forests and plantation crops in the Indonesian provinces of Kalimantan and Sumatra which in 1997, affected neighboring countries and threatened both public health and tourism, called attention to the relevance of ASEAN's approach to the question.<sup>31</sup> ASEAN's response was in line with the ASEAN Way. Even though a Regional Haze Action Plan was endorsed in 1997 with the aim of establishing operational procedures for monitoring land and forest fires, the impact was limited mainly due to the lack of political will on Indonesia's part. There were several attempts by member states to stiffen the region's approach to haze pollution. Singapore unilaterally tried to bring the matter to the public by providing satellite imagery of the fires in Indonesia via the Internet.<sup>32</sup> After four years of planning and drafting, the ASEAN Trans-boundary Haze Agreement finally was signed to reaffirm the commitment among member countries to fight haze in 2002. Indonesia, in the spirit of non binding consensus, however, has not ratified the agreement. And the proposed Haze Fund to address the problem has also not reached more than \$100,000 in finances. In other words, ASEAN has a policy but it has no means of funding or enforcing it.

A similar lack of regional capacity is evident in the ASEAN approach to illegal migrants. Illegal immigration among ASEAN countries has become a serious issue since 2001. The non-interference principle once more prevents member countries from enforcing countermeasures. Malaysia and Indonesia have encountered difficulties as a result of Indonesian workers taking low paid jobs with no legal authority. This problem is replicated between Thailand and Myanmar, which has been exacerbated by the problem of political refugees due to flight across the border to escape attacks from the Burmese military.

Observing the problems that these non traditional problems confronted ASEAN with the Malaysian Defense Minister Datuk Seri Najib Tun Razak observed that:

“When it comes to looking at Malaysia's regional role, one is placed in the horns of dilemma. On one hand, its continued prosperity hinges on regional stability and therefore its success is inextricably linked to the fortunes of the region. On the other hand, because the main source of instability stems from domestic factors, Malaysia's acceptance of the non-interference principle had made its regional role more challenging”.<sup>33</sup>

## **DEEPENING ECONOMIC COOPERATION**

ASEAN observes the ASEAN Way or the principle of non-interference not only in the political area but also in terms of the regional economy. And here once more it has run into difficulty. In this context, ASEAN Free Trade Area (AFTA) and ASEAN Surveillance Program (ASP) afforded the prospect of deeper regional economic integration. Yet despite some advance in the removal of intra regional barriers, there has been a worrying tendency for states to withdraw without penalty from initial commitments made to the AFTA process. Malaysia, for example has continued to protect its automobile industry until early 2007 despite the pressure from the Thai government to remove non tariff and tariff barriers to competition. The Philippines has announced its intention to temporarily withdraw petrochemicals from the CEPT scheme. Such practices reflect the lack of regulations in AFTA, which allow members

to delay transferring a product to the Inclusion List or subsequently withdraw it from the list. Devices like the Temporary Exclusion List and a Sensitive List delay the evolution of AFTA.

Nevertheless, and somewhat ironically, attempts to protect national interests partly contributed to strengthening of rules and procedures governing regional economic cooperation.<sup>34</sup> The protocol on Sensitive and Highly Sensitive Products in agriculture and the Protocol Regarding the Implementation of the CEPT Scheme Temporary Exclusion List were agreed in 1999 and in 2000 respectively. The former not only focused on procedural issues, but also provided for two categories of exemptions. It imposed the deadline in 2020 when tariffs on agricultural products would have to be at the 0-5 percent range. Under the protocol, governments were forced to decrease tariffs on their highly sensitive products between 2001 and January 2005.<sup>35</sup> The Protocol Regarding the Implementation of the CEPT Scheme Temporary Exclusion List was formulated as a response to Malaysia's request for delaying the inclusion of the automobile sector into the Inclusion List. The Protocol allowed governments facing real economic difficulties to delay the transfer of a product from the Temporary Exclusion List to the Inclusion List or to temporarily suspend the concessions on products that already were under the Inclusion List.<sup>36</sup>

Such reluctance to create a mechanism that impinges upon members' sovereignty is also evident in the ASEAN Investment Area (AIA, the framework agreement on the ASEAN Investment Area signed in 1998) which aims to encourage foreign investment across ASEAN by obliging member states to open their industries to external and internal investors. The AIA Council that comprises member state ministers for investment and the ASEAN Secretary-General again lacks independence and penalties for non-compliance.<sup>37</sup> Thus, member governments negotiated a flexible mode of implementation similar to the AFTA. The governments placed most sectors they wished to exclude from the AIA in the Sensitive List rather than the Temporary Exclusion List. Most of the Sensitive List exclusions take the form of partial restrictions or additional conditions imposed on foreign investment, usually regarding land ownership, eligibility for government procurement privileges and investment incentives, corporate equity conditions, employment of foreign employees and other market access and export conditions.<sup>38</sup>

