

ASEAN@50

Volume 4



Building ASEAN Community: Political–Security and Socio-cultural Reflections

Edited by
Aileen Baviera and Larry Maramis



Economic Research Institute
for ASEAN and East Asia



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Cover Art by Artmosphere Design.

Book Design by Alvin Tubio.

National Library of Indonesia Cataloguing-in-Publication Data

ISBN: 978-602-8660-98-3



Foreword



I congratulate the Economic Research Institute for ASEAN and East Asia (ERIA), the Permanent Mission of the Philippines to ASEAN and the Philippine ASEAN National Secretariat for publishing this 5-volume publication on perspectives on the making, substance, significance and future of ASEAN. This valuable publication, forming part of the Philippines' commemorative activities in celebration of ASEAN's golden anniversary, highlights ASEAN as one of the world's most successful and enduring regional organizations.

It pleases me to note that this printed work equally supports the development priorities of President Rodrigo Duterte and the Philippine Chairmanship priorities — building a people-oriented and people-centered ASEAN, maintaining peace and stability in the region, cooperating in maritime security, advancing inclusive and innovation-led growth, promoting a resilient ASEAN, and establishing ASEAN as a model of regionalism and a global player. Consistent with President Duterte's pursuit of an independent foreign policy for the benefit of the Filipino people, the publication also affirms the ASEAN Community Blueprints in raising the profile and awareness on the ASEAN pillars of political-security, economic and socio-cultural communities.

We seek the aid of the Almighty and are hopeful that this publication will provide the reader with greater insights on ASEAN's history, will be used by decision makers, government officials, analysts, and the people of ASEAN, in charting the future course of the region .

Mabuhay!

Manila, August 2017

Alan Peter S. Cayetano
Secretary of Foreign Affairs
Republic of the Philippines

Foreword



This volume is part of the commemorative publication, *ASEAN@50: Retrospectives and Perspectives on the Making, Substance, Significance, and Future of ASEAN*. Volume 4 provides insights, perspectives, and reflections of eminent persons and experts on issues of significance to the success of building the Association of Southeast Asian Nations (ASEAN) Political–Security Community (APSC) and the ASEAN Socio–Cultural Community (ASCC) and ASEAN moving forward. The volume is a collection of essays specifically written for it together with the integrative chapters of the author–editors.

Whether Southeast Asia will once more become an arena for big power competition or whether it will manage to defend its autonomy against the machinations of more powerful states will depend largely on ASEAN’s success in building a political–security community. Thus far, ASEAN has demonstrated considerable ability to adjust and redefine its role while adapting to a changing regional environment. The formation of the APSC and building the regional security order, which consists of the establishment of multilateral security cooperation mechanisms in East Asia and Asia–Pacific, has resulted from the growing identity of ‘ASEAN Centrality’ over the past 50 years. ASEAN has demonstrated that, notwithstanding its shortcomings and challenges, shared norms and common interests are powerful forces that continue to bind countries and provide them with an anchor to face the future together. Towards achieving the APSC Blueprint 2025, ASEAN addresses the challenges of maintaining regional peace and security, and to keep playing a central role in shaping the regional architecture, to deepen its engagement with external parties, and to contribute collectively to global peace, security, and stability. The papers in this volume discuss the history of ASEAN security cooperation, the building of the security architecture, the norms and identity of ASEAN, and dealing with nontraditional security challenges in the 21st century.

The latter half of this volume discusses the building of the ASEAN Socio–Cultural Community. Socio–cultural cooperation is vital and highly complex but poised in the post–2015 period to take a significantly greater role in the ASEAN Community project. In addition to the traditional players, like nations and local governments, non-

governmental organisations, private sector organisations, civil society, and traditional and non-traditional partners become more and more important players in successfully building the ASCC. This part explores recurring, persistent, and emerging themes that helped define the ASCC and frame the key challenges for the ASCC in the next 10 years: the role of social media and networking in social integration; the responsiveness of ASCC institutions to promote and protect human rights and instil good governance; consolidating regional integration through capacity development of non-state actors; the promise of education and health services as a source of innovation; designing a sustainable and resilient future for ASEAN; modelling regional cooperation for sustainability and resilience; addressing the demographics of social protection and its impact on integration; the ongoing work of shaping and sculpting an ASEAN Identity suited for the ASEAN Community Vision 2025; and the coordination conundrum of facing cross-cutting and cross-sectoral issues.

As you read the essays and the integrative chapters, I hope you gain a deeper understanding of the success and the challenges of ASEAN, and will feel more engaged with ASEAN's community building moving forward.

Lastly, I would like to thank Aileen Baviera and Larry Maramis who are the editors of this volume, and all contributors to this book who are the experts in the studies related to the APSC and ASCC.

Jakarta, August 2017



Hidetoshi Nishimura

President

Economic Research Institute for ASEAN and East Asia

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Preventing War, Building a Rules-based Order: Challenges Facing the ASEAN Political–Security Community¹

Aileen Baviera

Professor, Asian Center, University of the Philippines
Editor-in-chief, Asian Politics and Policy

‘In substance, security is at the core of ASEAN’s existence; indeed, in today’s comprehensive concept of security, as well as in the original conception of ASEAN, regional economic cooperation and integration are seen as part of the endeavour to bolster regional security through economic development, even as security continues to be regarded as an essential condition for development.’

Rodolfo Severino, former ASEAN Secretary–General, 2004

Glass Half-Empty or Glass Half-Full

The Association of Southeast Asian Nations (ASEAN) turns 50 in 2017. Both critics and supporters of ASEAN have much to say about the group’s achievements and shortcomings since its establishment in 1967. Perhaps more fairly, others will measure ASEAN’s record only from the time it achieved its current composition of 10 members, in 1999.

Critics will say ASEAN has been measured and found wanting. There are too many conflicts within and amongst its members that remain unresolved. There is too much privileging of the principles of sovereignty and non-interference in internal affairs, at the expense of effective cooperation. Organisationally, ASEAN is too process-oriented while inadequate in achieving timely results and impact; and consensus remains shallow even on certain critical issues that require solid agreement. The absence of a common foreign policy and differences in security priorities and threat perceptions continue to stand in the way of true integration, it might be said.

¹ The author is grateful for comments on an earlier draft provided by Kavi Chongkittavorn and other editors of the project.

Supporters, on the other hand, will argue: were it not for ASEAN, would Southeast Asia even be as peaceful, stable, and economically progressive as it has been? Are not the norms and practices associated with the ‘ASEAN Way’ – including informality, nonconfrontation, relying on consultation and consensus-based decision-making – precisely the reasons member states have remained together all these years? The ASEAN Charter and the three community blueprints, moreover, contain measures that are intended to enhance ASEAN’s effectiveness; thus, ASEAN is already on its way away from informality to institutionalisation as a rules-based organisation. The fact that other countries, including big powers and non-likeminded states, choose to engage in ASEAN-led multilateral arrangements is also clear recognition of the organisation’s important contributions.

This mixed record of ASEAN has led to sharply contrasting observations, captured in the oft-cited metaphor of ASEAN being simultaneously perceived as a glass half-full (in the eyes of supporters and optimists) and a glass half-empty (in the view of critics and sceptics). To help make sense of the significance of ASEAN now, and to draw insights into what needs to be done to fill a half-empty glass closer to the brim, several eminent analysts of ASEAN and Southeast Asia come together in this volume to share their analyses, assessments, and their recommendations for ASEAN’s way forward, focusing on the project of building an ASEAN Political–Security Community (APSC).

Finding Southeast Asia and Shaping It into ASEAN

Wang Gungwu, in his essay ‘Southeast Asia and Continental and Maritime Powers in a Globalised World’ tells us the story of Southeast Asia in *longue duree*. It is a story of how the continental states and the maritime states of the region developed in different directions in response to their respective environments. Disparate worldviews emerged, affecting cultures and politics in each country, based on the maritime–continental divide, which the eminent Professor Wang describes as the contrast between ‘a free, open maritime mindset’ and ‘a more fixed, land-based, continental mindset’.

Migration, conquest, and interaction amongst various linguistic and tribal groups led to mutual influences amongst the peoples of precolonial Southeast Asia. Beginning in the 16th century, the region became enveloped in early globalisation through trade and cultural contacts with the West, and shared experiences of colonialism (save for Thailand). Centuries later, in the aftermath of independence movements, postcolonial transitions, and the experience of World War II, the newly sovereign nation states had to face simultaneous burdens of nation-building and region-building. The Cold War, marked by bipolar confrontation between the superpowers, was the setting against

which ASEAN first came into being, and it helped shape the founding member states' aspirations for a neutral and autonomous regional community.

Wang Gungwu also notes that Southeast Asia is situated in the economic and cultural spheres of influence of the two great civilizations of China and India, both traditionally continental powers, but who now depend heavily on maritime trade and thus aspire to become naval powers. Both countries are bound to figure in ASEAN's future.

Whether Southeast Asia shall once more become an arena for big power competition or manage to defend its autonomy against the machinations of more powerful states depends largely on ASEAN's success in building a political–security community. Thus far, ASEAN has demonstrated considerable ability to adjust and redefine its role while adapting to a changing regional environment, as Table 1 shows.

Table 1: ASEAN's Role in the Changing Security Environment of Southeast Asia, 1967–2017

	1967–	1997–	2017–
Regional Security Environment	Cold War; SEA divided into communist and anticommunist states; Indochina wars and internal conflicts	Post-Cold War peace dividends; China's opening up and economic reforms; ASEAN membership expansion amid Asian financial crisis	Relative stability; economic interdependence; but growing geopolitical rivalry amongst powers
Threat Perceptions in SEA	Domino theory; fear of export of communist revolution	Financial turmoil poses challenges to national resilience and leads to political instability	Non-traditional security (climate change, pandemics, transnational crime); terrorism; South China Sea disputes
Role of Great Powers	US intervention in Viet Nam; SEATO; Cultural Revolution in China	US less engaged in post 9–11 Asia–Pacific; China begins charm offensive, launches New Security Concept	'rebalancing' US; 'assertive' China; 'normalising' Japan; 'rising' India; 'resurgent' Russia
Consciousness of Regional Identity	Mutual distrust from Konfrontasi, Malaysia–Philippines conflict over Sabah, Singapore–Malaysia tensions	Experiments in inclusive ASEAN-led multilateral arrangements (ARF, APT, etc.)	2008 Charter; ASEAN Community (via ASEAN Economic Community) declared in December 2015
Types of Security Cooperation	Confidence-building and conflict avoidance; informal and irregular security exchanges	Inclusive security mechanisms focused on cooperative, comprehensive security (ARF); Track Two diplomacy	More institutionalised approaches through ADMM, ADMM Plus, EAS; greater emphasis on nontraditional security

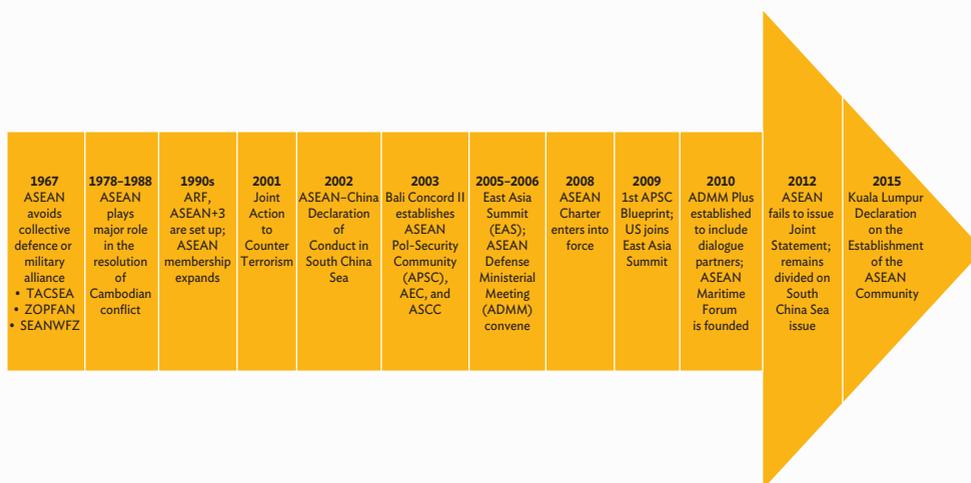
ADMM = ASEAN Defense Ministers Meeting, APT = ASEAN Plus Three, ARF = ASEAN Regional Forum, ASEAN = Association of Southeast Asian Nations, EAS = East Asia Summit, SEA = Southeast Asia, SEATO = Southeast Asia Treaty Organization, US = United States.

Source: Author's compilation.

ASEAN survived the ideological fissures of the Cold War and historical animosities that existed amongst member states at the time of its founding in 1967. It gradually built, on the basis of both shared interests and common principles and norms, various practices and mechanisms that helped prevent conflict amongst its members and allowed it to play an autonomous role in shaping the regional security architecture. The Zone of Peace, Freedom and Neutrality or ZOPFAN (1971), the Treaty of Amity and Cooperation in Southeast Asia or TAC (1976), and the Southeast Asian Nuclear Weapons-Free Zone Treaty or SEANWFZ (1995) were building blocks of the ASEAN worldview that have subsequently shaped its ties with the rest of the world.

Following the end of the Cold War, economic growth, political stability, and relative peace in Southeast Asia encouraged the expansion of ASEAN membership to include former ideological adversaries. From its third decade of existence, ASEAN did more than survive and prevent the outbreak of war – it made itself far more relevant not just to its own members but also to the major powers and other countries who were in common search of a peaceful new regional order. Notwithstanding the founding fathers’ reticence during the early years about playing up ASEAN’s involvement in security cooperation and international politics, it is precisely in this field that ASEAN has left an indelible mark and where it may have found its deepest justification or *raison d’être*.

Figure 1: Milestones in ASEAN Security Cooperation and Institution-Building



AEC = ASEAN Economic Community, ARF = ASEAN Regional Forum, ASCC = ASEAN Socio-Cultural Community, ASEAN = Association of Southeast Asian Nations, SEANWFZ = Southeast Asian Nuclear Weapons-Free Zone Treaty, TACSEA = ASEAN Treaty of Amity and Cooperation in Southeast Asia, US = United States, ZOPFAN = Zone of Peace, Freedom and Neutrality.

Source: Author’s compilation.

Shared Interests, But Is there Shared Identity?

Amongst the criticisms of ASEAN is that its cooperation agenda continues to be driven by the ‘logic of consequentiality’ rather than the ‘logic of appropriateness’ (as Tan See Seng elaborates in his essay in this volume), whereby cooperation is seen as instrumental for the promotion of self-interest rather than for the pursuit of the collective public good or rule-based normative order. Some analysts would argue that such focus on national interest is a necessary early phase in community building that will gradually evolve into a more normative framing of the regionalist project, as the sense of regional identity grows and cooperation leads to greater interest convergence.

For constructivist scholars like Amitav Acharya, shared identity is key to building a community. He posits that ASEAN’s founding fathers imagined such a collective entity where the member states drew upon a shared historical heritage and identified contemporary common goals. Acharya enumerates five major sources of ASEAN identity or what he calls a ‘we-feeling’: nationalism (anchored on anti-colonial struggles of member states); religion (not one but many); cultural norms and modes of interaction (the ‘ASEAN Way’); a modernist developmental state orientation and approach; and regionalism.

