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Helen E. S. Nesadurai

School of Arts and Social Sciences, Monash University, Sunway Campus, Malaysia

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ASEAN and regional governance after the Cold War: from regional order to regional community?

Helen E. S. Nesadurai

Abstract This paper first reviews and critiques the dominant realist and constructivist accounts of ASEAN, which have enjoyed much prominence in The Pacific Review since the journal’s founding in 1988. ASEAN behaviour and outcomes cannot be fitted into neat theoretical categories that emphasize either material or ideational variables in explanation. Instead, ASEAN displays complexities in behaviour that are the product of the contingent interaction between the material (power, territory, wealth) and the ideational (norms, ideas, identity) as member states actively seek to manage domestic order as well as regional order within and beyond ASEAN. In all of this, state interests and identities remain paramount, which means that the long-standing ASEAN norms of sovereignty/non-interference remain central to regional governance. Under these conditions, and despite the Charter’s newly articulated political norms of democratization, human rights, and the rule of law, the prospects seem doubtful for building a people-centred ASEAN Community in which regional governance displays inclusiveness, seeking to address the interests and needs of the region’s ordinary people as opposed to what its elites deem appropriate. The final portion of the paper explores what a critical approach to studying ASEAN might reveal. In particular, the paper attempts to identify whether there may be any political spaces opening up within existing structures and practices from which progressive change could emerge, even if slowly, particularly in the area of human rights and social justice, key elements in building an inclusive, ASEAN Community.

Keywords ASEAN Community; realism; constructivism; critical perspective; human rights; social justice.

As the Cold War drew to a close at the end of the 1980s, the Association of Southeast Asian Nations (ASEAN)¹ celebrated two decades of existence
The Pacific Review

characterized by the absence of open confrontation and war amongst its members – a remarkable achievement considering the period of regional instability, conflict and limited war (Konfrontasi) between these very same states on the eve of ASEAN’s formation in 1967. ASEAN had also burnished its diplomatic credentials during the 1980s through its role in the settlement of the Cambodian crisis following Vietnam’s 1978 invasion and occupation of Cambodia.\(^2\) ASEAN, consequently, entered the 1990s with a reputation as one of the more successful regional organizations in the developing world (Acharya 2001: 5), credited also for ‘the long peace’ amongst its members (Kivimäki 2001). On the other hand, the resolution of the Cambodian crisis left ASEAN without a clear raison d’être since this issue had dominated the Association throughout the 1980s (Huxley 1996: 215). ASEAN’s search for a new role was further complicated by the transformed security environment following the end of the Cold War. The ‘extremely fluid’ nature of the regional environment was expected to create a power vacuum that Japan and China might be tempted to fill as the United States drew down its regional presence. In addition, there were already proposals from Japan, Australia and Canada for establishing new, Pacific-wide multilateral institutions in economics and security that the ASEAN states found disturbing lest they undermine ASEAN’s centrality as well as impose rules and practices that could be detrimental to their economic and security interests (Caballero-Anthony 2005: 117–27). Despite the growing economic prosperity of the ASEAN region, the Association seemed poised to become irrelevant at the start of the 1990s.

ASEAN, however, rose to the challenge at its fourth summit in Singapore in 1992 where it launched two key proposals to revitalize the grouping and to meet the emerging challenges posed by globalization of the world economy and the uncertain regional strategic environment. ASEAN unveiled plans to form an ASEAN Free Trade Area (AFTA) and outlined a mechanism for a regional security dialogue in the wider Asia-Pacific region based on the ASEAN Post-ministerial Conference (PMC).\(^3\) In 1994, the security dialogue became institutionalized as the ASEAN Regional Forum (ARF). Other areas of functional cooperation were also outlined at the Singapore Summit, while ASEAN’s main administrative organs, notably the Secretariat and the office of the Secretary-General were enhanced (ASEAN 1992). Since then, ASEAN has embarked on an array of cooperative projects in economics, social development, transnational crime (maritime piracy, drugs and human trafficking) and non-traditional security (energy security, health security and terrorism).

Geoffrey Wiseman, writing in a 1992 issue of The Pacific Review, had suggested that ASEAN had the potential of promoting a form of common security in the wider Asia-Pacific based on the Association’s informal approach to conflict avoidance and management (Wiseman 1992). Writing in a later issue of the same journal, Michael Leifer cautioned that the Association was in no position to even think about taking on a major role as ‘prime manager
of regional order’ (Leifer 1992: 168). In fact, this was Leifer’s unwavering interpretation of ASEAN – that the Association had seen only limited success in fashioning a stable regional order in Southeast Asia because there was little in the way of shared agreement amongst key regional states on the deep normative principles governing their interrelationships and interactions (see Khong 2005). Challenging Leifer’s dismal reading of ASEAN were scholars such as Amitav Acharya, Nikolas Busse, Timo Kivimäki, and Yuen-Foong Khong who, writing from the constructivist perspective, argued that ASEAN had indeed created a workable peace amongst its members and had helped stabilize the wider regional environment. For Acharya, ASEAN by the early 1990s had moved closer towards becoming a security community based on shared norms and a collective identity.

Leifer’s sceptical assessment seemed to be the more accurate reading as the 1990s unfolded, however. Setbacks to AFTA called into question the grouping’s resolve to create a single regional market in Southeast Asia. ASEAN was further tested during the 1997–98 Asian financial crisis over its inability to fashion a meaningful, concerted response to the turmoil, while the Association’s limited response to the yearly environmental pollution emanating from Indonesian forest fires, the coup in Cambodia and repression in Burma (or Myanmar as the military junta renamed the country in 1989) undermined ASEAN in the eyes of both the international community and ASEAN civil society. According to constructivist scholars like Acharya (2001: 123), membership expansion to include Vietnam (1995), Myanmar and Laos (1997) and Cambodia (1999) undermined ASEAN’s progress towards a security community. Although membership expansion to ten meant that the Association’s long-standing goal of representing ‘One Southeast Asia’ had been achieved, expansion tested the grouping’s internal cohesion and its reputation in the international community. The new members brought new problems into the Association, which tested the grouping’s problem-solving capacity. Attempts to develop new regional norms that would allow member states to at least discuss the domestic policies of fellow members if these displayed regional externalities were resisted, especially by the new members for whom the traditional ASEAN norms of sovereignty and non-interference secured for their states a desirable degree of autonomy whilst permitting them the benefits of membership (Acharya 2001: 102–27).

Once again, ASEAN had to find ways to revitalize the grouping and enhance its credibility at home and abroad. In 2003, ASEAN unveiled a proposal to form a people-centred ASEAN Community in Southeast Asia by 2020, later brought forward to 2015. Regional community building is centred on three pillars. The ASEAN Economic Community (AEC) aims to create an economically integrated Southeast Asian regional production space and market while the ASEAN Security Community (ASC) and the ASEAN Socio-cultural Community (ASCC) respectively contribute to community building through cooperation on regional political and security matters as well as cooperation on social and cultural issues (ASEAN 2003).
building is expected to be supported by the ASEAN Charter, which is aimed at turning the grouping into a rules-based organization to ensure more effective cooperation. The Charter also articulates ASEAN’s aim of taking the lead in broader regional institutions beyond ASEAN (ASEAN 2007). The Charter, however, proved to be something of a disappointment to many ASEAN observers when it was unveiled in November 2007 as it institutionalizes ASEAN’s traditional, state-centric approaches to cooperation, reiterating also sovereignty and non-interference as the Association’s cardinal principles. Although a set of progressive domestic governance norms – democratization, human rights and the rule of law – have been formally articulated in the Charter as core goals for the grouping, ASEAN observers are asking how these goals will be achieved if the non-interference principle remains an entrenched part of ASEAN regional governance.