In the case of ASP, member states are not obliged to provide the necessary economic data for the ASP to function as an early warning system but instead, in accordance with the ASEAN way, agreed to submit the information voluntarily.<sup>39</sup> Members of ASEAN showed their reluctance to implement the ASP's recommendation in particular on exchange rate policy not because of its deficiencies but because it is viewed as a political issue.

In view of this tendency to equivocate over implementation of a free trade area there is also little likelihood of ASEAN developing a common currency unit for the region. Member states are reluctant to surrender monetary autonomy. Prior to the agreement on the ASEAN Economic Community, the regional grouping's senior officials meeting expressed the concern that it would require harmonization of national policies in the form of increased regional surveillance and interference. In this context, Malaysia has asked for the implications of Free Trade Agreements between member and non-member states to be assessed and their implications for the proposed AEC to be studied.<sup>40</sup> Malaysian International Trade and Industry Minister Rafidah Aziz expressed skepticism on the possibility of a European Union-style economic integration of ASEAN within the next 10–20 years due to the

reluctance of governments in the region to give up control of their national finances.

“I do not foresee ASEAN governments giving up their sovereignty to some supra-national body but there will probably be greater integration through areas like FTAs (free trade agreements)”.<sup>41</sup>

## **MODIFICATION OF THE ASEAN WAY**

The notion of constructive interference as a means of countering as what has been shown became an ASEAN Way that paradoxically countermands deeper ASEAN integration was first suggested by the former deputy prime minister of Malaysia, Anwar Ibrahim in 1997. Anwar outlined the following steps: direct assistance to firm up electoral processes in new ASEAN members; increased support for legal and administrative reforms; developing human capital; and the strengthening of civil society and the rule of law.<sup>42</sup> The proposal, which stemmed from concern about the reconstruction of Cambodia after the 1997 coup, which seemed to undo years of peace efforts by the Association and other parties, was seen not as a one-off reaction to Cambodia but a call for ASEAN’s greater interaction.<sup>43</sup> Despite Anwar’s assertion that it did not violate the principle of non-interference, member states responded cautiously since the proposal for strengthening civil society could be construed as interference in internal affairs.

Yet, Anwar’s proposed constructive interference was different from the Western notion of humanitarian interference. First the former assumes that those governments facing internal crisis will request help from the international community including ASEAN, which will be in the form of various political and economic measures rather than military interference. Secondly, the idea of constructive interference is closer to pro-active action to strengthen the country’s economic and social stability rather than a reactive measure.<sup>44</sup>

Elaborating upon the notion of constructive interference suggested by Anwar, Thailand later proposed a policy of flexible engagement to replace the non-interference policy. In 1998, Thai foreign minister, Surin Pitsuwan argued that the non-interference policy of ASEAN should be adapted to the increasingly interdependent environment in which ASEAN members were operating and where they faced transnational threats from haze, crime, disease and financial contagion.<sup>45</sup> The proposal from Thailand was further motivated by the failure of the constructive engagement policy with Myanmar. To safeguard its security and economic interests, Thailand had sought to bring political change in Myanmar, where ethnic tensions along the Thai-Myanmar border area and human rights abuse had become an enduring problem.<sup>46</sup> But ASEAN foreign ministers diluted the idea merely allowing member states’ freedom to pursue ‘enhanced interaction’.

In operational terms, the idea of flexible engagement was reflected in the proposed ASEAN Troika. At the Third ASEAN Informal Summit in Manila in 1999, the ASEAN Heads of State agreed that an ASEAN Troika be constituted as an ad hoc body at the ministerial level so that the grouping could address and cooperate more effectively on issues affecting regional peace and stability. The troika, however cannot address issues that affect the internal affairs of ASEAN member countries. Indeed, the troika like the ASEAN Way, continues to reflect, works by consensus and making recommendations that require acceptance by all ASEAN foreign ministers.<sup>47</sup>



Loose institutionalization as a result of the ASEAN Way has also been identified as the source of the slowdown in regional cooperation given the increased diversity of economic development in the region since it expanded to 10 members in 1998.<sup>48</sup> ASEAN remains an inter-governmental concept driven by political elites.