Factors that can contribute to the decline of regional identity, on the other hand, include globalisation, membership expansion, alternative conceptions of regionalism driven by market integration, and the intramural differences within ASEAN over the basic norms of sovereignty and non-interference in dealing with transnational issues. Domestic politics in member states may also undermine regional identity, as might divide-and-rule policies of certain big powers over weaker ones in ASEAN. ASEAN has been prevented from reaching consensus on the South China Sea by a mix of pressures and economic inducements by extra-regional powers on its members. Overcoming the member states’ preoccupation with their own national concerns to give way to advocacy of collective interests and aspirations has remained difficult, but progress is being made in many respects.

Because of the dual contribution of ASEAN to shaping cooperative relations amongst its own member states and to forging constructive security interactions beyond the region, Acharya posits that ASEAN regional identity needs to stand on two foundations. The first is a strong internal support base open to participation by civil society and non-state actors so that the regional identity will belong to the people and not only to the state elites. The second is a continuing posture of neutrality with respect to big power rivalries, which has made ASEAN a more effective partner for all powers than it otherwise would have been.

Challenges of Institutional Reform

Since the 2008 entry into force of the ASEAN Charter, member states have moved with much more resolve to transform ASEAN into a rules-based body with specified functional roles amongst its organs, and with duties, responsibilities, and consequences set out in a much clearer way. Before the Charter, ASEAN relied mainly on the declarations and statements agreed upon by the leaders to define the tasks ahead. Strong personal ties amongst the early leaders and the commitment to the TAC were essentially what wedded member states to the project of ASEAN regionalism.

When the three pillars of the ASEAN Community were first officially touted in the 2003 Bali Concord II, ASEAN was envisioned to build a ‘security community’ rather than a ‘political–security community’. ‘Security community’ is a concept known to international relations scholars as a region where the likelihood of members resorting to war to address disagreements amongst them was close to nil. But it is clear that long before the APSC was conceived, TAC had been pursuing the creation of a no-war zone in the Southeast Asian region as its objective.

Susumu Yamakage thus considers TAC the foundational basis of ASEAN. As ASEAN’s earliest instrument, TAC proved resilient over time. For instance, its principles underpinned efforts by regional states to find win–win solutions to some of their most intractable issues.² It helped connect ASEAN with other countries, as accession became a requirement for states who wanted to be dialogue partners of ASEAN. It subsequently became the centrepiece of multilateral arrangements such as the ASEAN Regional Forum, the East Asia Summit, the ASEAN Plus Three, and the ASEAN Defense Ministers Meeting Plus. But to become a ‘rules-based community of shared values and norms; a cohesive, peaceful, stable and resilient region with shared responsibility for comprehensive security; and a dynamic and outward-looking region in an increasingly integrated and interdependent world’ as envisioned for APSC, TAC was not going to be enough.

ASEAN centrality became a key principle in its extra-regional interactions, as other states began to recognise the value of ASEAN’s multilateralist norms and its inclusivist, win–win approach to conflict management. In the security arena, ASEAN became known as a norm entrepreneur, a driver of the consultative, confidence-building processes, even though the organisation itself remained collectively weak in capability

² In the case of Thai–Cambodian dispute over Preah Vihear, both parties opted for a legal solution via arbitration, but ultimately chose informal ways of implementing the ruling in accordance with TAC.

and technically leaderless. Indeed, one of the most serious challenges ASEAN has had to face is the huge gap between its institutional capacity to help govern the region and the promises outlined in the APSC, now that it is in the driver's seat.

Simon Tay believes that ASEAN's leadership role and the centrality it aspires to within the regional architecture will be under pressure if any of several scenarios emerge: first, should competition amongst other powers for influence in Southeast Asia increase; second, should the commitment of some member states to economic integration remain weak; and third, should challenges of global governance, relating to the management of global commons, heighten expectations that ASEAN simply cannot fulfil due to its inability to muster adequate energy, talent, and resources.

Tay posits that ASEAN needs to be able to speak with greater coherence to have a more persuasive voice on the global stage. He also prescribes that ASEAN actively promotes interdependence and connectivity; makes more progress on domestic governance reforms within member states; and prioritises collective over particularistic interests when needed. The future ASEAN must be an agenda-setter rather than a convener, action-oriented rather than dialogue-based, and non-aligned but actively engaged.

For this pro-active ASEAN that Tay imagines, which is a hub for multilateral cooperation initiatives involving extra-regional dialogue partners whose political cultures differ from those of Southeast Asia, the old behavioural practices characterised by informality and flexibility may no longer be appropriate. Indeed, recent years have seen ASEAN states turning more and more towards reliance on binding rules and procedures rather than to personalistic modes of conflict management, perhaps indicative of ASEAN's growing institutional maturity.

Tan See Seng, however, expresses some doubt as to whether the latter is in fact what we are seeing in ASEAN, and whether this ultimately will lead to a more effective and sustainable regional cooperation amongst the member states, especially insofar as the management of intra-ASEAN differences is concerned. For instance, some of ASEAN's long-standing dispute settlement mechanisms such as the High Council have never been resorted to. Member states prefer to take their own intra-ASEAN territorial and sovereignty disputes to international bodies such as the International Court of Justice rather than rely on regional solutions. While the ASEAN Charter contains new provisions on dispute settlement, it also upholds the preponderant role of leaders (i.e. summitry) rather than of rules and organs in decision-making.

The Charter, moreover, codifies inter-governmentalism as well as existing norms and principles such as ‘non-interference in internal affairs’ and the need for consensus, both of which have been criticised by many as retrogressive and falling below expectations of a transforming ASEAN.

Consensus-building remains a difficult process, which, in this volume, Kevin Villanueva and Ambassador Rosario Manalo try to unpack by exploring its sources and meanings for ASEAN. They examine how exactly consensus is arrived at (through transactions involving definition, contestation, and conciliation), and look at the arguments for either keeping it as a core principle or consigning it into the ‘dustbin of memory’. Using careful analysis of ASEAN negotiations on human rights as a case study, the co-authors argue that consensus operates at two levels – ‘the first being the selection of what counts amongst the variety of interests, preferences, and outcomes as “controversial”; and the second being the negotiation of what counts amongst these as “admissible”, or as is the term of use and currency within ASEAN, “comfortable”.’

From Traditional to Nontraditional Security Cooperation

The founding members of ASEAN were young, newly independent states and developing economies in the 1960s, faced with the twin challenges of nation-building and securing their regimes from internal and external threats in a war-torn and insurgency-riven neighbourhood. Thus, it was natural that they saw security and development as indivisible concerns, where ‘comprehensive security’ meant not only freedom from external armed threat but also economic growth, internal political stability, social cohesion, and cultural harmony within their ethnically diverse societies. These factors were closely tied to national resilience and therefore regime legitimacy. Human security, apart from state security, entered into the discourses of community building. Each country bore the responsibility for achieving national resilience for its own population, but their success would redound to common and collective benefit in the form of regional resilience.

The other side of comprehensive security is that regional integration itself – with the increased transborder flows of people, money, and goods that it involved – created new problems and challenges. Many of the new security challenges have no regard for national boundaries, and the object of threat may not necessarily be states but non-state stakeholders such as communities or particularly vulnerable social groups. Amongst recent examples that ASEAN has confronted in recent years are global pandemics such as severe acute respiratory syndrome (SARS) and avian flu, human trafficking, irregular migrants from the Indian Ocean, natural disasters such as Cyclone Nargis in Myanmar and Typhoon Haiyan in the Philippines, transnational crime,

and the effects of climate change on food and water security. Addressing these types of challenges required closer coordination and deeper cooperation amongst states, as well as between states and non-state actors.

For Mely Caballero–Anthony, moreover, one important contribution by ASEAN was the mainstreaming of these nontraditional security challenges as a common agenda for regional cooperation, not only amongst member states but especially involving the major powers whose own primary security interests and concerns lay elsewhere. One manifestation of ASEAN centrality, for instance, was how humanitarian assistance and disaster response had been built not only into new ASEAN arrangements created for such a purpose, but also into the agenda of the much more inclusive ASEAN Regional Forum (ARF) and the ASEAN Defense Ministers Meeting (ADMM) Plus, with active participation by the non-ASEAN partners.

Building the Regional Security Order

ASEAN states may not have been entirely successful in resolving some of their internal disagreements, or in transcending the more particularistic goals of the nation to support more wholeheartedly the region's collective interest. There are also questions about how serious the governments are in pursuing institutional reform and legalisation, as Tan See Seng explains in his chapter. But they have at least been quite successful in the establishment of multilateral security cooperation mechanisms that now form part of the foundation of regional security order. ASEAN's convening power or its ability to bring regional and extra-regional powers into its dialogue and consultation processes is a truly unique contribution and a valuable role that other more powerful parties would not have been able to play, given the persistent distrust amongst them. However, a key task for ASEAN, going forward, is to transform its role from that of a convenor to that of an agenda-setter for Southeast Asian security, which requires more unity of vision and purpose, and greater capacity as well as credibility, to accomplish.

The ARF, the ADMM, and the ASEAN Defense Ministers Meeting Plus (ADMM Plus) demonstrate how ASEAN-led regional security dialogues have successfully evolved into platforms for policy coordination and, increasingly, collective action. Alice Ba underscores how ASEAN introduced a regional-multilateral dimension to regional order that previously did not exist. ASEAN has also managed to 'condition' great powers to be 'more attentive to local and regional concerns and priorities'. Ba lauds how the ARF, notwithstanding later shortcomings, had been especially bold in its insistence that small and middle powers have 'an equal and even central standing' in the determination of participants, priorities, parameters, and frameworks for security cooperation.

ADMM and ADMM Plus, on the other hand, brought defence professionals of the region into processes that had long been dominated by diplomats, and in so doing led regional states towards more focused, task-oriented activities with both technical and political deliverables.

That said, it may seem to many observers that regionalism and multilateralism have rather taken a back seat in recent years, to the increasing salience of United States (US)–China big power competition and the reinvigoration of alliance ties together with power-balancing behaviour. Southeast Asia itself has become a major arena for geopolitical contestation because of its strategic position astride the South China Sea, and the fact that maritime and territorial disputes still persist between China and some ASEAN countries. China’s economic rise and rapid advances in military capability raise questions about its future role either as a benign and responsible power, or a power that might leverage its size and strength to assert influence or control at the expense of its neighbours’ sovereignty and of ASEAN’s collective autonomy. This places the spotlight on ASEAN’s capabilities to manage regional tensions while relying almost exclusively on its norms and diplomatic instruments.

In its external affairs, ASEAN’s brand of diplomacy has been characterised by inclusive multilateralism rather than exclusivist alliances, promoting confidence and cooperation rather than confrontation, engagement of all major powers rather than taking sides with one or the other, and reliance on dialogue and consultation rather than on material capability and coercion. Should ASEAN fail in promoting its own vision of regional order, amongst the possible scenarios of the future are increased competition amongst the major powers (primarily the US and China), or a concert or collusion between them. Both scenarios may marginalise ASEAN and upend decades of its efforts at securing its own autonomy and centrality in Southeast Asia’s regional affairs.

Should ASEAN be marginalised, the US-led hub-and-spokes alliance system is also not necessarily the only form of regional architecture, as China has been proactively seeking support for its own order-building initiatives. As Zhang Yunling and Wang Yuzhu write in this volume, ‘China also intends to reshape the existing order and to promote a new type of international relations based on partnership and cooperation. As a big rising power, China will surely play a more active and contributory role in international affairs in the future.’ In these two authors’ views, moreover, ASEAN plays an important role in China’s ‘grand strategy’ for continued economic growth and modernisation, whether in relation to ASEAN’s continuing advocacy for economic integration and open regionalism, in the management of the disputes in the South China Sea, or through support for Chinese leader Xi Jinping’s Belt and Road connectivity initiative. From the perspective of ASEAN Member States – notwithstanding how overall relations with

China have grown and economic ties in particular are now extremely significant – serious concerns remain regarding the future security relations. One example would be the South China Sea disputes.

The South China Sea Disputes: A Hard Test Case

The South China Sea disputes are no longer just a litmus test of China's cooperative or coercive behaviour towards its smaller neighbours, particularly those in ASEAN whose claims overlap with those of China. They are a test of its attitude towards ASEAN as a whole because of the prominence both ASEAN and China have given the issue in their relations over the years. Although China had insisted in the past that the sovereignty disputes should be solved only bilaterally by itself and other claimant states, it gradually arrived at a position that insofar as the disputes affect the stability of the region, they could be taken up with ASEAN. Thus China and ASEAN had agreed in 2002 on the Declaration of Conduct of Parties in the South China Sea, and continue to work towards a legally binding Code of Conduct in the South China Sea.

The maritime disputes have also become a test case of the seriousness of the US' commitment to remain as Southeast Asia's preponderant power in the face of an increasingly capable and assertive China. While averring neutrality on the merits of the competing sovereignty claims, the Obama administration from 2010 and as part of its 'rebalance' to Asia began to take an active interest in the management of the disputes amid China's growing presence and activities. A critical question for the future of Southeast Asian security is whether Washington will ultimately give in to Beijing's apparent expectation and hope that the US respect the South China Sea as part of China's national interest, and recognise Southeast Asia as Beijing's strategic backyard or sphere of influence.

Two related developments in the last 3 years have compounded the importance of the South China Sea to the parties concerned. The first is the July 2016 ruling by an arbitral tribunal constituted upon Manila's request under the Annex VII provisions of the UN Convention on the Law of the Sea. The tribunal essentially ruled that China's 'nine-dash line' claims, covering 85% of the South China Sea, are without historical or legal validity. From the perspective of international law, the decision is considered final and binding; however, from the realpolitik standpoint, it remains to be seen if it will be implemented, considering the asymmetry of power between China and the Philippines, and the lack of an international institution mandated to enforce it. Other ASEAN claimants appear to be studying the implications of the ruling on their own respective claims, but notably, except for Viet Nam, which was recently embroiled

in similar tensions with China, the reactions of ASEAN states to the ruling were muted. The Philippines itself, under freshly minted new president Rodrigo Duterte, chose to speak and act with much restraint following the announcement of the arbitral decision, to minimise backlash from China.

The second development is the fact that China has constructed on and fortified several reefs in the Spratlys that it has occupied since the 1980s. This move arguably appears to be a preemptive measure to limit the damage to China's interests of precisely such an outcome from the Philippines' legal actions, but it is clearly also a sign of China digging in, as well as a response to US 'freedom of navigation' operations, reinvigoration of alliances, and development of new security partnerships with maritime states in the region. The island construction activities have created a new status quo of potentially having a large Chinese armed presence in features and maritime areas that remain disputed with some ASEAN Member States, much further south towards Southeast Asia than they have ever been.

In light of ASEAN's efforts to build a political–security community, the South China Sea disputes will be a hard test case of ASEAN's capacity and will to resolve or manage disputes affecting not only member states' security and well-being, but also affecting regional peace and stability as a whole. The fact that non-ASEAN parties are involved also makes the South China Sea disputes a test of the efficacy of the multilateral security cooperation mechanisms, the leadership and centrality of ASEAN, the depth of ASEAN's shared norms and identity – including commitment to rules-based order, and the extent to which a logic of 'appropriateness' (i.e. normative motivations) rather than a logic of 'consequentiality' (i.e. material interests) has begun to take root in this region.

