

ASEAN and the Principle of Non-Interference

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MIEKE MOLTHOF, FEB 8 2012

The Association of Southeast Asian Nations (ASEAN), created in 1967, is Asia's first regional body dealing with a variety of common interests that has survived to the present day (Acharya 2010). It is widely believed among scholars that the original norms meant to guide ASEAN's behaviour are first and foremost rooted in the principle of non-interference in domestic matters of neighbouring states (Jones 2010). Arguably, the ASEAN manner of conducting inter-state relations has significantly contributed to regional stability. Member-states have been discouraged from meddling in one another's domestic affairs and from supporting political revolts in neighbouring states (Dosch 2012). However, the non-interference principle appears increasingly undermined through expanded membership, new challenges arising from globalization processes, growing demands for democratization, and the increasing international prominence of cosmopolitan norms whereby the focus is centred on human security rather than on state-sovereignty (Jetschke and Ruland 2009). In an increasingly interconnected world, and ASEAN appearing to emerge as a more significant regional player on the international stage, ASEAN conduct is an increasingly pressing issue with respect to regional and global affairs (Stubbs 2008; Dosch 2012).

In this essay, the following research question is investigated: 43 years on, to what extent is ASEAN's commitment to non-interference still a guiding light for regional relations? It is argued that, while the principle has in fact never been absolute, its function as a guiding light is especially compromised in recent years through the adoption of a new policy of 'flexible engagement' and a more assertive stance on human rights. In the sense that public criticism of other states' domestic affairs has become a frequent practice and a gradual shift toward humanitarian interventionism is taking place, ASEAN has moved beyond its non-interference policy as interpreted in the original way, but a looser version of the non-interference principle has continued to be an important restraint on ASEAN's conduct in regional affairs. The essay is structured as follows. First, the origins and development of ASEAN are briefly discussed in order to understand the intentions behind its creation and to reveal the importance of this organization in shaping regional affairs. Second, in order to adequately understand ASEAN's principle of non-interference, its meaning is carefully investigated. Third, the challenges to the non-interference principle are discussed and it is analysed to what extent these challenges and the subsequent responses have affected the principle's original function as a guiding light.

Origins and development of ASEAN

While several attempts to create a regional organization of Southeast Asian states had been made before the creation of ASEAN in 1967, ASEAN was the first truly viable association (Acharya 2010). The original participating member-states include Thailand, Indonesia, Singapore, Malaysia and the Philippines. Rather than creating a military alliance, these countries set out to establish a normative framework based on the principle of non-interference in order to prevent unwanted foreign intervention in the members-states' domestic affairs (Dosch 2012). The protection against outside interference is intended to guarantee the independence and sovereignty of the member-states (Keling *et al.* 2011). Founded during the Cold War, ASEAN's primary aim was to prevent the region's involvement in the great power rivalry between East and West (Dosch 2012). As Aggarwal and Chow (2010) explain, the sovereignty norm was reinforced by a decision-making approach based on consultation and consensus, and a focus on the peaceful resolution of inter-state disputes. Southeast Asian regionalism thus served to prevent foreign interference and enabled the member-states to focus primarily on internal affairs. ASEAN was not designed to develop into a supranational institutional body, but rather as a forum for constructive dialogue among its member-

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states (Dosch, 2012). By 1999, ten countries located within Southeast Asia had joined the association, as Brunei, Vietnam, Laos, Myanmar and Cambodia were included in addition to the original member-states (Narine 2008).

Through its reinvention after the end of the Cold War, first as an organization for the promotion of regional economic development, and second as an organization for constructive dialogue in the security field, ASEAN has developed a potential to exert significant power in regional affairs (Dosch 2012). It is now largely considered as central to East Asian regionalism (Jetschke and Ruland 2008). Moreover, the organization has continued to be an important regional player on the international stage by being the driver in key regional institutions and serving as an intermediary between the great powers of the world (Goh 2011). Yet, in its efforts to retain its effectiveness and legitimacy on both the domestic and international scene, ASEAN's traditional way of conducting regional affairs has become increasingly subject to vigorous debate. The original non-interference policy has arguably become a stumbling block for ASEAN's capacity to respond to the region's internal problems and external challenges (Tan 2011). As Narine (2008 p.413) states: "It is the commitment to non-interference, and all of the complications that emerge from this principle, that is at the heart of the controversies over ASEAN's development today".