A further proposal to modify the limitations of the ASEAN Way is the '10 minus x' principle announced at the ASEAN Economic Ministers (AEM) Retreat in 2002. The '10 minus x' principle would give member nations the option of joining liberalization programmes at their own speed. Areas earmarked for initial implementation of the 10 minus x principle are: the open sky policy; the use of smart cards among member nations to assist in the movement of people; liberalization in the area of services, financial services, telecommunications, logistics, and transportation (air, sea and land); tourism and the movement of business people; investment liberalization; e-ASEAN to bridge the digital divide; and in standards and conformance. The 10 minus x principle would thus allow ASEAN countries that are ready and willing to proceed with liberalization in these areas. Those states reluctant to amend their laws, could not therefore, delay other states from moving ahead.<sup>49</sup>

In this context of modifying the ASEAN Way, the most recent case proposal is the drafting of the ASEAN Charter which is expected to be signed by the heads of ASEAN member states in November 2007. The ASEAN Charter is to be the basis of the group's constitution and provide a general framework for the future development of ASEAN towards the Community. Initially, the Eminent Persons Group (EPG) led by Tun Musa Hitam to prepare recommendations for the ASEAN Charter hinted at the possibility of inclusion of disciplinary measures against members who failed to abide by the Charter in particular in the area of human rights.

After their meeting in Manila on July 30<sup>th</sup>, 2007, ASEAN foreign ministers declared that they had agreed to establish the ASEAN human rights commission. It, however, came without the right of investigating power into members' human rights' violations and with no specific timetable. Not surprisingly, Myanmar objected to the idea of a regional level human rights body which could interfere in its internal affairs. Despite the EPG's proposal for voting and sanctions, the foreign ministers agreed that the consensus system would remain the ASEAN Way. No punitive measures such as suspension of membership or any form of sanction against members would be countenanced by the Charter. The process of drafting the Charter is based on a consensus which maintains that any member not comfortable with certain provisions need not cooperate. This means that consensus is needed to change the rule of consensus. In this sense, the process of drafting the ASEAN Charter barely shows any possibility of significant changes to the ASEAN Way.

The ASEAN Way thus remains inviolable ensuring that smaller states as well as authoritarian ones cannot have their domestic practices brushed aside. This is not insignificant at a time when ASEAN seeks to expand its cooperative mechanisms into East Asia. With the expansion of the regional grouping from ASEAN to Asean Plus Three (embracing China, Japan and South Korea), ASEAN remains committed to its main principle of non interference. Indeed, the Northeast Asian countries are relatively favorable to Southeast Asian states' political systems and values. In fact, all three countries signed the Treaty of Amity and Cooperation in Southeast Asia (TAC) which enshrines the principle of non-interference.

In particular on the issue of human rights, China has also faced criticism from the West. ASEAN Plus Three implies that the closer ties with Northeast Asia will improve ASEAN's bargaining power in world politics. The principle is still expected to help bring disparate states together. The absence of leadership or denial of the dominance of powerful countries in the region in preference to collective leadership will maintain a significant role for the ASEAN Way at least for the near future.

## **CONCLUSION**

It has been argued above that although the ASEAN Way has contributed to reducing tension among members, it has not yet reached the stage of a security community. Even the proposed ASEAN Security Community (ASC) does not fulfill the basic conditions of a security community properly understood. ASC is based on the principle of comprehensive security having broad political, economic, social and cultural aspects in consonance with the ASEAN Vision 2020, rather than with a defense pact, military alliance or a joint foreign policy. Indeed, ASC, like all things ASEAN, will adhere to the ASEAN Way

The debate over the ASEAN Way and its commitment to the inviolable principle of non-interference and the various steps taken to enhance cooperation between ASEAN states in the areas discussed above, reveal an ASEAN willingness to address the principle but a failure to modify it effectively to current regional security and economic needs or to external influences. There is a perceived need for flexibility in the current world of increased globalization in particular since September 11 2001. Following the economic crisis, the haze and political unrest, there is a regionally felt need to modify the non-interference principle and more awareness of the need to subordinate sovereignty to the common regional good. In particular, as regional economic integration is deepened it requires a more institutionalized mechanism to resolve potential disputes among member countries. The pressure to modify the political tradition of the ASEAN Way will arguably be increased.