ASEAN itself and its non-claimant member states have rightly refrained from taking sides in the sovereignty disputes. However, following China's rejection of the arbitration ruling in the *Philippines v. China* case, the issue that arises is no longer neutrality vis-à-vis the respective sovereignty claims, but whether or not ASEAN actively takes the side of promotion of rules-based order, a principle now enshrined in the ASEAN Charter. In this regard, ASEAN's practices and tradition in past decades have shown that even its most enduring principles are applied in a flexible and pragmatic manner, rather than dogmatically, privileging the maintenance of harmonious relations amongst its members, and prioritising long-term effectiveness of its approaches to the management of disputes, rather than short-term gratification.

Following the 12 July 2016 release of the arbitration ruling, ASEAN issued a joint communiqué on 24 July, at the 49th ASEAN Foreign Ministers' Meeting in Vientiane, with the following statement:

We reaffirm our shared commitment to maintaining and promoting peace, security and stability in the region, as well as to the peaceful resolution of disputes, **including full respect for legal and diplomatic processes**, without resorting to the threat or use of force, in accordance with the universally recognised principles of international law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS). (Emphasis added)

The phrase 'full respect for legal and diplomatic processes' developed as a euphemism for the post-arbitration situation. ASEAN's support for rules-based order in the South China Sea is not merely based on normative notions of 'what ought to be', but will be critical to the region's practical efforts to prevent further militarisation and therefore escalation of conflict between the major powers. The alternative to encouraging compliance with the UNCLOS in general and with the arbitration ruling in particular would be to increase reliance on power balancing and to enhance preparation for military contingencies, especially should diplomacy between the US and China, between China and the Philippines, and between ASEAN and China, ultimately fail.

The South China Sea disputes have been amongst the most divisive of security issues for ASEAN, at certain points pitting claimants versus non-claimants; maritime versus mainland states; member states with close links to one power versus those who support the other power instead. In ASEAN's past management of consultations on this issue, there have been instances where disagreements prevented the issuance of a foreign ministers' joint statement (Phnom Penh, July 2012) – an unprecedented occurrence in the group's history; where a joint press statement was issued and then retracted (Kunming, June 2016), and where a Chairman's statement came only a day after the conclusion of a summit and where the language of a belatedly issued Chairman's statement appeared to sidestep positions that had already previously been agreed upon (Manila, April 2017).

Efforts to build unity of approach on the South China Sea disputes are expected to continue, and one is reminded of 2012 when Indonesian foreign minister Marty Natalegawa conducted shuttle diplomacy to forge consensus on certain principles after the debacle in Phnom Penh. More importantly, however, the unity and credibility of ASEAN must be pursued through its own effective and consistent compliance with its agreements to cooperate on maritime security, to strengthen the capacity of its institutions, and to keep a balance in its relations with other states.

Can and will ASEAN assert its centrality as the hub of multilateral security dialogues to bring the new situation in the South China Sea to the agenda of the ARF, ADMM Plus (and its Expanded Maritime Forum), as well as the East Asia Summit? While the disputes are not the only important agenda for cooperation with ASEAN's broader regional community, they are currently a flashpoint that might trigger actual armed conflict, if recent years' tensions and provocations persist. For ASEAN to abstain from taking leadership on this issue leaves the way open for the major powers to try to impose their own rules unilaterally, compete with each other for influence on how security order will be shaped, or collude with each other to try to find their own solutions. Whether major powers succeed in calming the seas or end up fueling even greater conflict, the management of the disputes and of the ocean itself would henceforth be defined by non-ASEAN actors, thus infringing on ASEAN's autonomy and marginalising ASEAN's brand of regional multilateralism within its own geographic domain.

ASEAN's contributions to the construction of a new regional security order, and the significance of the parallel multilateral cooperative security arrangements ASEAN had built since the end of the Cold War, will be measured and judged by success in dialing down the growing militarisation of the South China Sea, scaling back any excessive assertiveness of rising powers or excessive interventionism of established ones, developing balanced and cooperative relations with all its dialogue partners, and seizing the initiative to reclaim centrality, preserve autonomy, and, in the long run, keep to the path of neutrality that has long been a foundation of its identity.

If the ASEAN political–security community is to achieve its aspirations of becoming – without doubt or fear of regression – a 'no war' zone, we would do well to heed the words of Professor Wang Gungwu to pay close attention to the maritime domain. The South China Sea, too, must be secured as a 'no war' zone. Without peace and stability, and without a strong political–security community, ASEAN's vision of regional prosperity through the ASEAN Economic Community and solidarity as well as resilience through the ASEAN Socio-Cultural Community, will come to naught.

The APSC Towards 2025

Through its record of several decades of political–security cooperation, ASEAN has demonstrated that, notwithstanding shortcomings and challenges, shared norms and common interests are powerful forces that continue to bind countries and provide them an anchor upon which to face the future together. The first APSC Blueprint, covering the years 2009 to 2015, was intended to provide a roadmap and timetable to establish the APSC by 2015. It fell short of some of its action plans (notably, in my view, in the

promotion of human rights and cooperation for good governance); thus the APSC Blueprint 2025 acknowledges several areas where ASEAN has to exert much greater efforts to remain relevant and to build its Community successfully.

The vision remains one where the peoples of ASEAN live as a ‘united, inclusive and resilient community’, enjoying a ‘safe, harmonious and secure environment’, embracing tolerance and moderation as they uphold ASEAN’s fundamental principles, shared values, and norms. Translating such a vision into reality at the regional level presumes, in some cases, major normative and behavioural transformations amongst domestic elites and social groups, and ASEAN thus far contributes little to encouraging such changes amongst its member states, constrained in part by the principle of non-interference in internal affairs. In particular, building the political–security dimension of the ASEAN Community will also mean building from the ground up the social and political practices at the national level in support of:

- promotion and protection of human rights, fundamental freedoms, and social justice; and developing the domestic legal infrastructure for these;
- developing a people-centred and people-oriented bias in each national government’s policy priorities;
- pursuing a democratic, transparent, inclusive, rules-based approach to governance, with low tolerance for corruption and high standards of integrity;
- nurturing regional identity amid diversity.

By 2025, ASEAN also seeks to remain cohesive, responsive, and relevant in addressing challenges to regional peace and security, to play a central role in shaping the regional architecture, to deepen engagement with external parties, and to contribute collectively to global peace, security, and stability. The more important requisites for success include the following, as implicit in the Blueprint 2025 or emphasised by our authors in this volume:

- strengthening the commitment to inclusive multilateralism on the one hand and sustaining Southeast Asia’s regional autonomy on the other, and understanding their paradoxical relationship and significance given recent geopolitical developments such as resurgence of great power competition;
- fast-tracking improvements in ASEAN’s institutional capacity, including ensuring more effective organs and bodies, a more serious pace of implementation of agreements, as well as better coordination and work processes all around;
- developing effective mechanisms and institutions for the peaceful settlement of disputes, whether intra-ASEAN or those involving ASEAN and other extra-regional states;

- paying attention to both traditional threats and nontraditional security challenges, understanding their links, while exploring new innovative approaches to comprehensive security and common security; and
- channelling a constructive role and positive impact for the ARF, ASEAN Plus Three, ADMM Plus, and East Asia Summit as building blocks of the emergent regional order.

Fifty years since its founding in 1967, ASEAN has come a long way in building the foundations and the main pillars of Southeast Asia's regional community. Its brand of open regionalism – inclusive, moderate, flexible, and tolerant – has served its member states well, albeit arguably at some cost to ASEAN's collective impact and credibility. Yet ASEAN has survived inter-state wars, political pressure from big powers, civil conflicts, economic crises, pandemics, environmental challenges, and more. The next 50 years may be no different, or they may be more difficult given shifting geopolitical configurations, but ASEAN is bound to persist in simultaneously working to bring order to its own house while trying to be friendly and useful to its neighbours. In the meantime, 2025 is the next milestone that ASEAN can look forward to, and redoubling efficiency and fortifying credibility are amongst the major tasks ahead.

PART A

ASEAN Political–Security Community

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Southeast Asia and Continental and Maritime Powers in a Globalised World

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Southeast Asia is a region of 10 countries. In 1967, five of those countries came together to form the Association of Southeast Asian Nations (ASEAN), a regional association that took a long time to get going but somehow survived the Cold War and has become relatively successful. By the time the Cold War had ended in the early 1990s, ASEAN's membership had expanded, with Brunei Darussalam having joined in the 1970s. Four more new members joined later: Viet Nam in 1995, the Lao PDR and Myanmar (then called Burma) in 1997, and Cambodia in 1999.

The way ASEAN has developed is extremely interesting. With the exception of Thailand, most of its member countries were once colonies of Western empires that include the British, the French, the Dutch, and, in the case of the Philippines, the Spanish, and later the Americans.

By the end of World War II, all these empires had either dissolved or ended, and a process of de-colonisation in Southeast Asia ensued, with former colonies emerging as new nations. With the exception of Thailand, these were not really full nations as yet but simply borders around different peoples.

Thus, for the last 50–60 years, nine out of 10 members of the ASEAN have been in the process of nation building, a very complicated process because each of these countries is composed of different peoples with different histories, languages, religions, and cultures.

At about the time that these processes were unfolding, some big countries in Asia became more powerful: India to the west of Southeast Asia and China to the north. India itself had for a long time been under British rule, and China, although not a colony, had been controlled by many foreign powers for at least 50 years before the Chinese Communist Party took power in 1949. Aware of the security consequences of these two big countries emerging, the neighbouring Southeast Asian countries were thus encouraged to get together and cooperate with each other for protection and safety.

Although it may seem unusual for countries in the middle of nation building to be at the same time building a regional association, regional security was a common concern that they all took as a challenge.

Maritime and Land Countries

Half of the countries comprising Southeast Asia are made up of islands, with Indonesia being the biggest and having the most islands, and the Philippines coming in second. Singapore is also an island. Half of Malaysia is on the Malay Peninsula while its other half is on the island of Borneo, making it part of the island world that geographers call the Malay Archipelago and that consists of five states: Indonesia, Malaysia, the Philippines, Singapore, and Brunei. Being mainly composed of islands, the environment of these countries is maritime. Thailand, Myanmar, Viet Nam, the Lao PDR, and Cambodia, on the other hand, are on the mainland.

Historically, the mainland countries and the island countries had different kinds of political systems. Also, the economies of the island countries very much depended on maritime industries and commerce, and trading between the islands. The mainland countries, on the other hand, were more agricultural, producing big surpluses that built powerful kingdoms. They also had a different worldview that was mainly based on overland relations between states.

Most people that populated Southeast Asia came from the north and moved southwards. The first people to move were the ones who became the maritime inhabitants. They spoke related languages based on the family of Austronesian languages. Today, the most common Austronesian language is Malay, which is the basis for the languages of Malaysia, Indonesia, and Brunei. Singapore's national language is also Malay. The Philippines has languages related to the same Austronesian languages.

These people who spoke Austronesian languages spread out because of the accessibility of the sea in every direction, with some migrating east towards Oceania, then towards all the islands in the South Pacific including New Zealand, Tahiti, and, further north, Hawaii. Some went west towards Africa. The people who first populated the island of Madagascar came from our region and had gone all the way across the Indian Ocean.

We cannot tell exactly when, but quite separately other people came overland southwards and settled the mainland. These people spoke languages called the Austro-Asiatic languages, mainly Mon and Khmer but also basic Vietnamese. The majority of these people, the Khmers and Mons, settled in what is now Cambodia and the central part of Thailand; the Mons also settled in the southern part of Myanmar.

The Khmers, who have a very ancient kingdom, probably had big maritime interests earlier on. But they later mainly settled on agricultural land, became rich, and built great kingdoms, the most famous of which were the ones based in Angkor. The people who built the powerful Angkor Empire were the ancestors of the modern Khmers.

About 2,000 years ago, the Khmer-speaking people of the northern part were conquered by the Chinese, eventually acculturated to Chinese culture, and created the kingdom of Viet Nam. Viet Nam is very interesting because it has a language related to the languages of the people of the south but its political structure is closer to that of China. The Khmers and Mons, on the other hand, were more connected with the people to the west. Their culture, including Hinduism and Buddhism, came from India and from other parts of South Asia. That, in turn, influenced the culture of the maritime peoples of Malaysia and Indonesia.

Also speaking a language related to sea-faring people were the Chams who lived along the coast of central and southern Viet Nam and traded with China and India, and were quite wealthy.

All that time, people were still coming down from the southern part of what is now China. The Chinese had earlier taken Viet Nam and ruled it for 1,000 years. In the meantime, the Thais also came, along with the Barma or Burmese people who came from what is now the province of Yunnan. They spoke a language closely related to the Tibeto-Burman languages. But as they settled in the south, they had to sort out who should rule. In time, the people who came from the north prevailed over those who had earlier settled in the south.

When the Vietnamese pushed southwards, they occupied Cham territories and dispersed the Cham people. Similarly, the Thais arrived from the north and reduced the size of the Khmer empire. Incidentally, the Thais are related to the people of the Lao PDR, and they occupied both sides of the Mekong River.

On the other side, the Barma headed south and fought the Mon people over many centuries before defeating and gradually absorbing them into Myanmar culture. The original people in the delta areas of the Menan, Mekong, Salween, and Irrawaddy rivers basically lost to the northerners pushing southwards. Although these continental peoples defeated the delta people further south, the ruling elites remained continental in their way of thinking and organising themselves, in the way their states were developed, and in the way their political systems were consolidated. On the other hand, the maritime peoples of the island world who developed their own kinds of polities remained significantly different from those continental kingdoms.

Two Different Mindsets

Southeast Asia is therefore of two different mindsets: a free, open maritime mindset and a more fixed, land-based continental mindset that, in their different ways, determined the respective cultures and politics. Thus, it is not hard to understand why these countries did not have a sense of region and belonging.

The records from the last 500 years bear this out. For example, when the Europeans arrived in the 16th century, they found that the Malay world they dealt with was very free and open. Although they arrived by sea, they were unlike the Indians, Persians, and Arabs who had been trading peacefully by sea for more than 1,000 years, and who had established good relations between peoples and transmitted new ideas, beliefs, artistic expressions, and philosophy to the Southeast Asian world.

The Europeans arrived in these parts after long-distance travel that required different kinds of ships, organisation, and armaments. Normally, traders crossing the Indian Ocean and trading along the coast of Asia were not so well armed as they were mainly going from coast to coast. But the Europeans who travelled down the Atlantic, past South Africa, and into the Indian Ocean were strongly armed to defend themselves against foreign navies as well as pirates and marauders. So the early European arrivals were a completely new factor in Southeast Asia, and they became stronger with every successful expedition. This new wealth helped to enrich Western Europe and helped several countries undergo transformative changes, enabling them to develop into great maritime powers that could control the Atlantic Ocean, the Indian Ocean, and the Pacific Ocean.