Exchanges such as those described in this introduction are only a small part of the academic and policy debates that are now a regular feature of the study of ASEAN, a good part of which has taken place in the pages of *The Pacific Review*. These debates all centre on one theme – how to explain the workings of ASEAN and to assess its effectiveness as a regional organization. On both these issues, the debate in *The Pacific Review* and other journals is not merely empirical but theoretical as well. As Sarah Eaton and Richard Stubbs (2006) explain, the empirical ‘facts’ chosen to assess ASEAN and make meaningful judgements about whether it is an effective organization depend on whether one subscribes to a (neo-)realist or a constructivist framework of analysis. In the late 1990s, constructivism emerged as a powerful challenger to the traditional realist-based writings on ASEAN, paralleling the ‘constructivist turn’ in international relations (IR) theory. However, the constructivist reading of ASEAN, which has been especially prominent in *The Pacific Review*, has come under increasing critique from scholars drawing on liberal institutionalist frameworks, the English School of IR and critical theory, thereby imbuing analyses of ASEAN with much-needed ‘theoretical pluralism’ (Acharya and Stubbs 2006). One could even argue that the scholarly study of ASEAN is itself witnessing a refreshing revitalization that parallels official moves to energize the forty-year-old grouping.

There is already an extensive literature on ASEAN in the post-Cold War period. As such, this article will not simply recount ASEAN’s experiences, achievements and weaknesses following the ending of the Cold War in the region. Instead, it first draws out the main facets of the realist–constructivist debate on ASEAN, showing how both perspectives come to distinct conclusions about the problems and prospect of cooperation, regional order and community. The article next highlights a number of gaps and weaknesses in mainstream realist and constructivist analyses of ASEAN and explores their implications for our understanding of how ASEAN works and especially its potential to become a people-centred regional community.

The analysis shows that ASEAN behaviour and outcomes cannot be fitted into neat theoretical categories that emphasize either material or
ideational variables in explanation. Instead, ASEAN displays complexities in behaviour that are the product of the contingent interaction between the material (power, territory, wealth) and the ideational (norms, ideas, identity) as member states actively seek to manage domestic or intra-state order as well as regional order within and beyond ASEAN. Regional governance, thus, involves a complex balancing act to take account of a range of contending goals and interests as member states respond to shared problems and threats. In all of this, state interests and identities seem paramount in ASEAN, which seeks to accommodate these in ways that shape cooperative outcomes. Consequently, the long-standing ASEAN norms of sovereignty and non-interference in the internal affairs of states remain central to regional governance as ruling elites attempt to minimize intrusions into matters of domestic governance even as ASEAN steps up its cooperation in a growing number of issue areas. Under these conditions, and despite the Charter’s newly articulated political norms of democratization, human rights, and the rule of law, the prospects seem doubtful for building a people-centred ASEAN Community in which regional governance displays inclusiveness, seeking to address the interests and needs of the region’s ordinary people as opposed to what its elites deem appropriate. Given the strong element of conservatism in ASEAN, it appears unlikely that these newly articulated political norms will become embedded in official ASEAN’s institutions and practices of regional governance. The final portion of the paper explores what a critical approach to studying ASEAN might reveal. In particular, the paper attempts to identify, at least in a preliminary way, whether there may be any political spaces opening up within existing structures and practices from which progressive change could emerge, even if slowly, particularly in the area of human rights and social justice – key elements in building an inclusive, ASEAN Community.

Regional cooperation, order and the possibility of community: the realist–constructivist debate on ASEAN

Much of the writings on ASEAN during the 1980s and early 1990s subscribed to realist/neo-realist thinking even if theory was not always made explicit in many of these works (Huxley 1996: 207–8). Realist interpretations continue to characterize the study of ASEAN and, in fact, often serve as critiques of constructivist perspectives, which began dominating the study of ASEAN from the late 1990s. Constructivist writings on ASEAN tend to emphasize ASEAN’s positive contributions towards regional order, cooperation and community building as a result of norm-governed behaviour. Realist writings, on the other hand, paint a rather more dismal picture of ASEAN.

The realist perspective: ineffective cooperation, limited order and no community

Analyses of ASEAN based on realist theorizing emphasize the fragility of cooperation and regional order defined as regular patterns of state behaviour
and interactions that reduce uncertainty and stabilize expectations between states. They point to the divergent strategic perspectives held by member governments and the many bilateral tensions and conflicts that continue to characterize intra-ASEAN relations, the latest being the tensions and armed confrontation between Cambodian and Thai military units in the border area where the disputed Preah-Vihear temple is located. Because of these differences and disputes, the ASEAN states tend towards a realist ‘policy mix’ (Ruland 2000: 443) involving bilateral defence alliances and other security cooperation arrangements between individual ASEAN states on the one hand and external parties, notably the United States and Australia on the other. This is said to work against the notion of a security community in which members seek security primarily with each other.9

According to realist scholarship, the peace and stability enjoyed in the wider Asia-Pacific region beyond ASEAN, despite the existence here of a good number of conflicts, also results from the presence of external states like the United States intent on balancing rising and unpredictable powers like China, in the process providing security and stability for the ASEAN states. In this view, regional institutions like ASEAN and ASEAN-derived institutions like the ARF are ineffective, functioning essentially as talking shops but unable to provide effective solutions to address regional problems, tensions and conflicts. Although member states may have developed a set of common rules and informal prescriptions – the ASEAN norms or the ‘ASEAN Way’ – to guide inter-state behaviour and achieve a modicum of regional order, ASEAN is still regarded as ineffective because it is unable to ‘compel its members to comply with its own rules or to get its East Asian neighbours to follow its prescriptions for regional behaviour’ (Eaton and Stubbs 2005: 136).

For the late Michael Leifer, who wrote extensively on ASEAN, the Association’s rules and prescriptions for behaviour were undemanding to begin with. Deriving from the UN Charter, these ASEAN norms, enshrined in ASEAN’s Treaty of Amity and Cooperation in Southeast Asia (TAC) emphasize mutual respect for the sovereignty, territorial integrity and national identity of member states, non-interference in members’ internal affairs, the peaceful settlement of disputes and renunciation of the threat or use of force. For Leifer, these did not provide the basis for enduring cooperation, the achievement of a stable order and a robust ASEAN regional identity.10 In fact, a number of these norms, principally those pertaining to sovereignty and non-interference, worked against more effective cooperation by safeguarding national interests (Leifer 1989: 69). While members did have interests in common, these were rarely about the corporate good (Leifer 1989: 148). Their common interests were essentially about ensuring economic development, political stability and domestic regime security at home. It was only when collective endeavours did not undermine national priorities and arrangements, or more likely when collective action was needed to counter an external event commonly perceived to be deeply threatening to domestic
stability and the political legitimacy of ruling elites, that regional cooperation could proceed beyond the usual minimalist exercises (Khong and Nesadurai 2007). The ASEAN norms of sovereignty and non-interference reflect the continued dominance of individual state interests in ASEAN as determined by the respective ruling elite. ASEAN, therefore, has been aptly described as a ‘support network for the governing elite’ (Collins 2007: 213). For Jones and Smith (2002), ASEAN is an ‘imitation community’ subscribing to an ersatz model of conflict management based on a set of perverse regional norms that work against effective cooperation and the development of a genuine regional community.