However, as we have seen declaration is not the intention and the principle of non-interference cannot be simply abandoned as we have shown in the process of drafting the ASEAN Charter. Indeed, in view of the expansion of cooperation toward East Asia, the ASEAN Way could, in fact, be reinforced, particularly at the security level. In particular, China, an emerging economic and political power, has shown support for the ASEAN Way. Given the diversity and rivalry between China and Japan, the role of ASEAN based on its 'way' will remain an essential mechanism in interaction beyond South East Asia.

Moreover, although ASEAN has come to recognize the role of civil society and a people-centred community and in the process of drafting the ASEAN Charter, ASEAN held dialogues with representatives of civil society organizations in Manila on March 27, 2007, any broader accountability of ASEAN governments remains largely window dressing. The dialogue itself was held in the form of a closed-door meeting and the role of civil society was limited to that of a dialogue counterpart, not a working group. Civil society, moreover, notably the Alternative ASEAN Network openly criticizes the inability of ASEAN to deal with Myanmar and demands the abolition of the non-interference principle as the precursor to effective ASEAN reform. Without effective reform, ASEAN integration in security and economic policy will continue to be largely ineffectual.

## ENDNOTES

---

<sup>1</sup> The author extends his grateful thanks to Profess Dr. David Martin Jones of the School of Political Science and International Studies, University of Queensland, for his guidance and constructive comments on this article.

<sup>2</sup> Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the problems of regional order*, (New York: Routledge, 2001), pp.47-72.

<sup>3</sup> Roldolfo. C. Severino, *Southeast Asia in Search of an ASEAN Community*, (Singapore: ISEAS, 2006), p.11.

<sup>4</sup> Allan Collins, *Security and Southeast Asia: Domestic, Regional and Global Issues*, (Singapore: ISEAS, 2003), p.129.

<sup>5</sup> The Asian values claimed by both leaders can be summarized as follows: 1) Values are learnt differently in the West and the East; 2) Western-style democracy can lead to undisciplined and disorderly conditions inimical to development. Wan A. Manan, "A Nation in Distress: Human Rights, Authoritarianism, and Asian Values in Malaysia," *SOJOURN*, Vol. 14. No. 2, (1999), p.369.

<sup>6</sup> *Ibid.*

<sup>7</sup> Seok-Hyeon Kim, "A Critical Review of Asian Values and Asian Model," (November 1999), available at [www.nd.edu/~skim/academic/asianvalues95.doc](http://www.nd.edu/~skim/academic/asianvalues95.doc).

<sup>8</sup> In the Bangkok Declaration, the following phrase was included. "Southeast Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and that they are determined to ensure their stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their peoples", See 'The ASEAN Declaration', Bangkok Declaration, Thailand, 8 August 1967.

<sup>9</sup> Amitav Acharya, *constructing a security*, p.58.

<sup>10</sup> Samuel Sharpe, "An ASEAN Way to Security Cooperation in Southeast Asia?," *The Pacific Review*, Vol. 16, No. 2, (2003), pp 232-233.

<sup>11</sup> Amitav Acharya, *constructing a security*, p.58.

<sup>12</sup> Sorpong Peou, "Realism and constructivism in Southeast Asian security studies today: a review essay," *The Pacific Review*, Vol.15, No.1, (2002), pp.131-132.

<sup>13</sup> The system of nation-state has been developed since the Westphalia Agreement in 1648. Non-interference, sovereignty and the legal equality of states have been main principles of several United Nation doctrines including the UN Charter. A. Leroy Bennett, *International Organization: Principles and Issues*, (New Jersey: Prentice-Hall, 1995), pp. 58-60. The Charter in article 2 adopted the principle of the sovereign equality of all its Members in provision 2. And in provision 7 in the same article, it is noted, "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state..." See *the Charter of the United Nations*. Full text is available at <http://www.un.org/aboutun/charter/index.html>.

<sup>14</sup> It is well known fact that the International Monetary Fund increasingly intrudes into domestic affairs through demanding wide-ranging structural reforms.

<sup>15</sup> In the so-called new world order, the doctrine of sovereignty has been challenged by two developments. The first is the series of crises of political authority in weak states in the third world such as Rwanda, Burundi, Liberia, and Zaire that could mangle sovereignty by using rivalry between super powers in the Cold War era. Second is the increased salience of human rights and democracy. Both developments eventually led to the UN-led interference. Amitav Acharya, *Regionalism and Multilateralism: Essays on Cooperative Security in the Asia-Pacific*, (Singapore: Times Academic Press, 2002), pp.232-233.