That process marked the start of what we call globalisation. It started slowly in the 16th century, had gained speed by the 17th and 18th centuries, and, following the Industrial Revolution, led to the rise of capitalism or industrial capitalism.

The Portuguese, the Spanish, the British, the French, and the Dutch all fought for space and control over commercial transactions and built commercial empires in the course of doing so. Earlier, these Western powers themselves had gone through many wars that divided the Mediterranean and created the kingdoms and city-states that fought each other over centuries.

These were the same Western powers that eventually created the modern nation-state. In my view, that began with the independence of the Netherlands from the Spanish empire. The religious war between the Protestant Dutch and the Catholic Spanish was part of a whole series of religious wars fought amongst many kingdoms.

Eventually, they had enough of fighting amongst themselves and developed the legal framework in which the sovereignty of each of the kingdoms would be respected by treaties. The Treaty of Westphalia was the first of these, drawing boundaries between sovereign states, some of which were based on the idea that each would be one people, with one religion and one language and sharing a common history. That was the ideal they thought would make states more manageable and also avoid unnecessary fighting. But as anyone familiar with European history knows, it did not succeed and Europe continued to be war-ridden for the next 2 centuries.

Nation-states did not exist anywhere else except in Europe. There they developed a set of rules on how to relate to each other, which was the basis of what we now call international law. First devised to sort out differences between nation-states in Europe, international law later expanded around the world. As globalisation enabled the world to be one, rules were ultimately, after the end of World War II, extended to cover the entire world.

The rules depended on the underlying principle that each state should be a sovereign nation-state, protected by treaties and international agreements that now form the basis of the United Nations. The United Nations now recognises 193 different nation-states.

A Work in Progress

Southeast Asia has been turning countries into nation-states since 1945. Through various influences, the peoples of the region have developed the structure of interstate relations that has now evolved into the international or global system. All these changes have come in the last 50–60 years.

ASEAN, with 50 years behind it, is still very young and a work in progress, always trying something new in building a community of 10 nations. Indeed, we are looking at a very interesting region emerging out of centuries of very low-key, low-level development, with lots of cultural exchanges and relatively few political conflicts. With ASEAN's emerging importance on the global stage, we must now pay attention to its maritime connectivity more than its overland connections.

Economic developments that have followed globalisation in Southeast Asia have been much more successful because they are based more on maritime than on continental trade. The whole world is now more aware of maritime openness and the kind of economic growth possible due to maritime trade and power compared with the constraints and limitations of overland development, which had hampered economic

growth for centuries in the past. Southeast Asia represents both. How the maritime people and continental people can learn to work together, to help develop each other economically, and to minimise their political differences may offer important lessons to the globalised world.

The continental powers, which include China, India, and Europe, remain very powerful and represent a different power structure. Maritime power has been more successful in the last few centuries but remains challenged by the continent and how it still develops. As globalisation takes shape, the relationship between maritime power and continental power has become more important largely because of maritime connectivity but also because the continents themselves are learning to deal with the maritime world.

The best examples are India and China, neither of which has emphasised naval power throughout its history. With the exception of the Cholas in the south of India, who once had a navy and did some fighting in the 12th and 13th centuries, and Emperor Yongle during the Ming dynasty who sent expeditions to the Indian Ocean, the Persian Gulf, and East Africa for about 30 years before stopping, almost no naval power has been seen in either the Indian Ocean or the Pacific Ocean or in the South China Sea. It is only now that China and India, both continental powers, are paying attention to naval power. Recognising that not to be engaged in naval and maritime terms in a globalised world is economically harmful, both countries are learning to be more dependent on maritime linkages that have made economic growth so important to the world.

Southeast Asia, in itself having continental and maritime halves as well as both continental and maritime histories, is located in between these two continental powers turning to the sea, and is a microcosm of the global tensions between continental and maritime powers. At the same time, the peace and order as well as future economic growth of the entire region would be impacted in part by how Southeast Asia develops. The future of Asia cannot be separated from these developments. This is the new world we face.

The Evolution and Limitations of ASEAN Identity

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The regional identity of Southeast Asia, one that yields the notion of Southeast Asia as a distinctive region and sets it apart from neighbouring regions such as South Asia or Northeast Asia, is not a given, and is not preordained. Nor is it based merely on the facts of geography, or shared historical, political, and cultural features and experiences. These are important but not sufficient conditions for regional identity. Rather, Southeast Asia's identity, which is the basis of the identity of the Association of Southeast Asian Nations (ASEAN) as a regional organisation, is socially and political constructed, through interactions amongst its governments and societies. To the extent that it is a contrived but meaningful notion, ASEAN identity is also subject to challenge and change due to changing political, strategic, and economic currents in the region and beyond.

An important clarification: ASEAN identity is a reflection of Southeast Asian identity, but is not identical to it. Southeast Asia's regional identity anchors ASEAN's institutional identity. ASEAN is not a region; Southeast Asia is. ASEAN identity is more recent, more artificial, and more dependent on political and strategic forces than Southeast Asia's. Southeast Asia's regional identity is more enduring than ASEAN's, although the loss or weakening of ASEAN will adversely impact on Southeast Asian identity. But the key point here is that one cannot understand the nature of and prospects for ASEAN identity without considering the wider context of Southeast Asian identity within which it is nested.

Identity and Community

Identity is a complex and contested notion. In simple terms, identity refers to an actor's (which may be a person, group of persons, state, or group of states) sense of being unique or distinctive because of physical and social attributes, values, and patterns of behaviour. Identity is a function of two main factors, which are mainly subjective. One is how an actor sees itself. The second is how others or outsiders see that actor. The two are related but not identical. A person's or group's own sense of being distinctive may be stronger than the outsider's perception or recognition of it. For example, the sense of ASEAN identity is arguably stronger inside the grouping than when viewed by outsiders.

Why is identity important? Identity is key to building a community, whether economic, socio-cultural, or political-security varieties. A community has two key features. First, it implies a social, rather than purely instrumental, relationship. The key attributes of a community, to use American political scientist Ernst Haas' words, are 'trust, friendship, complementarity, and responsiveness'. (Haas, 1973: 116) Second, a community is not just a group of culturally similar people. While people in communities have cultural and physical attributes in common, they are also people who 'display mutual responsiveness, confidence, and esteem, and who self-consciously self-identify' (Puchala, 1984: 186-87).

Identity is socially constructed, combining instrumental logic with habit-forming socialisation, norms, and institutions. Moreover, such identity building is not entirely divorced from cultural and historical ties, but is reinforced by it. Simple proximity, historical ties, and shared culture are sufficient for identity. Their outcome can be indeterminate; proximity can lead to either war or peace; historical memories have been associated with war; and cultural ties do not make nations immune to conflict. One needs a sense of common or collective identity to build a true community, legitimise cooperation nationally and internationally, and reinforce the rationale for collective action.

Like a community, a regional identity can be imagined. Ben Anderson (1991) spoke of nationalism and the nation-state as 'imagined communities'. He referred to the role of print media, colonial administration, and elite socialisation in creating a sense of community amongst disparate and disrupted localities that formed the basis of the nation state. Just as nations are imagined, so can regions be. Southeast Asia is in many ways an imagined region; its experience of regional identity building can be likened to a quest for identity. Without forgetting the influence of historical interactions of its constituent units, Southeast Asia could not have been conceived except through

the imagination of historians (both Western and indigenous), imperial strategists in the late colonial era, and above all by the elites of ASEAN Member States. Hence, Singapore's first Foreign Minister and a founder of ASEAN, S. Rajaratnam, exhorted ASEAN members to recognise a 'regional existence', in addition to national ones – a kind of existential community. Others, including nationalist leaders, sought to return Southeast Asia to its pre-colonial ties through a regional organisation. Here, the actions of ASEAN's founders were purposive and rational. But they were also underpinned by a sense of history and identity. Its founders were 'imagining' themselves to be part of a collective entity, or a region, by drawing upon a shared historical heritage as well as identifying common goals in a contemporary setting.

Sources of ASEAN Identity

Southeast Asia, currently a region of 10 nations that comprise ASEAN, displays a remarkable degree of political, cultural, and economic diversity. Being located at the crossroads between China and India, and straddling the major sea lanes linking the Pacific and Indian Oceans, Southeast Asia is also exposed to a constant stream of external influences. Hence, ideas and identities in currency in Southeast Asia tend to be fluid and contested. Nonetheless, the growth of a long-term and relatively robust form of regionalism (ASEAN) has created a sense of regional identity alongside the still distinctive national identities of Southeast Asian countries (Acharya, 2000; Acharya, 2013).

Within this context, the identity of ASEAN emerged from the five major sources: nationalism, religion, cultural norms and modes of interaction, a modernist developmental state orientation and approach, and regionalism.

In the pre-colonial history of Southeast Asia, there is no equivalent of the virulent and bloody nationalisms that Europe, the birthplace of nationalism, experienced amongst its states. On the contrary, Southeast Asian nationalisms were the product of anti-colonial struggles, and hence directed against a shared external threat. All Southeast Asian countries were once part of Western colonial empires, except Thailand, which nonetheless ceded territory to them and was subjected to significant restraints on its freedom of external action. Moreover, anti-colonial sentiments were a powerful basis not only behind Southeast Asian nationalism, but also regionalism. In this sense, nationalism and regionalism in Southeast Asia were more complimentary than competitive (Acharya, 2000; 2013). The Cold War polarisation of Southeast Asia into pro-Western, pro-Soviet, and non-aligned orientations, was not really over nationalism, but security and domestic politics. Today nationalism is a source of tension in the region, especially in Thai-Cambodia relations (where it has fuelled an armed conflict over the

border temple of Preah Vihear), and to varying degrees in Thai–Myanmar, Singapore–Malaysia, Singapore–Indonesia, and Singapore–Philippines relations. But its impact in destabilising the region should not be overstated. A striking feature of Southeast Asia is that despite having been subject to both external colonialism and the intraregional imperialism of large pre-colonial states such as Angkor (Cambodia), Ava (Myanmar), Ayutthia (Thailand), Majapahit (Indonesia), Viet Nam (Dai Viet), and Malacca (Malaysia) there is nothing comparable here to the type of identity conflicts or ‘history controversies’ that are so salient in Northeast Asia between Japan and China, Japan and the Republic of Korea (henceforth, Korea), and even China and Korea, or in South Asia, as between India and Pakistan. Contrary to some pundits who sense a growing sense of competitive nationalism in Southeast Asia, I believe the milder form of competitive nationalism, which facilitated and was sustained by the emergence of ASEAN, is unlikely to give way to a pre-World War European type of nationalism.

Southeast Asia is home to several major religions, Buddhism is the religion of the majority in Cambodia, Thailand, and Myanmar; Islam of Indonesia, Malaysia, and Brunei Darussalam; and Christianity (Catholicism) of the Philippines. While religion is a strong factor in national identities, it has rarely been a source of major inter-state conflict. Rather, it has been a factor in domestic separatist movements, ethnic strife, and extremist violence. Islamic extremism, especially in and out of Indonesia, Malaysia, and southern Philippines, is often seen as a threat to regional stability. But in general, Southeast Asian Islam is more moderate and tolerant than that in the Arabian Peninsula. There is little evidence of any ‘clash of civilizations’ in Southeast Asia.

Cultural norms, to the extent they can be isolated from political ones, such as communitarianism, patron–client mind-sets, are important in the sense that they tend to modify more universalistic ‘Western’ ideas about economic development and governance, producing a tendency towards state-led capitalism and dominant-party political systems (in Malaysia, Singapore), military rule (Thailand), and other forms of ‘illiberal democracy’. Some of these features are also present in Northeast Asia. The idea of ‘Asian values’, which actually originated in Southeast Asia, stresses ‘society over the self’, ‘respect for authority’, value attached to education, and propensity for high savings. But these norms are not uniformly present in all states and the very idea of ‘Asian values’, a relatively homogenous and pan-regional phenomenon, is a false construct, given the diversity of religious, political, and economic approaches in the region.

The developmental state orientation, which stresses a focus on economic growth over ideology and identity politics and calls for a strong role of the state in anchoring development, originated from Japan, Korea, Hong Kong, Taiwan, and Singapore, and

now prevails throughout Southeast Asia, albeit to differing degrees. It helps to bridge the cultural, political, and security tensions amongst the Southeast Asian countries and constitutes a crucial basis for ASEAN.

Despite these aspects of diversity, Southeast Asia has arguably developed a relatively greater sense of a regional identity than South Asia or Northeast Asia. Indeed, the very idea of Southeast Asia as a region in itself, distinct from China and India, has much to do with the role of ASEAN, which expanded from five founding members (Indonesia, Malaysia, Singapore, Thailand, and the Philippines) in 1967 to now 10 nations in 1999 under the idea of 'One Southeast Asia'. National and regional identities co-exist and to some extent complement each other. ASEAN today is building three regional communities, covering political-security, economic, and socio-cultural affairs. Despite some internal divisions and constraints imposed by great power presence and influence-seeking, ASEAN remains amongst the most cohesive and dynamic regional groups in Asia and the world today. It is a key factor mediating the flow of ideas into and out of Southeast Asia and in reshaping the national identities of Southeast Asian states, making these national identities less exclusionary and conflictual. The 'ASEAN Way', referring to a distinctive mode of interaction, marked by informality, consensus, non-adversarial bargaining, and a preference for non-legalistic and non-binding approaches to problem solving (Acharya, 1997), has been an important source of regional collective identity with a growing relevance for the rest of the world in a post-Western world.

Some of these five sources of identity in Southeast Asia may be seen to be in tension, such as nationalism and regionalism, and religion and modernism. But remarkably, ASEAN nations have found a way to reconcile nationalism with regionalism to the extent that they exist in tandem and even complement each other. There is a degree of tension between religion and modernity, especially in Muslim majority societies such as Indonesia, Malaysia, and Brunei, but this has been managed by a shared commitment in the region to a broadly capitalist mode of economic development, if not political democracy.

The notion of identity suggests a relational view of a group's position and role. Identity building occurs when a given unit, or group of units (the Self) begins to define its character in relation to others. The identity of ASEAN depends on how its members define their character and role in regional order in relation to others within and outside the region, and how they develop a 'we' feeling.

As noted already, regional identity is not a cultural given, but something constructed out of self-conscious social interaction. Unlike rationalist theories of international relations, such as neorealism and neoliberalism, social theories, such as constructivism,

do not treat identity as a given, or fixed, but as being a constant state of ‘process’. It is through socialisation that states develop collective identities that ameliorate the security dilemma. Socialisation processes may start even when the participating units lack significant structural commonalities, such as shared cultural heritage, similar political systems, or a common language. Collective identities are ‘imagined’ during, and as a result of, an actor’s or group of actors’ interaction within an institutional context. As such, the regional identity of Southeast Asia goes beyond a simple estimation of the structural similarities and differences amongst units, also known as the ‘unity in diversity’ approach. It should look not just at what is common between and amongst its constituent units, but how the countries of the region, especially the elite engaged in a process of socialisation within an institutional context (ASEAN) and in that processes ‘imagined’ themselves to be part of a distinctive region.