The significance and meaning of ASEAN's principle of non-interference

The principle of non-interference is the original core foundation upon which regional relations between ASEAN member-states are based (Keling *et al.* 2011). The principle was first lined out in ASEAN's foundation document, the Bangkok Declaration, issued in 1967. The Bangkok Declaration expressed that the member-states are determined to prevent external interference in order to ensure domestic and regional stability (Stubbs 2008). The non-interference policy was reiterated in the Kuala Lumpur Declaration of 1997 (Keling *et al.* 2011). It was further reinforced in the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC), in which the principle of non-interference in members' internal affairs was explicitly referred to as one of the association's fundamental principles (Stubbs 2008).

To understand ASEAN's guiding principle of non-interference, it is important to clarify its meaning. While the principle of non-interference is adopted by many organizations throughout the world and is enshrined in the Charter of the UN, what appears to be unique to ASEAN's conduct of regional relations is therefore not merely the adoption of non-interference as a behavioural norm, but rather its particular understanding and subsequent practices of this norm (Katsumata 2003). As Bellamy and Drummond (2011 p.185) state: "Despite the fact that the Association has made no attempt to define what it means by 'interference', regional practice prior to the mid 1990s suggests that it was construed as a continuum of involvement in the domestic affairs of states that ranged from the mildest of political commentary through to coercive military intervention". This broad interpretation led the non-interference policy function as an arrangement for the prevention of any acts by ASEAN member-states that would possibly undermine the authority of the dominant political elite and upset domestic governance in any of the member-states (Ruland 2011). The non-interference norm should therefore not be regarded merely as an ideal, but also as a political tool (Nesadurai 2009).

Two political factors have been critical in the development of ASEAN's normative framework, sometimes referred to as the 'ASEAN Way', and these factors are important for an understanding of why ASEAN has used the non-interference principle as a guiding light. The first factor is the particular importance attached to state-sovereignty by the Southeast Asian states as a result of their historical experience. Colonial rule, Cold War experiences and frequent attempts by China to export communism all reinforced internal conflict and led the Southeast Asian to perceive sovereignty as a key element in ensuring regional as well as domestic stability. The second factor is the priority assigned to preserving domestic stability as internal security matters are considered to be of fundamental importance. This factor stems from the countries' fragility of the social and political order, which has made the domestic field their main security focus (Katsumata, 2003).

Although there is a broad consensus among scholars on the longstanding importance of the non-interference policy in ASEAN's conduct of regional affairs, the principle has never been absolute (Jones 2010). In an article on the theory and practice of ASEAN's non-interference policy, Jones firmly rejects the principle's centrality in Southeast Asian affairs. He demonstrates the inconsistent application of the policy and concludes that the principle is used as a device for legitimizing state-behaviour and thereby applied and disregarded in line with the interests of the dominant

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economic and political elites. He points out that during the Cold War continuous extra-ASEAN interventions were made to contain radical communist groupings who were perceived to threaten the capitalist social order within ASEAN states.

With the end of the Cold War, a new capitalist elite started to meddle in one another states' affairs as these elites were competing seeking to exploit investment opportunities throughout the region to maximize their wealth. However, despite the manifold violations by member-states, the non-interference principle has nevertheless had a profound effect on ASEAN's conduct of regional affairs, as state autonomy and internal stability have generally been given priority over effective governance of the Southeast Asian region as a whole (Ruland 2011). Indeed, throughout the years, ASEAN's political practices have reflected a rigid reluctance to interfere in member-states internal affairs. Its decision-making approach appears to have been greatly influenced by a common concern for preventing outside interference in domestic matters (Katanyuu 2006).