The constructivist perspective: norms, identity and regional community

Scholars writing in the constructivist tradition offer a more positive view of ASEAN by emphasizing how ideational factors – norms and identity – have not only led to regional peace, stability, and order, but also that they possess transformative potential that realist scholars have failed to appreciate. In fact, the call to take seriously the role of ideas and identity in regional scholarship on the Asia-Pacific was first made in The Pacific Review by its editor, Richard Higgott, in 1994 (Higgott 1994). In the case of ASEAN, various scholars have highlighted the role of the ASEAN norms, also termed the ‘ASEAN Way’ in explaining regional cooperation and in transforming the region into a pacific ‘normative community’11 governed by shared understandings of appropriate behaviour (Acharya 2001; Busse 1999; Kivimäki 2001).

The ASEAN Way comprises both a set of behavioural norms enshrined in the TAC, which has been outlined above, as well as a set of informal, procedural norms that prescribe approaches to regional interactions that emphasize informal and non-legalistic procedures, flexibility, behind-the-scenes discussions, non-confrontational approaches to negotiations and the search for consensus (Busse 1999: 46–8). Where realist scholarship on ASEAN argues that the continued presence of tensions and disputes between the ASEAN states works against a stable regional order and meaningful cooperation, constructivist-inclined writings emphasize the role of the ASEAN norms in managing these conflicts such that regional peace and stability is maintained and outright confrontation and war avoided (Jetly 2003). In view of this, Acharya proposed that ASEAN in the early 1990s was on its way to becoming a pluralistic security community, despite tensions and conflicts within the Association, because the ASEAN members managed their conflicts without the use of force or the threat to use force through a process of elite socialization around this set of shared ASEAN norms (Acharya 2005: 107). In other words, these norms have constitutive effects by transforming over time and through repeated interactions the way ASEAN states (or their ruling elites) see themselves – their identity – as members of a regional grouping.
sharing a common lifeworld and fate (Ba 2005). The ASEAN norms, thus, provide the focal point for an ASEAN regional identity. Moreover, this identity is one that the ASEAN ruling elite has consciously constructed since ASEAN’s establishment (Acharya 2005: 104; Kivimäki 2001: 17), making regional identity building an ‘endless process’ (Ba 2005: 262). As a result of the constructivist logic emphasizing process, repeated interactions and socialization, as well as the cognitive imagining of an ASEAN region, constructivists point to how the interests of member states may be transformed in favour of the collective ASEAN good. This, in turn, heralds much stronger regional cooperation, a workable conflict management process, a more secure regional order and, ultimately, progress towards community (Acharya 2001).

Constructivist lenses also interpret ASEAN’s external relations and its capacity to manage the wider regional order differently from realist-based analyses. Cohesion within the Association, which has depended on members observing the sovereignty/non-interference principle and the ASEAN Way approach to cooperation, has allowed ASEAN to achieve what has been termed ‘competence power’, a constructivist, rather than a neo-realist, conception of power that allows its ‘holder’ – ASEAN – to act in a concerted way, not to exercise dominance over any actor but instead to shape its environment in ways beneficial to it (Eaton and Stubbs 2006). Competence power, achieved through ASEAN cohesion, was responsible for the grouping’s concerted interventions in the Cambodian crisis of the 1980s that were aimed at ensuring that the international community perceived the crisis on ASEAN’s preferred terms and responded accordingly (Jones 2007). Competence power has also allowed ASEAN to take the lead in building broader regional institutions in the Asia-Pacific through which to engage outside powers like China, Japan, India, Australia as well as the United States – the ARF, ASEAN + 3 (APT) and the East Asian Summit (EAS) – confirming that ASEAN today has emerged as the ‘hub of regional multilateral diplomacy’ (Acharya 2007). Unlike realists, constructivists argue that ASEAN the corporate entity displays ‘disproportionate regional influence’ because it is ASEAN’s principles and practices that inform wider multilateral forums like the ARF, the APT and the EAS (Eaton and Stubbs 2006: 141) and even beyond (Stubbs 2008).

The constructivists do have a point. These wider regional institutions have become useful to ASEAN for managing regional order from the ASEAN perspective irrespective of how external parties assess the achievements of institutions like the ARF, APT and the EAS. For instance, despite criticisms of the ARF, this regional institution has, nonetheless, helped serve ASEAN’s core interests – to create a stable regional environment based on a set of principles that does not undermine each ASEAN member’s domestic autonomy within the regional institution while stabilizing the conduct of outside powers in accordance with ASEAN’s preferred norms (Nesadurai 2008). Acharya (1997: 340) notes how the ASEAN states use their regional norms as the basis for wider multilateral forums in order to safeguard ‘their national interests
and objectives [when these] come into conflict with multilateral goals’. These ASEAN norms are also attractive to many of the other members of these wider regional institutions and account for why states like China, Russia, India and even North Korea have felt able to participate in the ARF. The participation of key external parties such as the United States, China, Japan and Australia in wider ASEAN-based multilateral institutions like the ARF has also brought political gains to the ASEAN states. Indeed, the ARF’s indirect role in getting key non-ASEAN states including China, Japan, South Korea, Russia, India, Pakistan, New Zealand, Australia and France to accede to ASEAN’s TAC should be considered a major diplomatic success for ASEAN (Khong and Nesadurai 2007: 73). Even if some of its signatories do not consider the TAC to be legally binding, at the very least, accession to ASEAN’s foundational treaty signals the political value that these external parties place on diplomatic engagement with ASEAN. It was for this reason that following French accession to the TAC, the UK Foreign and Commonwealth Office advocated that Britain follow suit, pointing out that it was ‘in the UK’s interest to engage with ASEAN as their role develops and their influence in the region increases’ (FCO n.d.). Where realists and institutionalists would, quite correctly, dismiss the ARF for being a ‘talk-shop’ that has not managed to move beyond its first phase of confidence building, a constructivist reading reveals that ASEAN has, nevertheless, secured the wider region for its own members through the ARF process centred on the ASEAN norms.

**Beyond the realist–constructivist debate**

Realist and constructivist scholarship on ASEAN offers distinct and seemingly indeterminate interpretations and conclusions about the workings of ASEAN, its effectiveness in regional governance and its potential to develop as a regional community. In view of this, Emmerson’s (2005) point remains valid – that we need further empirical analysis of the sources of the ASEAN peace, whether it can be attributed to the ASEAN norms and the ‘we-feeling’ of mutual identification amongst the ASEAN members or whether other, instrumental and material reasons are also at work. The issue is also one of scope, which is to identify the conditions under which ideational variables assert their effects on ASEAN behaviour and regional governance. To some extent, however, the studies of ASEAN outlined above reveal a number of conceptual and methodological shortcomings as well that limit their utility in understanding ASEAN.

One shortcoming stems from the tendency in both realist and especially constructivist works to explain ASEAN as a whole through its security behaviour while neglecting the economic and other realms in which cooperation also takes place. In fact, ASEAN’s security behaviour is even said to differ in the maritime realm compared to security cooperation ‘on land’ (Mak 2008). There is no doubt that security is a hard case for cooperation,
and thus a valuable case study in the international relations of ASEAN, providing useful in-depth analyses of ASEAN dynamics in security cooperation. Nonetheless, these security-focused studies do not capture the other facets of ASEAN regional governance. Consequently, we either understate or overstate the degree of cooperation possible in ASEAN if we extrapolate findings in one issue area to ASEAN as a whole. Constructivist analyses, on the other hand, tend to focus on ideational factors (norms, identity) to the exclusion of material ones (power, territory, wealth), a move that stems from the need to ‘prove’ that ideas matter in international relations (Tan 2006). However, paying closer attention to how the ideational and material interact could help uncover the complexities of ASEAN regional governance, and especially the extent to which the norms of ASEAN are adhered to in situations involving conflicts over power, territory and wealth.