<sup>16</sup> *Ibid.*, pp.47-57.

<sup>17</sup> Rohan Gunaratna described Southeast Asia as a 'Second Front' in the war on terror. According to him, the region has been experiencing the highest level of terrorist attacks in the world. Johan Gershman, "Is Southeast Asia the Second Front?," *Foreign Affairs* Vol. 82, (July-August 2002), p.60.

<sup>18</sup> It was revealed in the Singapore White Paper on the terrorist network. *Malaysiakini.com*, 10 January 2003.

<sup>19</sup> See, "2001 ASEAN Declaration on Joint Action to Counter Terrorism," 5 November 2001. ASEAN Secretariat, <http://www.aseansec.org/5620.htm>.

<sup>20</sup> See, "Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime," Kuala Lumpur, 17 May 2002, Secretariat, <http://www.aseansec.org/5616.htm>.

<sup>21</sup> Amitav Acharya, "Southeast Asian Security after September 11," *Asia Pacific Foundation Canada, Foreign Policy Dialogue Series*, August 2003. pp.7-8.

<sup>22</sup> For more details, see ASEAN Secretariat, <http://www.aseansec.org/11997.htm>

<sup>23</sup> Amitav Acharya, "Southeast Asia," pp5-6.

<sup>24</sup> *Ibid.*, pp.6-8.

<sup>25</sup> It is called, "ASEAN-United States of America Joint Declaration for Cooperation to Combat International Terrorism," 1 August 2002, ASEAN Secretariat, <http://www.aseansec.org/7424.htm>

<sup>26</sup> *Malaysiakini.com*, 21 August 2003.

<sup>27</sup> *New Straits Times*, 7 October 2003.

<sup>28</sup> *New Straits Times*, 2 June 2003.

<sup>29</sup> Regarding any possibility of ASEAN's intervention on Myanmar issue, Dr Mahathir said "The ASEAN Way is to take a constructive approach, not a confrontational one." *New Straits Times*, 6 October 2003.

<sup>30</sup> The U.S. State Department spokesman Richard Boucher said, "we do not see positive developments in Myanmar." *Straits Times (Singapore)*, 6 October 2003.

<sup>31</sup> For details of the ASEAN's counter-haze measures, see S.Tahir Qadri ed., *Fire, Smoke, and Haze: The ASEAN Response Strategy*, ADB and ASEAN, 2001.

<sup>32</sup> Alan Collins, *Security and Southeast Asia*, pp.141-142.

<sup>33</sup> *New Straits Times*, 17 March 2001.

<sup>34</sup> According to former ASEAN secretary-general Ajit Singh, most decisions made by ASEAN members are based on national interests rather than regional interests. However, the uncommon stands did not affect on intra-ASEAN bilateral relations. *New Straits Times*, 2 May 2003.

<sup>35</sup> Helen E.S. Nesadurai, *Globalization, Domestic Politics and Regionalism: The ASEAN Free Trade Area*, (London: Routledge, 2003), p.167.

<sup>36</sup> Ibid., p. 167.

<sup>37</sup> Ibid., p.151.

<sup>38</sup> <http://www.aseansec.org/6480.htm>

<sup>39</sup> Alan Collins, *Security and Southeast Asia*, p.150.

<sup>40</sup> *The Straits Times*, 15 June 2003.

<sup>41</sup> *The Sun*, 14 April 2004.

<sup>42</sup> M. Rajaretnam, "Principles in Crisis: The Need for new Directions," Kao Kim Hourn ed., *Asean's Non-Interference Policy*, London: ASEAN Academic Press, 2000, p.47.

<sup>43</sup> "Activist ASEAN?," <http://www.asiaweek.com/asiaweek/97/0801/ed1.html>

<sup>44</sup> Amitav Acharya, *Regionalism and Multilateralism*, p.235.

<sup>45</sup> Alan Collins, *Security and Southeast Asia*, p.143.

<sup>46</sup> Ibid., pp.143-144.

<sup>47</sup> Barry Wain, "ASEAN's Credibility Crisis," *The Asian Wall Street Journal*, 5 August 2001.

<sup>48</sup> Former ASEAN secretary-general Rodolfo Severino said, "ASEAN has to be more legally binding for future credibility. It is good at frameworks but backs away from difficult political steps. As a result, many initiatives stagnate." Kamrul Idris, "ASEAN: Long road ahead," *New Straits Times*, 22 April 2004.

<sup>49</sup> *The Star*, 7 July 2002.