The importance assigned to non-interference is especially notable in the association's opposing stance towards Vietnam's intervention in Cambodia in the late 1970s that blocked the Khmer Rouge regime in its genocidal campaign. ASEAN even set out to organize international protest against Vietnam's intervention (Bellamy and Drummond 2011). It is therefore to be doubted whether the inconsistent application of the principle has necessarily undermined the principle's function as a guiding light for ASEAN's conduct in regional affairs. Rather than the occasional violations described by Jones (2010), the introduction of new policy guidelines among the member-states appear to be more significant in affecting the function of the non-interference principle as interpreted according to its original meaning. New policy guidelines signify a shift in outlook and thereby pave the way for a gradual but genuine turn in ASEAN's behaviour (Nair 2011). Proposals for new policy guidelines appear to stem primarily from pressure exerted by the international community, from globalization processes, and from growing demands for democratization among citizens of the different member-states (Jetschke and Ruland 2009).

Challenges to ASEAN's principle of non-interference

In the early 1990s, with the end of the Cold War, Western countries' foreign policy was increasingly characterized by the promotion of democracy and respect for human rights. This had a significant impact on ASEAN's relations with the European Community and the US. The West demanded that ASEAN would be more compliant with those cosmopolitan norms. However, ASEAN firmly rejected to adopt a policy stance more in line with ideals propagated by the West. Instead, as a response to the perceived normative assault, the ASEAN way was actively promoted as an alternative approach to regional cooperation based on shared values among Southeast Asian elites. Therefore, far from undermining the principle of non-interference, the ideational pressure from the West at the end of the Cold War reinforced ASEAN's traditional way of conducting regional affairs (Jetschke and Ruland 2009). For example, as Nesadurai (2009) explains, the norms prescribing flexible cooperation and non-interference "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" (p.104).

The financial crisis that Asia experienced in 1997 and 1998 posed a more significant challenge to the normative underpinnings of the ASEAN way. The crisis dealt a serious blow to ASEAN's rhetoric as the situation seemed to show that the ASEAN way was inadequate to organize a successful response. Pressures for adopting a different set of ideational principles increased. The consequences of the financial crisis drew attention to the unavoidable settings of a globalized economy and seemed to demonstrate that the cooperation model structured around a prioritization of national sovereignty was ineffective in coping with this interdependency (Jetschke and Ruland 2009). In the same year as the financial crisis, widespread atmospheric pollution resulting from the Indonesian forest fires posed another challenge to ASEAN's traditional stance on domestic affairs. Moreover, in the context of the growing international recognition of good governance norms centred around human rights security, the decision to include into the grouping other Southeast Asian countries in which considerable human rights violations took place, further undermined ASEAN's reputation on the global scene (Bellamy and Drummond 2011). Meanwhile, civil society groups have increasingly pressured for a more people-centric security policy instead of the traditional state-centric approach that has been characteristic in most ASEAN member-states (Collins 2008).

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These events led to serious debate among the member-states on a reconsideration of ASEAN's non-interference policy (Bellamy and Drummond 2011). In particular Thailand and Indonesia, as the more democratic member-states, have been significant in attempting to adapt the traditional approach (Stubbs 2008). The former foreign minister of Thailand, Surin Pitsuwan, suggested an approach of 'flexible engagement' at a ministerial meeting in 1998 (Jetschke and Ruland 2009 p.197). Under the approach of flexible engagement, member-states would be allowed to openly discuss a state's domestic affairs with cross-border effects. The proposal for flexible engagement was turned down however, for it was perceived by most of the member-states as an approach that would undermine national sovereignty and would thereby also put regional stability at risk. Following lengthy discussions, 'enhanced interaction' replaced the proposed policy of flexible engagement (Bellamy and Drummond 2011 p.187). Under enhanced interaction, member-states are individually allowed to comment on the domestic affairs of neighbouring states when these have regional repercussions, but it reaffirmed the non-interference norm. Yet, this new policy still constituted a change to the manner in which the non-interference principle originally has been applied (Bellamy and Drummond 2011). Notable examples in which the changing stance of ASEAN is reflected in regional affairs are the international forum in 2003 set up by ASEAN in which the domestic matters of Myanmar were discussed, the association's eleventh summit in 2005 during which the grouping openly put pressure on Myanmar for reforming its political system and decided to send an investigating team, and ASEAN's 42nd ministerial meeting of 2009 when member-states collectively demanded that Myanmar would release political detainees. These examples indicate ASEAN's increasing collective approach (Katanyuu 2006; Haacke 2010).