A second criticism stems from the tendency to reify the state in both realist and constructivist analyses of ASEAN, to assume the state remains fixed and unchanged throughout its interactions with other state and non-state actors. Although constructivism emphasizes the mutual constitution of agents and structures, there is a tendency in the constructivist research on ASEAN, for methodological tractability, to bracket out the possibility that the agents (i.e. states) participating in regional interactive processes aimed at, for instance, reconstructing or resisting new norms, or in even continuously asserting the ASEAN norms, will remain unaffected by these processes. The aim in these studies is usually to examine whether regional norms, practices and institutions have been altered because of these processes. However, if we acknowledge that the state may not escape unchanged as a result of these regional processes, in line with constructivist theorizing, then that should alert us to possibilities that new forms of regional governance might be emerging that are located within the very states that act as gatekeepers in ASEAN. A third, and related, weakness is the emphasis in much of the constructivist literature on elite-level socialization when examining the prospects for community building. Although there is now a growing literature that examines the role of civil society in some form of participatory regional governance as the means towards a people-centred ASEAN Community, this literature does not sufficiently problematize regional civil society. By downplaying civil society’s own internal differences and conflicts over the regional governance agenda we limit our understanding of the extent to which participatory regionalism will take root and provide an effective corrective to elite-informed agendas and norms.

In the next section, I highlight insights from studies of ASEAN cooperation in the maritime sphere, in economics and the environment that show how, by extending our analytical focus to other realms of action and issue areas in ASEAN, a more complex picture of ASEAN regional governance emerges. Rejecting the material–ideational divide, these studies show how behaviour and outcomes in ASEAN are shaped by the contingent interaction of both ideational and material variables.
Material and ideational influences: uncovering the complexities of ASEAN

Confirming realist analyses of ASEAN, Tobias Nischalke’s (2002) empirical analysis of ASEAN responses to fourteen different security problems facing the grouping revealed that ASEAN’s behaviour, while governed by the ASEAN norms, does not reflect a strong ASEAN identity at work. Member states exhibited very little mutual identification with each other in their policy behaviour from the late 1980s to the end of the 1990s when faced with crucial regional security problems, linking their security not with ASEAN but with external actors, including broader regional institutions. In fact, Nischalke (2002: 110) sees such a ‘dual strategy of soft balancing and multilateral cooperation’ as ‘[devaluing] . . . the importance of ASEAN as the primary point of common identification’. Evelyn Goh (2007), on the other hand, interprets this as a realistic attempt by a group of small states to actively manage the East Asian regional order by using a mixed constructivist-realist strategy that aims to integrate all the major powers into regional frameworks and bind them to the ASEAN norms of conflict management. Goh’s is an important observation because it reveals how ASEAN security behaviour defies neat categorization into distinct IR theories. Neither the realist focus on material variables nor the constructivist emphasis on shared norms by themselves can satisfactorily explain ASEAN security behaviour or its interactions in other realms of action.

A study by Mak (2008) of ASEAN behaviour in the maritime realm reveals how ASEAN members acting against fellow ASEAN members breached the long-standing ASEAN norm of ‘non-use of threat or force’ in numerous cases over conflicting claims in the South China Sea and the Celebes Sea. This interpretation challenges the constructivist claim that ASEAN members have refrained from using force or the threat of force against each other to settle their disputes since the days of Konfrontasi, an act attributed to norm-governed behaviour. For Kivimäki (2001), even the militarization of a number of these long-standing maritime disputes involving ASEAN member states is not considered a departure from norm-governed behaviour because none of these conflicts in the end led to war or casualties. Mak (2008), however, argues that the militarization of these conflicts should not be glossed over. The various acts of military build-up, the aggressive military posturing and behaviour in the conflict zones as well as minor military skirmishes between the ASEAN member states over disputed maritime boundaries and claims reveal a ‘conflict process’ at work in which the core ASEAN norm of ‘non-use of threat or force’ has been breached by ASEAN members acting against fellow members. Mak attributes these trends to the differential nature of sovereignty on land and at sea, which led the ASEAN members to apply their norms differently to these two realms. In the South China Sea and other maritime zones where significant economic resources (oil, gas, fisheries) have been discovered or are
presumed to exist, the ASEAN member states do not apply their cardinal non-interference norm because sovereignty (over maritime boundaries) has yet to be properly established. Moreover, unlike on land, the absence of significant population centres in the disputed areas reduces the salience of the non-interference norm. Non-interference for the ASEAN states has generally meant refraining from commenting on, making judgements about, and intervening to alter domestic governance in other ASEAN states – acts that have the potential to undermine the authority of those who rule over local populations. This understanding of the non-interference principle reduces its salience in the disputed maritime realm where populations do not exist and where boundary making by the different claimants is not complete.

Like Goh’s analysis, Mak’s findings confirm the utility of studying ASEAN more comprehensively across distinct realms of actions and of considering how ideational structures (norms, identity) interact with material ones (power, territory, wealth) when examining the prospects for peace, security, order and community in ASEAN. Jones (2007), likewise, showed how the ASEAN states during the 1980s repeatedly departed from the non-interference norm as they actively intervened in the Cambodian conflict in order to safeguard their respective national interests as small, vulnerable states. The ASEAN norms, consequently, should be regarded as ‘political rather than normative’ frameworks through which ‘weak, capitalistic regimes’ defend themselves from ‘subversion’ (Jones 2007: 542).

One way in which scholars have traditionally integrated the material dimension in their analysis of ASEAN is by opening up the black box of the (member) state and showing how material interests – the preoccupation of ruling elites with securing political power and wealth – influence the extent to which member states are willing to emphasize collective, ASEAN interests and accept stronger institutionalization in ASEAN over purely national priorities. Thus, Narine (2004) argues that the preoccupation of ruling elites in ASEAN with securing political power and legitimacy reinforces the ASEAN norms that are protective of state sovereignty and domestic policy autonomy, thereby permitting ruling elites to govern domestic societies in ways that take national political priorities into account. We should not, however, assume that concern with domestic political power and legitimacy will always lead to a reinforcing of the ASEAN norm of non-interference and, consequently, will act to reproduce the institutional status quo. A closer look at ASEAN economic cooperation since the 1990s reveals interesting departures from the traditional ASEAN Way approach to inter-state relations and institutional development, changes that resulted from member governments’ concern with securing domestic political legitimacy (Nesadurai 2003). Unlike the case of the maritime realm, these departures from the ASEAN Way norms worked in favour of cooperation.

In the case of AFTA, a process of institutional strengthening and partial legalization had been evident since the mid-1990s. By this time, ASEAN leaders and officials had accepted that regional liberalization to form a single
regional market was vital to secure economic growth, which, in turn, would secure their political power and reinforce their political legitimacy. They believed that a larger regional market created by linking the individually small ASEAN economies through regional liberalization would attract investors seeking large sites in which to locate their transnational production networks. As with AFTA, the adoption of the AEC was prompted by ASEAN perceptions that the region’s competitiveness as a location for investment and transnational production networks needed to be boosted by presenting a large, integrated production space and market to investors, especially in competition with the giants of China and increasingly India. To ensure more effective implementation of the AEC, the ASEAN Secretariat has been accorded relatively more powers to monitor compliance with AEC targets as well as interpret and apply AEC rules (Yoshimatsu 2006). New instruments have also been devised to aid implementation, such as the ACT (ASEAN Consultation to Solve Trade and Investment Issues), which is modelled on the European Union’s Solvit mechanism, the ACB (ASEAN Compliance Body) modelled after the WTO Textile Monitoring Body, and the Enhanced Dispute Settlement Mechanism (Yoshimatsu 2006).