As historians of Southeast Asia remind us, before regionalism in its modern, institutional sense made its mark on the area east of India and south of China, ‘region-wide’ patterns of inter-state relations and a degree of interaction and interdependence did exist amongst the political units inhabiting what we call Southeast Asia today. Any serious study of Southeast Asia’s international relations and its claim to be a region must therefore begin with a historical framework that includes the inter-state system during the pre-colonial period.’ This is not to say that ancient Southeast Asians had imagined themselves to be part of a region. That sense of identity developed much later, with the emergence of Southeast Asian regionalism. Hence, so much of the focus of the book is on ASEAN.

Southeast Asian elites could see in the end of colonialism both an imperative and opportunity for reconstituting lost regional linkages and identities. The history of the international politics of Southeast Asia before and after 1967 offers plenty of evidence to support the existence of deliberate efforts to construct a regional ‘identity’. They include the early days of the Asian Relations meetings in New Delhi, when delegates from Southeast Asia rejected associated too closely with the Indian and Chinese regional frameworks. The Declaration of ASEAN Concord, an important document of Southeast Asian regionalism signed by ASEAN’s five original members in 1976, stated clearly that ‘Member states shall vigorously develop an awareness of regional identity and exert all efforts to create a strong ASEAN community.’ There is little question that a quest for regional identity played a causal part, as it had done in explaining ASEAN’s rejection, about two decades earlier, of the membership application of Sri Lanka on the ground that it was not sufficiently ‘Southeast Asian’.

Later, there was the deliberate inclusion of ‘identity’ in ASEAN’s founding document, and the deliberations over, and further to, the carrying out of ‘One Southeast Asia’, despite the international censure of ASEAN’s courting of Burma as part of this effort.

The need for regional identity was forcefully reaffirmed in the aftermath of the Asian financial crisis and the adoption of the ASEAN Community framework in 2003. The 10th general principle of the Bali Concord II, adopted in 2003, proclaimed that ‘ASEAN shall continue to foster a community of caring societies and promote a common regional identity.’ Amongst the goals listed by the ASEAN Charter adopted in 2008: ‘To promote an ASEAN identity through the fostering of greater awareness of the diverse culture and heritage of the region’ (ASEAN Charter, 2007). ASEAN has since consistently stressed the slogan of ‘One Vision, One Identity, One Community’, in a good deal of its official statements and documents (ASEAN, 2015: 17).

Challenges to ASEAN Identity

Regional identity is to be treated neither as an accomplished project nor a permanent phenomenon. Southeast Asia has not completed the project of region building and has achieved the kind of regional identity that would survive the test of time. But it is a region in the making and this is owed largely to a significant and self-conscious effort at regional identity building, especially since the formation of ASEAN in 1967. It is the relative success and limitations of this effort, rather than material forces and circumstances facing the region, such as shifting patterns of great power rivalry, that explain many significant aspects of the international relations of Southeast Asia. In other words, instead of being presented as a given, regional identity is seen as an evolving phenomenon, something that is being aspired to and striven for by the region’s states and societies. And it is these efforts towards identity which is the key force shaping the international relations of Southeast Asia. It is important to bear in mind that regional identity in Southeast Asia is a matter of building an ‘imagined community’. The fact that an act of imagination does not always coincide with the reality does not negate the importance of the former as a causal force. The very concluding paragraph of my 2000 book, *The Quest for Identity*, holds that:

...it may be too optimistic to argue that the regional concept of Southeast Asia will become a permanent reality or endure indefinitely into the future. A lot will depend on external political (democratisation of political culture), economic (globalisation) and strategic (great power relations) events which are beyond the control of Southeast Asian countries. These events will offers alternative sources of identity, which could increase the diversity of Southeast Asia (Acharya, 2000).

Any theory of regional identity should account for its rise and decline. ‘Nations come and go, why not regions?’, asks Don Emmerson (1984: 20) The decline can respond to both material and ideational forces, both internal and external to the region. There are

a range of contributing factors, such as globalisation and the Asian economic crisis, the burdens imposed on ASEAN by membership expansion, the emergence of wider conceptions of regionalism driven by market integration, the challenge from a non-official regionalism to ASEAN's elitist and anti-democratic brand, and the intra-mural differences within ASEAN over the basic norms of sovereignty and non-interference in dealing with transnational issues. The study of regional identity should pay attention to the relationship between these forces and the question of identity. It fully accounts for ideational forces and the effects of these and material variables on the quality of socialisation.

Southeast Asia is getting more interdependent and integrated economically. The advent of the ASEAN Economic Community (AEC) by the end of 2015 aimed to create a single market of 600 million people with a combined gross domestic product of about US\$2.5 trillion. The AEC aims at the free movement of goods, services, capital, and labour. Although not all these elements have been fully realised by the end of 2015, they are likely to be incrementally advanced during the next 2 decades or so.

But ASEAN's cohesion and identity faces a number of challenges. ASEAN as a regional body is facing a host of challenges, especially internal disunity fostered by the divisive policies of China in the context of an expanded membership, and the gap between capacity and the increasing number of transnational challenges it has to cope with. The principle of 'ASEAN centrality' in the Asia-Pacific or Indo-Pacific regional architecture that the United States (US) has supported can unravel if ASEAN's internal unity, now aggravated by Cambodia's turn to China and lack of Indonesia's leadership of ASEAN under President Jokowi. The weakening of ASEAN (a break up is unlikely) could have serious strategic and economic consequences for the region and the US. It would weaken conflict management norms and processes, set back the pace of economic integration, and allow China significantly greater inroads into the region.

First, challenges to domestic stability can spill over to threaten regional unity and identity. Southeast Asia is hardly new to ethnic strife and religious extremism. Armed separatist movements continue in southern Thailand and southern Philippines, where the majority of the local population is Muslim. The threat of Islamic extremism is present in Indonesia and Malaysia, with Myanmar witnessing a surprising degree of Buddhist radicalism. Islamic radicalism has a clear spillover potential due to its linkages with external forces, such as Al-Qaeda and the Islamic State of Iraq and Syria (ISIS). On the positive side, the separatist movement in Indonesia's Aceh province has been resolved, along with pockets of extremist violence in Ambon and central Sulawesi and there is a promising peace process ongoing in the southern Philippines.

The next 2 decades will see the persistence of Islamic radicalism in Indonesia and Malaysia, but it will not threaten the survival or wellbeing of the nation-states. A potential surprise with major consequences could be the rapid growth of Islamic radicalism leading to the establishment of a Caliphate covering the Muslim nations of Southeast Asia. But this would require major changes to the economic and political systems of even the current Muslim majority states of the region, including Indonesia and Malaysia, which have come down hard on Islamic extremism.

A related challenge is nationalism. Nationalism will remain a powerful force, but not a threat to regionalism, which will grow, at least in the economic arena. The region will continue to be pro-Western overall, but within limits. If the US–China rivalry intensifies or if the US pushes too hard on its rebalancing strategy, it might trigger a latent norm of keeping clear of power blocs – Eastern or Western.

Third, the ASEAN identity suffers from a disjuncture between the official ASEAN and the people’s ASEAN, despite the framework of an ASEAN Socio-Cultural Community. The notion of a ‘socio-cultural community’ does not simply mean recognising extant social and cultural similarities amongst societies and states. It requires a conscious desire and effort to engage in interactions in a variety of areas, such as arts, education, tourism, etc. that promote mutual understanding amongst societies and create a ‘we feeling’. But who are ‘we’? True socio-cultural communities need to be bottom-up, rather than top-down. As Linklater (1990: 150–51) pointed out, the true meaning of community involves identity amongst peoples, and not just states. To be a socio-cultural community, a regional organisation must shed its elite-driven agenda and identity.

People do matter in regional construction. This brings up an especially important challenge for ASEAN. According to the ASCC Blueprint:

The primary goal of the ASCC is to contribute to realising an ASEAN Community that is people-centred and socially responsible with a view to achieving enduring solidarity and unity among the nations and peoples of ASEAN by forging a common identity and building a caring and sharing society which is inclusive and harmonious where the well-being, livelihood, and welfare of the peoples are enhanced.

Developing true regional identity would require greater interactions and identifications at the popular level, to make ordinary people in ASEAN identify with the regional entity, and not just national ones (the two can co-exist, however). ASEAN has done little thus far to draw in the citizenry and the civil society into the ambit of regional interactions.

Today, a variety of associations affiliated with the ASEAN Secretariat do work relevant to the creation of a regional socio-cultural community. As of November 2015, there were 52 entities listed under the category of ASEAN Accredited Civil Society Organisations:

- Air Asia Foundation
- ASEAN Confederation of Women's Organisation (ACWO)
- ASEAN Fisheries Federation (AFF)
- ASEAN Music Industry Association (AMIA)
- ASEAN Ports Association (APA)
- Southeast Asia School Principals Forum (SEASPF)
- Veterans Confederation of ASEAN Countries (VECONAC)
- ASEAN Cosmetics Association (ACA)
- ASEAN Vegetable Oils Club (AVOC)

There is also the ASEAN Arts Festival, ASEAN Travel Agents Association, and more recently the ASEAN Peoples' Congress. But the reach of these groups into the hearts and minds of ordinary people remains limited and they have not created a sense of community from below. Hence, if ASEAN is to be true to its vision statement, and develop, by 2020, 'an ASEAN community conscious of its ties of history, aware of its cultural heritage and bound by a common regional identity,' there needs to be more involvement of functional, professional, and non-governmental organisations, including those dealing with transnational issues such as the environment, humanitarian assistance, and poverty-alleviation.

A fourth challenge to ASEAN identity comes from inter-state disputes. Despite all the talk about intra-ASEAN feuding, inter-state conflicts within ASEAN are milder (notwithstanding the Thai–Cambodia conflict over Preah Vihear) than in any regions of the world, with the exception of Western Europe and South America. Surely, they pale in comparison with other subregions of Asia, such as South Asia, where the South Asian Association of Regional Cooperation (SAARC) has come to a grinding halt due to India–Pakistan rivalry. In Northeast Asia, the intense territorial dispute (over the Senkaku–Daiyutai islands) between China and Japan and the issue of historical memory has precluded the creation of any subregional organisation. But the South China conflict involving several ASEAN members and China is impacting intra-ASEAN relations. This is compounded by the challenge to ASEAN's unity and identity posed by the rise of China and the growing great power rivalry in the region. China's expansive territorial claims in the South China Sea and its increasing assertiveness may be the single most important security challenge to the region. That and the US policy of 'rebalancing' aimed at countering Chinese influence with direct and indirect support from Japan, India,

Singapore, and Australia, has created the prospect of a new round of great power rivalry in a region that is no stranger to great power geopolitics (Acharya, 2015).

The rise of China is not only a military or economic challenge to the ASEAN identity. It is also an ideational one. Some aspects of the traditional Chinese worldview and foreign policy approach, such as the *Tianxia* ('all under heaven') and the Tributary System are increasingly finding their way into the academic and policy debates in the region and may find greater resonance in Southeast Asian countries such as Thailand and even Singapore (whose overtly pro-Western security posture is not matched by an embrace of Western liberal values). But a Chinese or Confucian ideational framework enveloping Southeast Asia is extremely unlikely, even in the Confucian states like Viet Nam and Singapore. Despite the historical influence of China and its growing economic clout and military reach, Southeast Asia will not adopt a Sinic identity, or turn into a modern Chinese culture area, for structural, strategic and economic factors to be discussed below.

In this context, the biggest and most serious surprise with far reaching consequences for Asia and the world would be the growth of Chinese influence to the extent that it reproduces the old tributary system or a Monroe Doctrine line sphere of influence over Southeast Asia. Indeed, many Western commentators have already alluded to this possibility. China's relative economic and military power over Southeast Asia combined is huge and a sphere of influence could come about if Western nations, especially the US disengages from the region out of domestic neo-isolationism or some sort of implicit understanding with China. But I think this scenario is unlikely due a host of factors. The ASEAN countries highly value their sovereignty. They have rejected great power hegemony from Western or Asian nations in the post-Second World War period, except when it is temporarily expedient or left with no other alternative. While Southeast Asian countries will hope for not having to choose sides between China and the US, they (with insignificant opportunistic exceptions like Cambodia and the Lao PDR) will be even less willing to live under a Chinese sphere of influence or a Monroe Doctrine. The countervailing military and economic presence of the US, India, Japan, and other Western nations will further stifle any Chinese efforts to impose a sphere of influence and there is little sign that Beijing is seeking such an outcome.

ASEAN countries in general would seek accommodation, rather than confrontation with or containment of China, even with respect to the South China Sea dispute. But the rise of China is unlikely to have a bandwagon effect either ideationally or strategically in the sense that the majority of ASEAN members would be tempted to or coerced into aligning with China and its domestic values and foreign policy objectives and depart from the main principles or norms of existing liberal international order.

Despite China's efforts to provide regional public goods through initiatives, such as the Asian Infrastructure Investment Bank and One Belt, One Road, most Southeast Asians are unlikely to embrace these parallel institutions at the expense of existing global and regional bodies. Examples of these bodies are the Asian Development Bank (ADB), ASEAN Economic Community, or global bodies like the World Bank, International Monetary Fund, and their bilateral ties with donor nations such as Japan, the European Union, and the US. ASEAN will remain wedded to the principle of 'open regionalism' by seeking and finding a common ground between existing global institutions and the new and emerging regional initiatives, including the Chinese-led ones.

Another rising Asian power, which has historically exercised a powerful influence over Southeast Asia, is India. Trade and military interactions between India and ASEAN are growing fast, although nowhere close to the economic ties between ASEAN members and China. While Indian ideas of the past, such as Hindu-Buddhist ideas of kingship and legitimisation, have shaped the polities of classical Southeast Asia – albeit through a non-coercive process of voluntary adaptation – modern India's ideals such as democracy and religious tolerance already have a fair bit of resonance in Southeast Asia. They do not present an alternative to Western or universal ideals, but complement them. If anything, great ideational interactions between Southeast Asia and India, as may be happening now, is highly desirable for the US and the West. India could also play the role of a 'balancer' to China in Southeast Asia, as some Southeast Asian leaders have hoped for and explicitly sought by inviting India to join regional institutions such as the ASEAN Regional Forum and the East Asia Summit.

Conclusion

ASEAN's quest for a regional identity has come a long way. The desire for regional autonomy and identity that its founders aspired to and worked on did provide a normative space to articulate the *regionness* of Southeast Asia, deepen regional cooperation, and build at least a nascent community. The post-Cold War evolution of ASEAN has led to an effort to deepen that sense of identity, especially with the advent of the principle of ASEAN centrality in the Asia-Pacific regional architecture. With this, ASEAN sought to play a managerial role in the wider region featuring the major powers of the day. They were drawn into the ASEAN-led social processes of interaction that have shaped their policy towards the region.

But ASEAN's identity-building project is now being challenged by both internal and external challenges, including intra-ASEAN tensions, the rise of China and India, economic globalisation, transnational threats, and the spectre of renewed great power

(US–China) rivalry. Unless nurtured through greater cohesion and purpose, ASEAN’s normative influence would give in to a balance of power dynamics dominated by the great powers at the expense of the region’s weaker states. A loss of identity, i.e. ignoring or marginalising ASEAN as the cornerstone of a member states’ foreign policy, could not only unravel ASEAN itself, but the relevance of ASEAN-led institutions built around it, such as APT, ARF, and EAS. Maintaining and strengthening that regional identity is thus a crucial challenge and key to ASEAN’s future relevance. This would be unfortunate since the ASEAN Way of non-hegemonic and pluralistic leadership style and the inclusive approach to cooperation provides a better fit for the realities of the emerging world order than the old style leadership of the American-led liberal world order.