What is especially significant is the participation of ASEAN member-states that traditionally firmly rejected any form of interference in order to avoid setting a precedent. Many have now taken on the view that a growing range of domestic matters have regional repercussions and require a collective response (Bellamy and Drummond 2009). Thus, while the non-interference principle had been subject to violations ever since ASEAN's creation, in the late 1990s a gradual shift in ASEAN's collective decision-making approach seemed to appear, whereby non-interference, as interpreted in the original way, no longer provided its formal base. The shift is evident in the differentiated response of the association to the Cambodian crisis in the 1970s and the crisis in East Timor in 1998 (Evans 2004).

With respect to Cambodia any substantial discussion on the need to intervene was absent, and the humanitarian motivations of Vietnam's intervention received virtually no sympathy from the ASEAN member-states. In East Timor, there were many demands from political elites and citizens of the ASEAN member-states to stop the oppressive acts by way of undertaking collective action assisted by military force. ASEAN now believed that it could not afford refusing to recognize the oppressive acts and look the other way. According to Evans (2004 p.273), this shows that "the normative framework has clearly shifted on humanitarian action". It should be noted however that, while ASEAN's expressed intentions have been partly realized through its more flexible approach, any fundamental change is not yet visible in ASEAN's conduct of regional affairs. In spite of ASEAN's rhetorical change, notably through the establishment of an ASEAN Charter and the formal recognition of cosmopolitan norms, ASEAN's practical actions have continued to be restrained by its traditional ideals of the ASEAN Way (Jetschke and Ruland 2009).

While the principle's original guiding function is seriously undermined, not so much by the occasional violations but by the newly agreed stance on regional affairs, to date an appropriate replacement for the non-interference policy proves difficult to develop in light of the continuing domestic instability in many of the member-states (Dosch 2012). Proposals which are perceived to erode the non-interference principle have generally been rejected, like for instance Indonesia's proposal for an "ASEAN Peacekeeping Force" (Rahim 2008, p.82; Ruland 2011). Furthermore, while many of the regional disputes continue to linger on as no appropriate conflict resolution mechanism of ASEAN is in place, others have been handed over to great powers like the US when the situation is particularly severe but in which the newest member-states block any collective interference in a state's internal affairs in order to uphold the national sovereignty norm (Ruland 2011).

This restraint on ASEAN's conduct is reflected in its practices with regard to the repressive situation in Myanmar. Although ASEAN has departed from its traditional policy by frequently exerting criticism, not only individually but also collectively, a lack of political will and capacity to enforce have frequently inhibited a successful response by the ASEAN member-states, so that the association failed to deal with the situation on its own (Haacke 2010; Dosch

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2012). While ASEAN has been showing a turn toward a more liberal stance whereby the non-interference principle is undermined, issues of domestic instability and disparities between the member-states continue to hinder an absolute shift from mere recognition of cosmopolitan norms toward putting the cosmopolitan aspirations into practice (Bellamy and Drummond 2011).

Conclusion

ASEAN's principle of non-interference has allowed the member-states to concentrate on nation-building and regime stability while maintaining cooperative ties with other states. While ASEAN's principle has never been absolute, and has often been used as a tool for legitimizing state-behavior in the interests of the dominant political and economic elite, in recent years common interests have come to play a more important role in the association's conduct of regional affairs. This is happening in light of increasing interdependence among the member-states and the growing realization that norms of good governance should be taken into account in order for the association to regain relevance and credibility among the region's own citizens as well as on the broader global scene. In this respect, the principle's function as a guiding light for the association's behavior in regional affairs has become increasingly fragile in recent years. With its new policy of allowing for public criticism of other states' affairs where regional security is at stake, together with a more assertive stance on human rights, ASEAN has moved beyond its traditional non-interference approach. Yet, the non-interference principle, as it is interpreted today, still acts as a comparatively strong restraint on ASEAN's behavior in regional affairs. The principle's guiding function is seriously undermined, but to date a new code of conduct as an appropriate replacement for the non-interference-policy proves difficult to develop in light of the continuing domestic instability in many of the member-states.

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