Although the institutional forms associated with AFTA and the AEC lack centralized structures with rule-enforcing powers like those found in the European Union and NAFTA, they are, nevertheless, relatively more intrusive compared to the informal, loose cooperative frameworks usually preferred in ASEAN and that characterized AFTA when it was first initiated. This case shows how concern with securing domestic political power and legitimacy need not work against institutional change. Member governments may be willing to rework ASEAN’s non-interference norms and lose some degree of domestic policy autonomy provided they recognize that the very political legitimacy they are seeking to secure will be undermined if they do not review traditional, informal methods that have failed to deliver. Governments recognize that by working collectively they will be able to better secure national developmental goals in the face of ‘threats’ coming from the world economy (Nesadurai 2003: 38, 174–9). The nationalist motivation also explains why institutional reform has not been more extensive and why flexibility has been incorporated into regional liberalization. It also accounts for why cooperation in economics has not always been implemented effectively (Ravenhill 2008).

Significantly, ideational dynamics were also a crucial determinant in the formation of AFTA. First, decision makers responded not to an objective reality out there but to their discursive interpretations of it. At the start of the 1990s, the ASEAN states were confronted by the emergence of new regional projects in other parts of the world like NAFTA, Mercosur and the Single European Market. These regionalist schemes, as well as a China that was further opening up its economy to the outside world, were framed or constructed discursively as ‘threats’ because of their perceived capacity to divert investment capital away from the ASEAN states. The solution proposed
to address the investment ‘dilemma’ was to offer investors a large sized location in ASEAN attained through a regional free trade area. Second, the new theory of ‘open regionalism’ helped convince leaders and officials that forming AFTA would not mean ASEAN’s closure from the world economy, a sentiment that had hampered regional free trade formation in the past (Nesadurai 2003: 78–82). Third, the sense of mutual consideration for the interests and positions of other ASEAN members – possibly an ASEAN identity or we-feeling amongst leaders and officials – meant that members were prepared to accept compromises and accommodate these diverse positions through institutional flexibility and compromises (Stubbs 2000).

A contrasting experience is regional environmental governance. It was clear by the 1990s that more effective regional cooperation to address the growing environmental damage in the region would bring considerable material benefits to states and populations, a position that was reinforced by a growing regional environmental consciousness in ASEAN. Environmental norms had become prominent in the region and were guiding domestic environmental policy in the ASEAN states. However, this structure of material-normative incentives and beliefs was unable to overcome the overall commitment in the ASEAN states to the idea of market-led growth and the economic and political gains generated by a high growth strategy (Elliot 2003). In this context, the ASEAN Way norms that prescribed soft institutions, flexible cooperation and especially non-interference in the internal affairs of states were emphasized by regional leaders as core ASEAN norms that should remain central to regional environmental governance, in the process helping to secure domestic policy autonomy on matters relating to the environment. In the end, very little real change took place in regional environmental governance (Elliot 2003).

As these cases show, it is the interaction between ideational structures (norms, ideas, identity) and material structures (power, territory, wealth) that often drives behaviour and outcomes in ASEAN. Although constructivist scholars of ASEAN defend their focus on ideational factors in order to ‘prove’ that norms and identity matter, their methodological approach misses important material aspects of regional processes, and thus, overstates the extent of norm-governed behaviour and the prospect for community building. In the cases discussed here, calculative behaviour for material gains is very much a feature of ASEAN, though in a complex interaction with norms and identity. Norms matter, often in a political sense, as tools through which the ASEAN states attempt to regulate external interferences in their domestic affairs, although departures from the ASEAN norms are also evident in certain issue areas. Adherence to the ASEAN Way approach is, consequently, contingent on whether such practice secures or undermines national socio-political and economic agendas.

As Nischalke’s study demonstrates, the shared values and beliefs in ASEAN are, to a large extent, realist in nature. Kivimäki (2001) likewise identifies developmentalism as a core component of an ASEAN identity.
privileging individual states’ developmental priorities and agendas. For Barry Buzan, it is not a contradiction that ‘solidarist’ communities of states reflect a ‘high degree of ideological uniformity but where the shared values are nationalist rather than liberal’ (Buzan 2004: 142). The ASEAN norms of sovereignty and non-interference further reinforce the nationalist orientation of ASEAN. If, as constructivists suggest, there is an ASEAN regional identity, then it seems to be one that encourages member states to place their ‘narrow national interests above regional interests’ (Narine 2002: 3–4). While state actors may have been consciously constructing an ASEAN regional identity in the way Acharya and others suggest, that very process in turn has reinforced their own state identities and sovereignties in a process of mutual constitution (Tan 2006: 249–50).

Regional processes and the possibilities for ‘remaking’ states

If national identities and interests predominate and are reinforced through the process of inter-state interaction in ASEAN, it does not appear that regional governance can ever be transformed to generate the kind of ‘we-feeling’ and concerns for values such as human rights, democratization and social justice that help support the building of a people-centred ASEAN Community. Reiteration of sovereignty and non-interference as core principles of ASEAN in the 2007 Charter, amply demonstrated by the ASEAN leaders’ refusal to censure the Burmese military junta for its September 2007 violent suppression of pro-democracy protests led by Buddhist monks on the grounds that this was an internal Burmese matter, underlies the pessimistic reading of ASEAN even if the Charter formally endorsed the establishment of an ASEAN human rights body (Nesadurai 2008).

In this section, the paper attempts a preliminary critical exploration of ASEAN in the area of human rights governance to determine whether any spaces for action have emerged that might have the potential to eventually lead to the embedding of concern for human rights in regional governance, even if only slowly and imperfectly. State actors may have succeeded in reinforcing the ASEAN norms and identity and, consequently, state identities and interests in encounters with external, ‘alien’ norms in the way Acharya (2004) and Katsumata (2006) have outlined. In Acharya’s study of the role of local/regional actors in localizing external norms, regional Track II actors consciously reconstructed external norms to ensure they fitted in with prior local norms that continued to enjoy normative salience in ASEAN (Acharya 2004). Thus, it is the external norm (cooperative security) that undergoes reform while the process leaves the constituent states of the region unchanged. In another case, the external norm of humanitarian intervention is resisted because it is fundamentally opposed to the non-interference principle. However, nothing else happens regionally or internally within states. In this section, I consider whether the regional processes through which the ASEAN states attempt to deflect unpalatable external
norms led to unexpected outcomes with the potential to transform the state internally.

Much of the literature on ASEAN that considers the internal structures and processes that make up the state does so only to the extent of showing that domestic concerns with maintaining political power and legitimacy reinforce the ASEAN elites’ adherence to the ASEAN Way, a point already noted above, and challenged. Such concerns are said to prevent more effective regional cooperation and work against the strengthening of regional institutions and any regional-mandated reform of domestic governance structures and practices (see Narine 2004). Alternatively, changes in regional practices or structures are attributed to domestic political shifts such as democratization (see Katsumata 2004). The direction of change is usually one way, from the state to the regional level. The possibility that regional-level processes originally aimed at resisting external norms might have unintended effects on states – for instance, through altering domestic governance structures, practices or political coalitions that, in turn, reinforce the very external pressures that regional processes sought to resist – has not been adequately explored in the literature on ASEAN. In what follows, I suggest that regional-level interactions in the controversial area of human rights helped pave the way for domestic shifts in governance structures and new political coalitions in a few ASEAN states, even if formal regional institutions remain unchanged.