As noted at the outset, the identity of Southeast Asia as a region should not be confused with the identity of ASEAN as a regional organisation. Although the two identities can overlap and be mutually reinforcing, they also have different sources and distinctive trajectories. Southeast Asia’s regional identity predates ASEAN’s identity; it existed even when ASEAN was a group of only five nations. While ASEAN might have strengthened Southeast Asia’s regional identity, the latter has a wider basis. It was constructed by a combination of outside powers, foreign (at first) and local academics, regional political leaders, and civil society groups, while the ASEAN identity is mainly the creation of the region’s political elite. The Southeast Asian identity is more grounded in historical and socio-cultural factors than the ASEAN identity, which is more of an institutional, political, and strategic phenomenon and is fundamentally statist and elitist in nature. Hence, although both identities have their limitations, the Southeast Asian identity is potentially more robust and enduring than the ASEAN identity, and could outlive the weakening or unravelling of ASEAN. While the two identities converged after the end of the Cold War and the emergence of the ASEAN–10, they have recently begun to diverge, due to growing intra-regional squabbles and great power competition. The challenge for the region’s policymakers and civil society is to ensure the convergence of the two identities with policies that sustain ASEAN’s unity and neutrality in the great power rivalry, while at the same time expanding ASEAN’s support base by seeking the participation of the people and the civil society of the region.

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Evolving ASEAN and Changing Roles of the TAC

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Introduction

The Treaty of Amity and Cooperation in Southeast Asia (TAC) was the first treaty the Association of Southeast Asian Nations (ASEAN) leaders signed at the first ASEAN Summit Meeting in Bali, Indonesia in February 1976. Five original member countries of ASEAN concluded this significant agreement less than a decade after ASEAN's inception. To understand the changing nature of ASEAN since its establishment correctly and comprehensively, it seems most appropriate to shed light on the TAC.

To be more precise, it is crucial to understand the changing roles of the TAC. Why was ASEAN created in the mid-1960s? The answer became clear when the TAC was signed a decade later. Behind the ostensible objective, i.e. economic and functional cooperation, there was a real objective, which became concretised in the TAC. How did ASEAN enlarge in the 1990s? The TAC played a critical role in the enlargement process because accession to the TAC was required in advance. Why has ASEAN-centred regional architecture been successful this century? The TAC had been agreed on as a cornerstone of that architecture.

This chapter reviews the multifaceted role of the TAC retrospectively. In doing so, the utility of the TAC for the survival and development of ASEAN will be delineated. This author has been interested in the nature and developments of ASEAN since the 1970s, and has often been impressed by the way ASEAN has overcome various obstacles and difficulties. He hopes to confirm the importance of the TAC not only for ASEAN Member States (AMS), but also for their partners outside the region. The TAC will remain important beyond the 50th anniversary of ASEAN.

The Common Utility of ASEAN in the First Decade

To be frank, ASEAN used to be a misleading institution. According to the Bangkok Declaration that proclaimed the establishment of ASEAN, the objective was cooperation in economic and social fields. However, the only ministerial meeting, known as the ASEAN Ministerial Meeting (AMM), consisted not of economic ministers, but of foreign ministers. Moreover, the five original member states happened to be anti-communist at least in terms of internal security policy. Hence, ASEAN was sometimes described as an anti-communist alliance. Because ASEAN countries did not want to be seen in that way, they must have limited the objective of ASEAN strictly to cooperation in economic and social fields. But the real reason for establishing ASEAN can be found elsewhere.

In fact, those governments that agreed to establish a new institution to be known as ASEAN had their own needs for it. Indonesia, for instance, had to come back to the region after the confrontation over the formation of Malaysia. Having reluctantly become independent, Singapore needed to have its sovereignty recognised by neighbouring states. Thailand was desperate to dissociate itself from the battlefield in Indochina. In short, they all wanted a more secure Southeast Asia to be able to concentrate more on their own nation building and national integration. A new institution, it was hoped, would help them pursue their individual needs. In other words, political stability and economic development of individual nations were inseparable from regional peace and stability.

The founding fathers of ASEAN were aware of the utmost importance of mutual security. ASEAN had been confronted with critical situations, especially between Malaysia and the Philippines, in the initial few years, but it survived with the institutionalisation of an informal session to discuss regional affairs back to back with the AMM as well as unofficial meetings of foreign ministers. As a result, they held regular meetings to keep mutual conflicts under control and reduce mutual distrust. It did not take much time for the ASEAN states to reach an agreement committing themselves to the peaceful settlement of mutual conflicts. The real objective of ASEAN became clear in the form of the TAC.

The TAC was at last concluded in 1976. Fundamental principles of the TAC included 'settlement of differences or disputes by peaceful means' and 'renunciation of the threat or use of force' (Article 2). Although it was not officially related to ASEAN, it was signed by the five ASEAN leaders at the first ASEAN Summit Meeting. A close and inseparable relationship between the TAC and ASEAN was undeniable.

The TAC soon became regarded as providing ASEAN with its foundational basis. For the spirit of the TAC was to create a ‘no-war regime’ in the region to achieve development and prosperity, which was also the goal of ASEAN, and there was no foundational or fundamental treaty of ASEAN.

The TAC turned out to be more symbolic than instrumental. The rule to set up a ministerial council for conflict resolution, the High Council according to Article 14, was not formulated until this century. In fact, there has been no serious incident threatening regional peace since the TAC was signed. It is also noteworthy that the International Court of Justice (ICJ) has been used for the settlement of conflicts between AMS, e.g. Indonesia vs. Malaysia, Malaysia vs. Singapore, and Cambodia vs. Thailand. Especially, when Indonesia and Malaysia agreed to submit their territorial dispute to the ICJ, the existence of a spirit of amicable relationship between them based on the TAC was explicitly pointed out.

‘ASEAN-isation’ of Southeast Asia and the TAC

The TAC worked in the way that the ASEAN leaders had wanted – ASEAN countries enjoyed mutual peace, and they experienced economic development and growth. The accomplishment is more impressive when one compares the ASEAN region with the other part of Southeast Asia. When the Cold War ended globally and when at last peace came to Cambodia, a sea change occurred in the relationship between ASEAN members and non-members in Southeast Asia. In the eyes of war-torn countries in Indochina, by that time, it had become apparent that ASEAN was providing its members with political stability and economic prosperity. They began to express their desire to join ASEAN one after the other and the enlargement of ASEAN was no longer unrealistic.

Facing the possibility of enlargement, ASEAN leaders assigned a new role to the TAC. While the TAC was a symbol of good neighbourly relations between ASEAN countries, it also came to be regarded as the foundation of the institution’s regional cooperation. In other words, the TAC began to be treated as a necessary condition for joining ASEAN and when Viet Nam expressed its desire to join, it was asked to accede to the TAC beforehand. The enlargement process that ASEAN considered consisted of the following three stages:

- (1) Those states wishing to join ASEAN had to accede to the TAC to express their willingness to accept the spirit of the TAC and good neighbourly relations between ASEAN members;

- (2) ASEAN gives the status of ASEAN Observer to those countries that acceded to the TAC so they can become familiar with the practice of the various ways of cooperation and consultation within ASEAN; and
- (3) As ASEAN observers, those countries that have become accustomed to the practices of ASEAN are to be offered full membership on the condition that they accede to all agreements and declarations of ASEAN since its inception.

In this way, the TAC was being deployed as the first checkpoint on the road to ASEAN.

In the early 1990s, ASEAN leaders seemed to believe that the three-stage process of enlargement would take many years. Some argued that all the non-members in the region should complete the accession to the TAC by the turn of the century. But the process turned out to be much faster than many had expected. Viet Nam and the Lao PDR acceded to the TAC in 1992, and Viet Nam officially joined ASEAN only 3 years later. The enlargement of ASEAN (the ASEAN-isation of the entire region) was agreed to be accomplished by the end of the century, and the schedule was then shortened from 2000 to 1997, or the 30th anniversary of the establishment of ASEAN. The Lao PDR and Myanmar joined ASEAN in 1997. Due to political turmoil, Cambodia's accession was postponed, but the ASEAN-10 came into being in 1999. Having become independent in 2002, Timor-Leste (East Timor) acceded to the TAC in 2007, and may become the 11th member of ASEAN in 2017, according to some reports.

Towards ASEAN Centrality

ASEAN countries used to be reluctant to create larger institutions including themselves because they were afraid that ASEAN solidarity might be weakened. Hence, they favoured ASEAN-centred institutions. In the 1970s, ASEAN started dialogues with external partners primarily on economic issues. Based on those experiences, ASEAN began to invite foreign ministers of dialogue partners to the AMM with a view to institutionalising ASEAN Post-Ministerial Conferences (PMC). The invited partners were Australia, Canada, the European Economic Community, Japan, New Zealand, and the United States.

When Australia, and later Japan too, proposed a ministerial meeting for economic cooperation with ASEAN countries in early 1989, however, some ASEAN countries opposed this idea even though the prospective members were six AMS and six external countries, i.e. Australia, Canada, the Republic of Korea (henceforth, Korea), Japan, New Zealand, and the United States, which were already external dialogue partners of ASEAN except for Korea. Although they finally agreed to set up the ministerial meeting

for Asia Pacific Economic Cooperation (APEC), ASEAN members insisted that one of them should host the meeting every other year, that decision-making should be done in the way ASEAN had been doing, i.e. through consultation and consensus, and that the ASEAN Secretariat should be included. Obviously, they were successful in making APEC similar to ASEAN.

In 1994, ASEAN launched another ASEAN-centred ministerial institution – the ASEAN Regional Forum (ARF) for dialogue and cooperation on political and security issues in the Asia–Pacific region. The ARF was convened back-to-back with the AMM and the PMC. In addition to ASEAN and PMC members, countries such as China, Russia, and Viet Nam (which was not a member of ASEAN yet at that time), participated in the new institution. While PMC consisted of like-minded countries, ASEAN made the ARF more inclusive to deal with security issues.

Furthermore, ASEAN succeeded in hosting an ASEAN-centred annual meeting at the summit level. In the latter half of 1990s, the ASEAN summit meeting began to be held every year – an official one every 3 years and an informal one in between. In early 1997, the Government of Japan proposed to have an annual Japan–ASEAN summit meeting. ASEAN’s response was a counter-proposal of summit meetings between ASEAN, on the one hand, and China, Japan, and Korea, on the other. The meeting, known as ASEAN Plus Three (APT) Summit, was at last held in late 1997. Various ministerial meetings of APT were soon institutionalised one after another.

At the second APT Summit in 1998, Korea proposed an East Asia summit meeting as the first step towards the creation of an East Asia community. It took some years to reach agreement on the establishment of the East Asia Summit (EAS), but the TAC was given a new role in the run-up to the agreement. ASEAN stipulated three conditions for membership of the EAS: (1) a country has acceded to, or is willing to accede to, the TAC; (2) the country is a full-fledged dialogue partner of ASEAN; and (3) the country has substantial cooperative relations with ASEAN.

ASEAN had already been asking those countries outside the region that had expressed a desire to accede to the TAC to strengthen cooperative relations with ASEAN. Firstly, China and India acceded in October 2003, followed by Japan and Pakistan in July 2004, and Korea and Russia in November 2004. The 13 APT members, which all had acceded to the TAC, agreed on the above-mentioned conditions, and agreed to establish EAS including India (which had already acceded in 2003), New Zealand, and Australia (which acceded in July and December 2005, respectively), in addition to the APT members. The first meeting of EAS was held in late 2005. Russia and the United States (acceded in 2009) joined EAS in 2011.

In short, the TAC has played a role connecting ASEAN with countries outside the region on a 'hub and spoke' basis. Based on the set of bilateral relations between ASEAN and its external partners, such ASEAN-centred institutions as EAS have been operated and ASEAN has the privilege of being in 'the driver's seat'. This privilege is now called 'ASEAN centrality'. This status is not only what ASEAN has pursued, but also what its partners recognise.

'New ASEAN' and the TAC

ASEAN has been experiencing a sea change this century because of the creation of the ASEAN Community and the adoption of the ASEAN Charter. Compared with ASEAN in the olden days, the ASEAN Community whose institution is specified in the ASEAN Charter may be called 'New ASEAN'. 'Old ASEAN' was a mere accumulation of various declarations and agreements in various fields of regional cooperation and consultation amongst its members as well as between them and partners outside the region over 4 decades, which could be described as inappropriate architecture built without blueprint. 'New ASEAN', on the other hand, is better structured, more transparent, and being developed according to blueprints.

In the early 2000s, it seemed natural for member states to look for a further objective in economic cooperation/integration because the ASEAN Free Trade Area (AFTA) would be realised in 2003 for the original six countries. As a result, the idea of an ASEAN economic community was launched and gained support. It was unexpected, however, that ASEAN decided to create not only the ASEAN Economic Community (AEC) but also the ASEAN Security Community (ASC, later renamed the ASEAN Political-Security Community, APSC) and the ASEAN Social and Cultural Community (ASCC) in the Declaration of ASEAN Concord II in 2003. The year when the ASEAN Community would be created was 2020, but this was later changed to 2015.

The original spirit of the TAC was repeatedly specified in the Declaration as follows.

...4. The ASEAN Security Community shall abide by the UN Charter and other principles of international law and uphold ASEAN's principles of non-interference, consensus-based decision-making, national and regional resilience, respect for national sovereignty, the renunciation of the threat or the use of force, and peaceful settlement of differences and disputes.

...7. The High Council of the TAC shall be the important component in the ASEAN Security Community since it reflects ASEAN's commitment to resolve all differences, disputes and conflicts peacefully. (Section A. ASEAN Security Community)...

'New ASEAN' was undoubtedly to be founded in the spirit of the TAC.

In 2009, an 'ASEAN Political-Security Community Blueprint' was issued for the period up to 2015. The document set out that the APSC was to promote renunciation of aggression and of the threat or use of force or other actions in any manner inconsistent with international law and reliance of peaceful settlements of dispute, and in this regard it upholds existing ASEAN political instruments including the TAC (II.9). Furthermore, for 'the shaping and sharing of norms', 'strengthening cooperation under the TAC' was specified (A.2.2). Lastly, the roles of the TAC were emphasised to make Southeast Asia 'a cohesive, peaceful and resilient region with shared responsibility for comprehensive security' (B.2).

Now ASEAN is moving further to substantiate the APSC according to the new blueprint for the period up to 2025. In the document, the TAC was referred to as a key element to 'respect the principles of independence, sovereignty, equality, territorial integrity, non-interference, and national identity' (A.1.4). Another key element was to 'strengthen respect for and recognition of the purposes and principles of the Treaty of Amity and Cooperation in Southeast Asia' (A1.7). In addition to the reference to the traditional role of the TAC (B.4.3), a new role for the TAC was also specified – to 'strengthen ASEAN centrality in shaping the evolving regional architecture that is open, transparent, inclusive and rule-based' (C1.1).