ASEAN and human rights governance: the regional–national nexus

The 1993 World Conference on Human Rights in Vienna stimulated debate in the region and elsewhere in the developing world on the universality of human rights as contained in the 1948 Universal Declaration of Human Rights (UDHR). With the end of the Cold War sparking a liberal movement worldwide, ASEAN leaders were concerned lest Western conceptions of human rights centred on individual liberty and rights more generally, and civil and political rights more specifically, would undermine the developmental state in ASEAN and their preferred authoritarian approaches to governance. Only the Philippines could be said to be fully democratic during this period. The worry was that Western approaches to human rights would be imposed on other states using coercive means, including trade and aid conditionalities as well as more covert forms of Western imperialism (Kraft 2001). An inter-governmental meeting of Asian states, which included the ASEAN members, met in Bangkok in March–April 1993 to prepare for the World Conference in Vienna. This group formulated a thirty-point final declaration to be conveyed to the World Conference (Bangkok Declaration 1993).

While these states reaffirmed their commitment to the UDHR and acknowledged the universality of human rights, the Bangkok Declaration, as it was called, also emphasized five other points aimed at safeguarding their interests and views on this matter. Notably, these five points also structured
the way the human rights issue unfolded in ASEAN. These five points are: (a) respect for national sovereignty and non-interference in the internal affairs of states (point 5); (b) that although human rights are universal, regional and national particularities as well as historical, cultural and religious perspectives need to be considered (point 8); (c) that the state has primary responsibility for the promotion and protection of human rights (point 9); (d) that national institutions had an important role to play in promoting and protecting human rights but that states should decide on the establishment of such institutions (point 24); and (e) that the possibility of regional arrangements for the promotion and protection of human rights should be explored (point 26) (Bangkok Declaration 1993). In this way, the ASEAN states used the Bangkok Declaration to reiterate the centrality of the state in any human rights framework and to promote the notion of regional mechanisms as a way to take account of local cultural and historical particularities. Notably, the Declaration also structured the way in which the human rights issue unfolded in ASEAN.

There were three significant developments that resulted from ASEAN’s endorsement of the Bangkok Declaration. First, ASEAN foreign ministers at their 26th ASEAN Ministerial Meeting in July 1993 formally declared that ASEAN would consider establishing a regional human rights mechanism (ASEAN 1993). Second, and as a result of the formal ASEAN endorsement of a regional human rights body, human rights activists and NGOs were able to get official support to establish an informal working group that would examine the prospects for setting up just such a body in ASEAN. The Working Group for an ASEAN Human Rights Mechanism was formed in 1996, based in the Human Rights Centre of Ateneo de Manila University in the Philippines and involving scholars, lawyers, and activists (Mohamad 2002: 236–7). But, aside from strategically supporting the establishment of the Working Group to demonstrate their commitment to a regional human rights body, the ASEAN states did not offer the Working Group much active support. In fact, member states proposed in 1996 that national human rights commissions should first be set up before a regional human rights mechanism could be established.22 These three developments, in turn, resulted in human rights becoming a legitimate focus of both national and regional governance in ASEAN even if ruling elites were more inclined to orient their approach to human rights governance in ways that dovetailed with official interests and sensitivities. Nevertheless, the establishment of national human rights commissions in a number of ASEAN states acted as the locus around which new political coalitions articulating more progressive forms of governance coalesced.

While the Philippines National Human Rights Commission had been established soon after the fall of Marcos in the late 1980s, the commissions of Indonesia, Thailand, and Malaysia were established after the Bangkok Declaration, respectively in 1993, 1997, and 1999.23 Although domestic developments and the global movement on human rights certainly played a
role in the establishment of these Commissions, the catalytic role played by ASEAN’s region-level responses to the post-Cold War global human rights agenda should not be discounted.24 National working groups on human rights have now been established in Cambodia and Singapore, while a National Commission will be established in Cambodia in 2008–09 (Medina 2005: 113). Thus, regional processes aimed at deflecting the universal human rights norm paradoxically helped set the stage for the setting up of national human rights institutions in member states. These processes also led to the slow embedding of a universal human rights discourse (as opposed to Asian Values) in ASEAN.25

The Working Group was at the forefront, together with other human rights activists, scholars and NGOs, of an emerging regional discourse on human rights that challenged the ‘Asian Values’ discourse forwarded by Malaysia’s Mahathir Mohamad and Singapore’s Lee Kuan Yew during this period (Kraft 2006). The ‘Asian Values’ discourse, a response and challenge to the Western, liberal conception of human rights, advocated a communitarian rather than an individualistic conception of rights, paternalistic or top-down approaches to domestic governance as opposed to liberal democracy, and the primacy of economic development over political and civil rights (Kraft 2001). Although only two ASEAN leaders articulated the notion of ‘Asian Values’, no other ASEAN state, not even the democratic Philippines, challenged it, thus providing the discourse with tacit ASEAN support (Kraft 2001). In 1997, the ASEAN states also supported Mahathir’s proposal for a global review of the UDHR, although the review was never conducted because of the Asian financial crisis (Kraft 2001).

Despite these official views, there is now a well-entrenched regional discourse on human rights involving not just civil society groups, NGOs and human rights activists but progressive-minded national and ASEAN officials as well, although the universalist discourse does not go unchallenged by those propounding relativist notions of human rights (Kraft 2006: 86–7). More than that, national commissions are working to further the human rights agenda within their states whilst networking with each other and with the regional Working Group on a variety of human rights issues.26 In particular, the four existing national commissions are working very closely with the regional Working Group on forming the regional human rights body proposed in the 2007 ASEAN Charter as well as establishing national commissions in the remaining ASEAN states. One task is to ensure that the Cambodian commission to be formed in 2008–09 will comply with the 1992 Paris Principles, which is a set of international guidelines to ensure effective human rights institutions.

Although the national-level commissions faced considerable limitations and were, consequently, not always effective,27 on many occasions these bodies have surprised even their critics with their critical condemnation of government policies, actions and abuses. In Malaysia, despite its effective lack of independence from the government, SUHAKAM, the official national
human rights commission, has even helped change mindsets in Malaysia’s conservative police force through its critical reporting and investigations into accusations of policy brutality, leading the government, which set up SUHAKAM and appointed its Commissioners, to accuse it of being a tool of ‘western imperialism’ (Mohamad 2002: 243–4). Thus, governments often ignore these commissions and their reports, as SUHAKAM has recently complained. Despite their limitations, these national commissions are helping to catalyse domestic change within their respective states, albeit at a rather slow pace. These commissions also serve as focal points for new political interest groups to form, while in other cases, such as in Malaysia, the national commissions also serve to catalyse the emergence of independent human rights groups acting as watchdogs of governments and as critics of the national commissions.

Although there is still much to be studied about these sorts of developments in ASEAN and its member states, it is clear that the domestic shifts in human rights governance as well as the strengthening regional discourse on human rights are partly the outcome of the actions of the ASEAN states in collectively resisting and attempting to deflect the post-Cold War global human rights agenda by proposing domestic and regional alternatives through the Bangkok Declaration. Such processes resemble the new modes of regulatory regional governance in which regional (and global) governance takes place through appropriate national governance structures. The continued absence of a formal regional mechanism might lead some to discount the significance of these national commissions as a new mode of regional governance. But, the question to ask in this regard is whether a regional commission will fare any better than the national institutions, given the authoritarian political systems of a number of ASEAN states, their resistance to external interventions in matters of domestic governance issues and the reiteration of sovereignty and non-interference as ASEAN’s cardinal principles. However, these national commissions, despite their limitations, have opened up some political space for change through bottom-up processes that may, in the end, be more enduring. The role played by civil society has been important in this regard, as have the actions of progressive elites who have used the openings created by these regional processes to push the human rights agenda at both the regional as well as domestic levels. The key question is whether this experience is reflected in other areas of regional governance.

Towards an ASEAN Community: civil society and the prospects for participatory regionalism

The emphasis on elite-level socialization and identity-building processes in much of the constructivist literature on ASEAN is slowly giving way to studies that emphasize the need to create a sense of belonging amongst the ordinary people of ASEAN (Collins 2007: 209). Even ASEAN officials and leaders acknowledge the elitist nature of ASEAN and have pledged to
correct the situation, particularly through the ASEAN Community project (Caballero-Anthony 2006). Scholars point out that for ASEAN to become a genuine regional community requires two things. One, there must be a commitment to placing ordinary people, their well-being, security and dignity at the centre of programmes associated with the ASEAN Community. Collins (2007: 218–23) suggests that the ASCC meets such a purpose given its emphasis on poverty reduction and social development. Two, the people must be allowed a voice in policy formulation and to feel they have a stake in regional matters. In this regard, the role of regional civil society has been emphasized based on the premise that an ASEAN Community will take root only if the ruling elite ‘loosen their control of decision-making … and enable [civil society organizations] to play a more prominent role in decision making’ (Collins 2007: 223). That such groups have been consulted on a growing range of issues by ASEAN officials, particularly in the area of HIV/AIDS, gender issues and on youth, despite the political, cultural and religious sensitivities associated with these issues, is encouraging (Nesadurai 2004). However, ASEAN officials and leaders continue to resist a more formal engagement with regional civil society and in working out a more institutionalized framework for ASEAN–civil society consultation on other regional governance issues, notably on the environment and the economy.

A number of scholars see the regional Track III civil society network – the ASEAN People’s Assembly (APA) – as a platform through which to build a more participatory form of regional governance in ASEAN (Caballero-Anthony 2006; Collins 2007). By bringing together officials acting in their private capacity, scholars, NGOs, activists and members of vulnerable and marginalized communities, the APA provides the space for the voices of ASEAN’s ordinary people and marginalized communities to be heard by the ASEAN decision-making elite. Unfortunately, despite the APA’s close to eight years of existence, there is as yet no formal, institutionalized interface mechanism between the APA and official ASEAN (Morada 2008: 5). ASEAN officials who do attend the annual APA meetings do so in their private capacity, aside from the Secretary General of ASEAN. While this ostensibly allows a free and frank exchange of views between civil society and public officials, it also means that these forums are regarded as having lesser status than other forums in which ASEAN policy makers attend in their official capacity. ASEAN’s engagement with business groups, for instance, has been institutionalized through the ASEAN Business Advisory Council, which is often consulted on matters pertaining to regional economic issues, including regional economic integration (Nesadurai 2004).

Another problem lies in the fact that regional civil society is itself fragmented, with multiple and often conflicting interests and priorities. Whose voices are to be heard and how are decision makers to adjudicate between conflicting claims? This point has not been addressed adequately in the growing number of works on ASEAN that emphasize the potential of regional
civil society to aid the community-building process. The issue is less about the diversity of issues requiring attention on which civil society groups speak — environment, migration, human trafficking, women and children, youth, indigenous communities, poverty, and so on. The problem arises when multiple and contending voices are speaking on the same issue, such as on regional environmental governance and especially on regional economic governance, a growing area of concern for civil society, including labour groups. In these two areas, civil society involvement has been limited compared to other issue areas in ASEAN (Elliot 2003; Nesadurai 2004).

These divisions within regional civil society are reflected in the emergence of challenges to the APA. In particular, there is now the Solidarity for Asian People’s Advocacies (SAPA) with its active Working Group on ASEAN, which organized the first ASEAN Civil Society Conference (ACSC) in 2005, followed by the second and third conferences in 2006 and 2007. The emergence of the SAPA–ACSC forum reflects the dissatisfaction of a good many civil society groups with the APA. Many of these groups regard the APA as being dominated and controlled by the regional Track II scholars’ group, the ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS), which initiated the formation of the APA in 2000 and continues to organize the annual APA meetings. The ASEAN-ISIS is an elite network of regional think tanks that has enjoyed a long and close association with ASEAN — critics would say ‘co-opted’ by official ASEAN. Regional civil society groups are dissatisfied that after more than five years the APA had not led to any real change in ASEAN on those issues that fundamentally affect people’s well-being — democratization, human rights, economic rights and welfare, labour rights, the rights of marginalized people, the environment, to name a few. While a plurality of voices may be a welcome development in the creation of a Habermasian regional ‘public sphere’, the availability of alternative networks allows officials to play off one forum against another. Some form of civil society ‘forum shopping’ by ASEAN officials and leaders has been evident in the past few years. Thus, while the APA has been the main locus of interaction between ASEAN officials and regional civil society since 2000, the Malaysian government, as host of the 2005 ASEAN Summit, accorded that status to the ASEAN Civil Society Conference.

The antagonism between SAPA and ASEAN-ISIS/APA may have receded, but a key reason for the split was the difference of opinion on ASEAN integration between ASEAN-ISIS on the one hand and regional civil society groups aligned with SAPA on the other (Chandra 2008: 10). This difference reflects a central fault-line in ASEAN. While ASEAN-ISIS and business groups endorse regional economic integration as envisaged in the AEC project, SAPA-aligned civil society groups, which also include labour unions, tend to be more suspicious of economic liberalization, regional integration and the growing number of bilateral free trade and economic partnership arrangements the ASEAN members are signing with non-ASEAN states. These groups criticize ASEAN for not paying attention
to the social dislocations and distributive inequities to which these agreements are expected to give rise. Although the ASEAN states are not fully neo-liberal economies, their extensive involvement in the global economy has led them to selectively subscribe to a variety of neo-liberal economic policies and strategies, which is reflected in these various preferential economic arrangements.

Although there is now official recognition that ASEAN needs to engage civil society in regional governance more broadly, there is also disquiet on the part of the business and government elite to extend this to regional economic governance (Nesadurai 2004). For instance, labour groups were not consulted when the AEC documents were being drafted, although there was extensive consultation with business actors, prompting labour groups to propose their own ASEAN Social Charter that addresses labour’s concerns (Nesadurai 2008). In fact, ASEAN does not merely consult regularly with the business sector but its links with private business have been placed on a formal footing since the mid-1990s, with business groups having institutionalized access to the ASEAN Secretariat. As a result, business actors have extensive opportunities to influence regional economic governance, particularly in agenda setting. For ASEAN officials and leaders, business actors are ‘rightful participants’ in regional economic governance because corporate actors are the ‘experts’ in their field (the economy), and the practitioners who will make, or break, ASEAN’s much-vaunted project of regional economic integration (Nesadurai 2004). This undermines the position of civil society groups for whom the economy needs to be governed not just along the lines of competitiveness and market efficiency, as is articulated in the AEC blueprint, but also along the lines of distributive justice as well. Unfortunately, the central issue of economic rights – the transparent and fair assignment of rights to land and other economic resources and opportunities – is not addressed adequately in any of ASEAN’s programmes and policies dealing either with economic integration or social development.