Compared with the previous blueprint towards 2015, the current blueprint specifies the role of the TAC that ASEAN has been resorting to this century in contributing to strengthening ASEAN centrality.

The other aspect of 'New ASEAN' is the ASEAN Charter, which was signed in 2007 and entered into force in 2008. It took 40 years for ASEAN to obtain its legal basis. Given the importance of the TAC for ASEAN, it is surprising that the TAC appears only once in the charter, as follows:

Disputes which do not concern with the interpretation or application of any ASEAN instrument shall be resolved peacefully in accordance with the Treaty of Amity and Cooperation in Southeast Asia and its procedure (Article 24.2).

On one hand, the TAC is considered to remain an important instrument for the APSC. On the other, it is to be deployed only for disputes on non-ASEAN matters according to the ASEAN Charter. How should this discrepancy be understood? The straightforward and logical answer is that the TAC is simply different from ASEAN as a legal entity founded by the ASEAN Charter. However, it does not mean at all that ASEAN discarded the spirit of the TAC. Amongst the 15 purposes of ASEAN stipulated in the charter, the first two are exactly what AMS have been pursuing through the TAC:

- ...1. (t)o maintain and enhance peace, security and stability and further strengthen peace-oriented values in the region;
- ...2. (t)o enhance regional resilience by grater political, security, economic and socio-cultural cooperation;... (Article 1).

As regards disputes on ASEAN matters, the charter sets out the mechanisms of conflict resolution (Chapter VIII: Articles 22 to 28). Therefore, the TAC was to deal primarily with disputes between AMS on such non-ASEAN matters as territorial issues. In short, it can be said that ASEAN integrated the spirit of the TAC into the organisation as ‘member states shall endeavour to resolve peacefully all disputes in a timely manner through dialogue, consultation and negotiation’ (Article 22.1).

While the APSC explicitly attempts to utilise the TAC, ASEAN proper seems to try to separate itself from the TAC. Nonetheless, the spirit of the TAC is reflected in a legalised ASEAN. ‘New ASEAN’ is now the institution that no longer depends on the mutual commitment of its member states to peaceful relationships under the TAC, but is now a legal entity that includes the spirit of the TAC as its integral part.

Concluding Remarks

This year (2016) is the 40th anniversary of the TAC, and ASEAN Foreign Ministers issued a statement marking the occasion in July. They reconfirmed multifaceted important roles for not only AMS but also for other High Contracting Parties to promote peace and stability in Southeast Asia, and to maintain and strengthen ASEAN centrality in regional architecture. In addition to 10 AMS, 25 countries all over the world have already acceded to the TAC as of September 2016.

The TAC has helped AMS establish and maintain a mutually peaceful relationship based on good neighbourly relations policy. It became the first checkpoint for the enlargement of ASEAN in the 1990s. It helps member states obtain the commitment of countries

outside the region to a friendly and cooperative relationship. It will play a role in regional peace and stability in the years to come.

According to the statement above, ASEAN Foreign Ministers agreed to '(e)xplore a legally binding instrument building upon the TAC for the wider region.' Certainly, such an endeavour will further help promote peace not only in Southeast Asia but also in 'the wider region', which may be primarily East Asia or Asia Pacific.

Another role for the TAC is conceivable, too. While its principle applies to the relationship amongst all the countries in the region, it only applies to the relationship between ASEAN member countries in the region and non-ASEAN countries outside. On the other hand, it does not apply to the relationship between High Contracting Parties outside Southeast Asia. To put it differently, the TAC has expanded the 'hub and spoke' relations between ASEAN and its external partners. Now, it seems time for ASEAN to take initiatives towards the multilateralisation of the TAC. When the spirit of the TAC applies to the relationship between High Contracting States outside the region, ASEAN's contributions to peace and stability in 'the wider region' will be more impressive than they have been so far.

In any case, there is much room for the TAC to promote peace and stability. The TAC will remain important beyond the 50th anniversary of ASEAN not only for the AMS but also for countries outside Southeast Asia.

Imperatives for a New ASEAN Leadership: Integration, Community, and Balance

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Introduction: Leadership Offered But Not to be Taken for Granted

A form of leadership is offered today by the Association of Southeast Asian Nations (ASEAN). This is not only internally, amongst its 10 smaller and medium-sized members, as they move to develop a community amongst themselves. ASEAN leadership is also offered to the wider Asia-Pacific, a region that includes the United States (US) as well as China and other rising and middle powers.

The internal relevance and leadership of ASEAN for its own members is increasing. The ASEAN Charter, agreed in 2008, has created a stronger foundation for the group (Lee, 2011) and an ASEAN Community was inaugurated at the end of 2015 (ASEAN, 2015a), committing countries to even closer cooperation and integrative efforts. These efforts are not only in the economic realm, but also include political-security and socio-cultural issues.

The acceptance of ASEAN leadership externally, by more powerful states in the Asia-Pacific, has been in evidence for more than a decade. Collectively, the group convenes the leading multilateral summits and ministerial meetings of the region, bringing together key actors and the wider community of states to discuss vital strategic issues. ASEAN has developed considerably from its start in 1967. Yet ASEAN's relevance and leadership – internal and external – are neither natural nor are they to be taken for granted as permanent.

ASEAN's 'external' leadership in the Asia-Pacific is under pressure at present, perhaps more so than at any other time since the creation of the different fora that the group

convenes. Contentious issues and competitive pressures are rising in the region today and there are growing demands for the security arrangements in the region to change and evolve to help deal with them. There are rising expectations to move beyond diplomatic discussion aimed at building trust, towards action or, at least, to bring greater focus and candour to deliberations on the most sensitive issues (Tay, 2016a).

At the time of writing, these forces are especially strong. First, within Asia, the South China Sea issues have come to a boil with the decision reached in the Permanent Court of Arbitration, in a case pursued by the Philippines against China, and Beijing's responses to the outcome of the ruling (Tay, 2016b). Secondly, there are a number of uncertainties that arise from the US Presidential election. President-elect Donald Trump had, on the election trail, criticised America's traditional alliances and relations with China, and promised to withdraw from the Trans-Pacific Partnership that was laboriously negotiated (Trump, 2016).

ASEAN ties with the US had grown exceptionally under the Obama presidency with a US-ASEAN Summit and his regular attendance at the East Asia Summit hosted by the group (Tay, 2016c). These are not vouchsafed as permanent on the incoming President's agenda. For ASEAN-China relations, signs are that these are coming to a juncture with an increased effort by China to selectively engage and favour those ASEAN members that are more open to cooperation and assistance, with financial assistance, infrastructure, and preferences for trade and tourism.

Closer ties with China as a major and neighbouring economy are not in themselves of concern and indeed should be welcomed as natural. However, China's selectivity may pressure efforts to keep the diverse members of ASEAN united as a community.

Despite ASEAN's promises, the fact is that the 'internal' relevance of ASEAN Community to each of its members remains a distant second to national politics and policy priorities within each member state. Even when ASEAN acts collectively, member governments and the rotating ASEAN chair for the year continue to play a much larger role than the ASEAN Secretariat led by the Secretary-General. ASEAN is far from being a supranational body with a 'pooled sovereignty' in the style of the European Union and need not mimic others. But if it is to be relevant and to lead in these times of change and challenge, ASEAN has to find its own clear path to move ahead collectively to deepen the ASEAN Community.

It is in this context that this chapter seeks to discuss ASEAN's leadership for the future. I aim to look forward in a 10-year frame at both 'internal' and 'external' aspects of ASEAN leadership. Accordingly, parts of this chapter must briefly sketch the normative

futures of ASEAN's leadership in the Asia-Pacific. I will try to suggest the kinds of outcomes that ASEAN should prefer and others that it should avoid, and the aims and means to try to move towards the preferred outcomes. Much of this is focused on ASEAN's role vis-à-vis the major powers, and with an emphasis on politics and security. Consequently, the norms, methods, and institutions of ASEAN are also called into focus. The potential for ASEAN to take up a global role is also briefly discussed.

The chapter will also discuss ASEAN's 'internal' leadership amongst its own members. Much has already been done to assist the transformation of the once troubled and war-torn Southeast Asia into one of the most dynamic and fastest growing regions in the world (HV, Thompson, and Tonby, 2014). Looking ahead, this chapter will consider future ways in which this can be further developed. This furthers policy prescriptions made for ASEAN's development since the 1997-1998 crisis and the turn of the last century, when calls were made by this author and others for ASEAN to be 'reinvented' (Tay, 2001).

Particular policy choices remain to be debated but an emerging need for a more truly regional perspective can be discerned – an overarching ASEAN interest is considered, above and beyond what each of the 10 member states deems to be in its own national interest. In line with this, it will need to be considered how to augment the ASEAN Secretariat, as many call for, to differing degrees. The chapter also briefly considers hopes for a 'People's ASEAN' (ASEAN, 2015b) that have been expressed by some to have the organisation represent not only the governments but also the peoples of the region more directly.

However, with the comfort that people-centric views of ASEAN are offered at greater length in other contributions to this volume, this present chapter does not imagine a people-centred utopian view. Nor do I argue that ASEAN must model itself on the European Union with its high degree of institutionalisation, bureaucratisation, and regulation. This chapter does suggest how the 'ASEAN Way' can and should evolve to be more relevant and support ASEAN's leadership role but my writing will begin from ASEAN in its current state-centric forms and seek to suggest more incremental steps.

I recognise that my thinking on what ASEAN can and should be differs markedly from those who begin their 'constructivist' analysis of ASEAN as being a 'quest of identity' (Acharya, 2000). This chapter is instead shaped by the view that ASEAN at present remains an ongoing and unfinished work, and one that was created and is still very much shaped by its member states, considering their national needs and interests and what the 10 of them can best do together. The ASEAN of today and in the foreseeable future is, to me, more a question of functionalist thinking in the context of increasing

interdependence. Changes and efforts to reinvent ASEAN in my thinking should derive from this recognition of the group's interdependence and the 'functionalism' of cooperation and collaboration so that the group provides what none of the members can individually do.

Additionally, this chapter is shaped by my view that much of what ASEAN can or cannot do, or even what the group aspires towards, will be shaped by what happens at the national level in the different member states and also by events and trends in the Asia-Pacific and global communities. In this sense, my perspective is to see ASEAN not in isolation but at the mid-level – above the national level of each of its members and below the wider Asia-Pacific and global levels.

In the first part, the chapter will consider the 'external' relevance and leadership role ASEAN could have in the Asia-Pacific in future and, more briefly, the prospects of a global voice and role for ASEAN. The second part of the chapter will focus on ASEAN's internal relevance and leadership amongst its member states, considering institutional and normative changes and how the external and internal characters of ASEAN leadership may overlap. Having sketched trends and directions for a medium- to longer-term future, the conclusion, which provides other suggestions on policy and practices, outlines the importance of national governments and political elites as key actors and decisive factors that will help shape the nature of a new ASEAN leadership.

External Leadership: ASEAN and the Great Powers

To assert ASEAN leadership in the Asia-Pacific was not a norm in the first decades of the group and still remains subject to much debate today. By measures of power in security, politics, and economics, ASEAN – even collectively – is not a major power. The idea of ASEAN leadership in the region only really gained acceptance from the latter part of the 1990s and into the first decades of the 21st century. It arose and grew under a particular set of conditions and these conditions still impact whether ASEAN leadership can be sustained.

The US has been the main power in the region since the end of World War II and its role is embedded in military and security alliances with both Northeast and Southeast Asian countries (Tay, 2010). To many, especially realists and military analysts, these remain the foundation for stability in the region. These expectations have been impacted by a number of developments over the past decade.

The first is the global financial crisis that began at the end of 2008 and has, while avoiding an American and global recession, led to a downward revision not only of US economic growth but also its self-assurance in dealing with the rest of the world (Tay, 2010). The second is the 2016 US presidential election that was won by Donald Trump whose campaign slogan was to ‘Make American Great Again’, and whose electioneering comments criticised China as a ‘currency manipulator’ (Vaishampayan, 2016) and suggested that alliances with Japan and the Republic of Korea (henceforth, Korea), and the Trans-Pacific Partnership economic pact negotiated by the Obama administration was not to in the interest of the US (Woolf, McCurry, and Haas, 2016).

At the time of writing, weeks before he takes office, there is no clarity on the precise policies of the Trump administration. However, in a longer-term historical view, we can conclude that the US has gone from a factor of stability for the region to a question mark and potential factor of instability. The Trump presidency in this regard raises the level of doubt about the US as a dependable and always present power in the region and as an active and positive participant in its dynamic growth. If so, the ‘pivot’ to Asia that the Obama administration had declared the US to be and that many, including this writer, welcomed may seem something of an aberration and an anomaly over a longer-term trend.

The region today is also experiencing a new dynamic of power with the rise of China, the resurgence of Japan under Prime Minister Abe, and the promise of India. At no time has Asia witnessed these major countries be as strong and also as cooperative. ASEAN-led forums and meetings started emerging in the late 1990s. But in this context of power – current and rising, established, and competitive – these are seen by many as supplementary, or indeed by still harsher critics as ephemeral.

The meetings and processes include the East Asia Summit (EAS), the ASEAN Regional Forum (ARF), and ASEAN Defence Ministers + 8 (ADMM+8) meetings, as well as free trade agreements that ASEAN has with key countries. The EAS brings in the key countries at the highest level to discuss key strategic issues in the region. The ARF, working at the level of foreign ministers, casts a much wider net, with some 27 members to discuss key issues and develop understanding and trust in a context of cooperative security. The ADMM+8 involves fewer countries – 18 – but with its focus on security and military agencies, it is taking steps towards building trust through joint exercises in fields such as humanitarian assistance and disaster relief. In the field of economic integration, ASEAN centrality can be observed in the fact that the group has ‘Plus One’ free trade agreements with all major regional economies, even when there is no pan-Asian agreement or even a trade agreement between Northeast Asian neighbours.

Underlying these summits and agreements, we can discern a broad acceptance of ASEAN centrality in the political, security, and economic issues of the region. Major powers look to ASEAN in addressing not only issues within Southeast Asia but also outside the region. This belies the fact that ASEAN is not a security power or large economy compared with others.

These ASEAN-led initiatives are set in a much larger region that is experiencing dynamic growth, but has also seen increasing tensions amongst major powers (Collinson, 2016). Moreover, they exist in relation to and to some degree in competition with other forms of interstate cooperation in the region, perhaps most notably the US-centric military alliances that have undergirded security for many since the end of World War II and, in many respects, remain a fundamental cornerstone of stability (Tay and Tan, 2015).

Only some of these conditions were internal to ASEAN. Other conditions relate to the major powers in the region. In this regard, ASEAN leadership as it evolved and is presently practised depends only in part on what ASEAN itself does. As much and perhaps more depends on how major powers concerned with the region behave, amongst themselves and in relation to ASEAN. Several of the conditions that allowed ASEAN leadership to arise in the late 1990s and into the first decade of the new century are changing.