**Conclusion**

This paper reviews and critiques the dominant realist and constructivist literature on ASEAN, showing how analyses that strive to work within neat theoretical categories in the end offer incomplete and skewed views of ASEAN regional governance. However, the paper’s aim is not to provide a way of adjudicating between these contending perspectives on ASEAN. Instead, the paper seeks to uncover the complexities displayed by ASEAN in managing regional order and in its cooperative behaviour by showing how both material and ideational variables have influenced behaviour and outcomes in ASEAN. In arguing this important point, the paper takes note of the growing literature on ASEAN that, although theoretically informed, goes beyond theoretical rigidity when exploring the problems and prospects of cooperation, order and community in ASEAN.
Aside from reviewing the literature on ASEAN, a central, critical, focus of the paper is to uncover possible spaces that might be opened up for more progressive modes of governance to emerge out of existing structures and practices in ASEAN. The discussion on human rights and on the prospect for some form of civil society participation in regional governance speaks to this aim. The paper offers mixed views in this regard. On the one hand, regional civil society has not been successful in pushing ASEAN to set up a regional human rights body, despite close to twelve years of human rights advocacy in ASEAN. Yet the paper notes how attempts by ruling elites in ASEAN to secure state sovereignty in this matter by deflecting the global human rights agenda paradoxically catalysed efforts in the region to establish national human rights commissions and in embedding a universalist human rights discourse. Despite considerable limitations, the national commissions seem to have opened up some political space for change through bottom-up processes and possibly even horizontal demonstration effects that may, in the end, be more enduring.

On the other hand, the prospect for civil society participation in regional economic governance appears limited, notably because those advocating a more socially attuned form of regional economic governance are facing powerful business and political interests and even the region’s middle classes who favour the current (selectively) neo-liberal approach to regional economic governance. Unlike the case of human rights, there is no powerful global norm favouring a social market economy, which is the aim of a good many regional civil society groups. Thus, the prospects seem rather limited for these groups to make much headway towards this end. However, and similar to the human rights case, the prospect for ensuring the fair allocation of economic rights to ASEAN’s economically disenfranchised multitudes possibly depends on domestic groups pushing for political governance reforms in the ASEAN member states, including on human rights. Since governing the economy is ultimately a matter of sound political governance to ensure the fair and transparent allocation of the range of economic rights that will ensure the security and well-being of ASEAN’s people, getting the political governance question right at the national level may be the best hope for building an inclusive, people-centred ASEAN Community. Change may be possible but it will be evolutionary and contingent on events, circumstances and the potential for agency by progressive-minded actors. There is certainly much to research in the years to come.

Notes
1 Formed in 1967, ASEAN’s founding members are Indonesia, Malaysia, the Philippines, Singapore and Thailand. Brunei joined the grouping in 1984 following its independence from Britain, Vietnam in 1995, Laos and Myanmar (Burma) in 1997 and Cambodia in 1999.
2 See Lee Jones (2007) for a ‘revisionist’ account of ASEAN’s highly interventionist role in this episode and the grouping’s key role in influencing the way
the international community responded to the problem and in shaping many elements of the final peace settlement.

3 The PMC, initiated in 1978, is the platform for ASEAN’s formal engagement with outside states.

4 Other journals that have seen extended debates on ASEAN include *International Relations of the Asia-Pacific* and *Contemporary Southeast Asia*. In addition, disciplinary-oriented journals in the broad field of International Studies such as *International Organization, Review of International Studies, Cambridge Journal of International Studies, Journal of Peace Research*, and *Pacific Affairs* have also published theoretically informed pieces on ASEAN.

5 Many of these critiques are also found in *The Pacific Review*.


7 On critical theory and international relations, see Wyn Jones (2001).

8 Realist critiques of constructivist scholarship on ASEAN include Jones and Smith (2002), Khoo (2004) and Leifer (1999, 2001), while Narine (2004) provides an interpretation of regional institutions such as ASEAN from the perspective of subaltern realism. Constructivist counter-responses to these realist critiques include Acharya (2005), Ba (2005) and Peou (2002), while other critiques of constructivist-inspired analyses of ASEAN include Narine (2006), coming from the English School of IR, Collins (2007), writing from a regime theory perspective, and Tan’s (2006) critical theory approach.

9 In a security community, war is unthinkable between members as a means of addressing disputes, while feelings of mutual trust, solidarity and ‘we-feeling’ or other-regarding behaviour become entrenched and serve to reinforce community bonds.

10 For Leifer, the primary instrument through which order is created and sustained is a balance of power, following closely in the English School tradition of Hedley Bull (1977).


12 Nischalke (2002: 110) records ASEAN’s relatively high degree of compliance with the ASEAN norms during 1988–98.

13 While APT groups together the ten ASEAN states and China, Japan and South Korea, the EAS adds to these thirteen members Australia, New Zealand and India, making for a sixteen-member grouping. On the genesis of APT, see Stubbs (2002).

14 I am indebted to Richard Stubbs for pointing this out to me with reference to the Australian position on the TAC.

15 Alice Ba (2006: 175) acknowledges, however, that both parties in these interactive processes may be changed as a result, noting in the context of ASEAN–China socialization processes that ‘engagement works both ways, which means that ASEAN, too, is unlikely to be left unchanged from the process’.

16 See Wendt (1999: 316).

17 On these novel forms of authority and governance, see Sassen (2008).

18 For details of these, see Nesadurai (2003).

19 The AEC blueprint also endorses flexible modes of implementation for regional economic integration through the ‘ASEAN Minus X’ formula, where smaller subsets of member states will be able to accelerate their regional liberalization commitments in various policy areas even if other members are not ready to do so.

20 On the role of discourse in structuring reality, see Mills (2003).
Buzan is writing in the English School tradition of IR, which differentiates between the inter-state system, international society and world society. The international society of states can be further distinguished into a pluralist version, where survival and co-existence of states is the paramount goal, and a solidarist version, where common values are pursued. See Buzan (2004: 139–60).

This condition was reviewed the following year. Now, states are only required to undertake the less demanding task of establishing national focal points for human rights rather than formal commissions (Medina 2005: 112).

The Indonesian Commission was set up in 1993 on the urging of Foreign Minister Ali-Alatas, to which President Suharto agreed as a way of shoring up his credentials, as well as that of Indonesia (see Mohamad 2002). In the case of Malaysia, its appointment to the United Nations Commission on Human Rights (UNCHR) in 1993–95 (and for two further terms since then) and the election of the leader of the Malaysian delegation as chairman of the 52nd session of the UNCHR also aided the establishment of the national commission (SUHAKAM) in 1999. See SUHAKAM’s website. The domestic and international fallout from then Prime Minister Mahathir’s sacking and imprisonment of his deputy, Anwar Ibrahim, also promoted the Malaysian authorities to set up SUHAKAM as a way of regaining domestic and international credibility (see Mohamad 2002).

There were also local discourses that articulated notions of human rights from particular religious and cultural perspectives. See Kraft (2001).

See the website of the Working Group for an ASEAN Human Rights Mechanism (www.aseanhrmech.org).

See Mohamad (2002) for detailed accounts.


Although there are a vast number of civil society organizations in the ASEAN region, the APA and SAPA/ACSC are the two that actively engage with ASEAN, focus on ASEAN issues and aim to develop more formal links with the Association. See Chandra (2008).

Personal communication from one of the convenors of the APA.

For a history of ASEAN-ISIS, see Soesastro et al. (2006).

On Habermas and the notion of open dialogue, see Diez and Steans (2005).

Personal communication from one of the convenors of the annual APA meetings.

Labour groups were also excluded from the consultative processes that took place between regional civil society and the drafters of the 2007 ASEAN Charter.

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