In Table 1, I summarise a number of these factors and the changes that have impacted the role of ASEAN as a leader for the region from the 1990s to 2010, as well as factors that have emerged from 2010 that can lead to more or less favourable outcomes for ASEAN's role:

Perhaps the clearest example of how external powers impact ASEAN leadership arises in relation to the disputes in the South China Sea, especially following the arbitration in the Philippines case against China (Campbell, 2016). Officially, China has continued to pledge to support and value ASEAN centrality and leadership. Yet in several meetings that have touched on these disputes, there have been reports that Chinese lobbying and pressure have divided ASEAN with the result that ASEAN is unable to arrive at a consensus statement (Sim, 2016). Bilaterally, China has also reached out selectively to different ASEAN members to offer trade, infrastructure, and other forms of cooperation and assistance through the Asian Infrastructural Investment Bank (AIIB). In themselves such offers are beneficial, but there is a sense that they are often tied politically and even that Beijing seeks to dominate the relationship to secure or protect its interests.

Table 1: External Factors Impacting ASEAN Leadership

	1990s to 2010	From 2010	
		Unfavourable to ASEAN	Benign or Favourable to ASEAN
US Policy in Asia	A confident, unilateral America	A self-serving and aggressive America (or conversely, a more isolationist America)	An engaged and multilateral America
China Policy in the near abroad	Peaceful rise of China	Assertive and rule challenging China	A responsible stakeholder China
China-US Relationship	Recognised interdependence	Regional and global competition for influence (or conversely, a G2 condominium)	A deepening interdependence, with recognition of roles and interests of others
Other Major Powers	The limited role of others – with Japan’s period of no and slow growth and India’s limited inclusion and activity in Asia	Resurgent Japan focused on security role India and others in democratic alliance	Re-engaged Japan with Abenomics A non-exclusive Asian regionalism (SIIA, 2014a)

ASEAN = Association of Southeast Asian Nations; US = United States.

Source: Singapore Institute of International Affairs (SIIA), 2016.

Beijing is not of course the only major power that does so. Another example is the US effort to re-strengthen its military alliances with Japan, Korea and, perhaps most notably, the Philippines under the recent Aquino administration (Bacani, 2015). These efforts are seen to be taken in response to steps by China in the seas and air spaces of the region, even if these are not the intention of the parties.

In economics too, there is a sense of competition. The Trans-Pacific Partnership (TPP), pushed by the US and later Japan to create deeper economic integration on a negotiated and rules-based order excludes China. The TPP also includes four ASEAN Member States but not others, most notably the two largest economies in the group – Indonesia and Thailand – and this, from some perspectives, creates tension with the ASEAN Economic Community (AEC). The Chinese initiatives with the vision of ‘One Belt, One Road’ and the newly established AIIB are seen to offer an alternative engine for economic development to the region, driven by connectivity (Das, 2015).

The push by a major power to protect what it considers to be its own ‘core’ interest can, intentionally or otherwise, undermine ASEAN unity and therefore put its leadership at stake. Instead of undermining the group, major powers can support ASEAN leadership by engaging its members more deeply and with a greater appreciation of the interests

and concerns of the region, even when those interests overlap and compete with their own. Major powers must also manage their own relations better as a sense of competition and rivalry can have negative spill over effects on the region.

An isolationist US can undermine not only its own role in the region but also unbalance the conditions that allow ASEAN to play its role. Conversely, an aggressive US that seeks to reassert its hegemony to protect and push forward its own narrow interests (rather than create regional public goods) can also upset the region and undermine ASEAN's role. The same might also be said about the other major powers – China or Japan under Abe, or even India.

The recognition of the great impact that external conditions can have on ASEAN and its leadership does not mean ASEAN's role should be discounted when considering ASEAN's relations with any single major power. The interactions between these major powers and ASEAN will be a further dimension of analysis for ASEAN's future role as a leader. In this regard, it is not only America's Asia policy or China's expansive relations with its near abroad that we need to consider, or even the US–China relationship. We also have to look at US–China–ASEAN, and other triangulations.

The question becomes even more complex when we consider ASEAN not only as a collective, but in relation to the bilateral relations between some ASEAN members and the major powers. The US–Philippines relationship under the Aquino administration has impacted not just the two countries but also ASEAN, China, Japan, and others. The sharp change of tack by his successor, President Duterte, will similarly cause ripples (Parameswaran, 2016).

Relations in the Asia–Pacific have not been settled and, for the reasons outlined above, are in fact becoming more tumultuous. The role of ASEAN in providing leadership to the region is one based more on the perception of need and some utility – especially by the major powers – rather than on the inherent strengths of the group. That role has endured thus far, but can, if circumstances shift sharply and strongly, be diminished.

ASEAN's Internal Dynamics and the Internal Conditions for Leadership

While external conditions have been critical, this is not to say that the ASEAN leadership that has emerged from the 1990s was automatic and pre-destined. There have been times when it seemed that ASEAN might fail even in respect of its own sub-region and the needs felt amongst its members. It has taken political will not just to envision the way

ahead but also to move concretely forward. Although not all the factors for success lie within the control of ASEAN members, it would be too cynical and fatalistic to believe that the group is entirely unable to shape its own destiny.

What values ASEAN and its members ascribe to, and what policies the grouping implements, can and should matter. First and foremost, it will matter to its members inter se, or in their relations with each other. The second and related impact will be on the hopes that ASEAN continues to play a leadership role in the wider region. These ‘internal conditions’ for leadership are subject to the national priorities of the 10 member states of the group and therefore must deal with a deep and abiding diversity across so many elements of government, economy, and society.

Even if there is an acceptance that a united ASEAN can serve each member better, there will be many challenges in moving forward at a pace that allows the group to remain relevant in a time of tumult. One of the key ongoing challenges for ASEAN in moving forward is to assess the principles and practices that have accrued and served the group thus far and reach a working consensus on which of these must be retained, reformed, or else retired, for a better future. The ASEAN Charter of 2008 did not take up this challenge but it has served the region well in two ways. Firstly, by setting out these principles in fixed terms in a legally binding treaty, it has encapsulated them and thus created a stable foundation for future review and reform (SIIA, 2014b). Secondly, while long held principles were enshrined in the Charter, newer goals and principles have also been introduced; these include, for example, references to becoming a globally competitive and integrated economy, and to promoting democracy, good governance, and human rights (ASEAN, 2015a).

Critiques of ‘the ASEAN way’ are common. I do share some of these concerns, but I often find my views differ in terms of what policies would be required as the group moves ahead. Some critics of ASEAN suggest that the policy of non-intervention must be abandoned together with consensus-decision making. Further, there are those who wish to see a far stronger and larger ASEAN Secretariat, empowered to take much more initiative on behalf of member states. In such critiques of ASEAN, it has been an easy shorthand to use the European Union and its Commission as a model – often an idealised model – of comparison (Jetschke and Murray, 2012).

My own thinking differs. Thinking about ASEAN’s future leadership, we must of course closely evaluate the past principles and not simply enshrine and reify them. However, there are questions of political reality as well as political imagination. The political reality is that the project of ASEAN’s future must be agreed by its members and such agreement must be at a deep level if it is to guide actual ASEAN practice in the future.

It is not uncommon for a treaty to be formally agreed on paper, only for its terms to be left moribund in reality. The political imagination that must be sought is to consider how ASEAN can change organically, rather than for change to be imposed based on the European Union model, in ways that respond to the group's roots as well as its ongoing effort to grow into the future.

In this, any future aspirations for ASEAN must take into consideration that national interests will continue to prevail. Indeed, the global trend – even in Europe – may be in the direction of a more strident and often protectionist nationalism. Any project for a 'regional identity' will continue to be uphill – even if we should continue to recognise that need and recommit to greater cross-border understanding and empathy. Projects to help nations manage their independencies and to increase the regional public goods functionally will also require effort but may be more easily aligned to the existing national ethos. This is particularly the case in areas where – as with much of economic competitiveness or indeed the political and convening power of the group – there is an acceptance of the overarching logic that a united ASEAN will do better than any member can do individually (Tay and Tan, 2015).

How might the tension between past and emerging principles and objectives be creatively used and resolved? Driven by ASEAN's economic, political, and social needs, rather than a quest for identity, what can be imagined in a Future ASEAN project?

One line of thinking – summarised in Table 2 – is to begin with the ASEAN Economic Community (AEC), as the pillar within the overall ASEAN Community that has the clearest time lines and measurable achievements. It was inaugurated at the end of 2015 and has a roadmap to 2025 (ASEAN, 2015c). The overarching goal of the AEC is to integrate the economies of the 10 member countries of ASEAN, creating economies of scale to become more competitive, especially in relation to China and India. To make progress and have a realistic chance to accomplish that aim, the AEC will require and drive changes in the ways ASEAN operates. One example is in the way the undertakings and obligations of member states are monitored, reported, and discussed.

Such changes need not be limited to the economic sphere. Given the concurrent commitment to develop the political-security and the socio-cultural aspects of the ASEAN community, there is every reason to expect positive spillovers from the AEC to influence thinking and practice in the other areas of ASEAN activity and competence. One place where it seems most necessary to start is in respect of what I refer to as the 'human face' of the AEC, i.e. the issues of sustainability and social issues, such as the impact on incomes and livelihoods, that flow in tandem with the AEC. The existing ASEAN agenda already has taken on board issues such as small and medium enterprises,

the migration of labour, human trafficking, trade and the environment. What can and should be done next regarding the ‘human face’ of ASEAN is to bring these together under a centralising theme and to underscore their relation to steps taken in the AEC. As the ASEAN economies integrate this approach would respond to the social and environmental questions arising from the region’s economic development.

Table 2: Inter ASEAN Principles and Emerging Needs

	Evolution of ASEAN since Inception of Current ASEAN Community	Needs of an Emerging ASEAN Community
Economic Growth	Diverse from low to high; not well integrated but with plans for increasing connectivity	Increased connectivity and integration with well-spread, interdependent growth that outperforms other economies
Foreign Direct Investment	Negative competition and nervous nationalism	Win-win, interdependent value chain, and confident regionalism
Domestic Governance and Democracy	Diverse with stalled reform and complicated domestic politics	Linkage of AEC to domestic governance and the ‘human face’ of AEC in terms of sustainability and human issues such as equity, SMEs, and migrant workers Commitment and progress on reform and modernisation, especially in key countries
Foreign Policy	National interest with regional concerns to enhance sovereignty Norms of neutrality and peace ASEAN-5 coalition over Cambodian question Divided views on major power influences	Increasing recognition of regional interest while respecting the most sensitive national priorities Increased sharing of views about major power influences
Global Voice	G20 membership for Indonesia and attendance for ASEAN (and Singapore) Little coordination at UN and other multilateral forums	Shared views on key issues, increasing dialogue and coordination at G20 and other key forums
Policy Implementation	Non-binding, political process with minimal monitoring	Rules-based with reference to ASEAN Charter for monitoring and compliance (SIIA, 2014b)
Decision-making	Consensus and run by national governments	Flexible process supervised by leaders and ASEAN ministers with closer monitoring by ASEAN Secretariat or other appointed bodies (SIIA, 2014b)
Secretariat	Minimal budget and staff; few powers of initiative	Increasing budget and staff to sufficiently help deliver goals agreed by members (Tay and Guo, 2015)

AEC = ASEAN Economic Community, ASEAN = Association of Southeast Asian Nations, SMEs = small and medium-sized enterprises.

Source: Singapore Institute of International Affairs (SIIA), 2016.

Another area in which ASEAN must evolve and respond to its own ambitions is the realm of foreign policy, which is especially relevant in relation to its leadership in the wider region and in relation to the major powers. Given the diversity of ASEAN, it is far from likely that a ‘common foreign and security’ policy can be agreed.

However, several possibilities bear consideration. These aim for ASEAN members to give increasing recognition to the regional interest and to limit the ‘trumping’ nature of national priorities to only the most sensitive issues. We cannot wish away national interests and the suggestion is to grow that area where national and regional interests overlap and to shrink, over time, the purely national prerogatives. In tandem with this, while ASEAN Member States have different relations with the major powers, the unity of ASEAN in relation to such major powers can be enhanced. One step would be for ASEAN governments to increasingly share their views about major power influences and be transparent with each other about their bilateral relations and cooperation with major powers.

Another would be for ASEAN member governments to develop a ‘global voice’ (Tay, 2013). The group has already obtained observer status in the G20, on top of representation by Indonesia on its own, individual merit, and Singapore has consistently participated as a guest of the host country. ASEAN is projected to be the world’s fourth largest economy in 2050 (HV, Thompson and Tonby, 2014). Given projected growth rates and its AEC efforts, ASEAN is likely to be a full member of the G20 in the future and will be expected to take up global issues much more, both in that forum and in other international meetings and institutions.

In Table 2, I highlight how ASEAN has evolved since its inception in 1967 and sketch out what the grouping needs to do to achieve its goal of forming an ASEAN Community.

When we consider these and other efforts to develop the ASEAN Community in a deeper and more holistic way, we are better able to contextualise the debates about ASEAN decision-making and the role and size of the ASEAN Secretariat.

The ASEAN Way has leaned towards a secretariat that has a minimal budget and staff, and few powers of initiative (Tay and Guo, 2015). ASEAN as a group has been and still is based on consensus decision-making. In effect, these two practices mean that ASEAN is run much more by national governments than the ASEAN Secretariat or any regional body. Many more debate these practices today, with some arguing for the consensus principle to be abandoned and for large increases in budget and staff for the Secretariat.

I do not discount the challenges of reaching consensus when there is so much diversity amongst ASEAN members and especially when there is growing competition amongst major powers for influence across the region. I also believe that it will be useful and indeed necessary to develop the ASEAN Secretariat further.

But my arguments do not see these reform suggestions as ends in themselves. Rather, I would tend to put forward the goals that the member governments wish ASEAN to achieve and then push for the extent of change necessary to achieve those goals. ASEAN processes and institutions follow as a consequence, in my view.

From this point of view, the consensus method of decision-making need not be abandoned. Indeed, keeping consensus as the agreed ideal outcome has a value in trying to further enhance the exchange of views and diplomacy amongst ASEAN members. But arguments can be made for a flexible process that is closely supervised by leaders and ASEAN ministers to ensure the best chance of obtaining consensus. In that process, if, in the judgement of leaders and high-level policymakers, consensus on one or another issue is not possible, it is then a political judgement to consider other options – including the ASEAN minus X formula, which has already been included in the Charter (albeit limited to the economic sphere) (ASEAN Charter, Article 21 [2]).

Augmenting this flexible decision-making process would be a closer and more candid monitoring effort by the ASEAN Secretariat or other appointed bodies. This would be a natural outgrowth of the Charter that already envisages that the ASEAN Secretary-General is made responsible for and empowered to share his observations with the ASEAN leaders about member states' compliance with their obligations. Allied to this, the ASEAN Secretariat should be given an increased budget and staff. Not as a goal in itself or, unless so decided, to undertake their own initiatives. But rather to grow to sufficiently to help deliver that monitoring and other support that would help ASEAN meet goals agreed by the member governments.

Nature of ASEAN Leadership

Having considered external and internal demands on ASEAN, we turn to considering the nature of ASEAN leadership – both present and prospective. There are clearly dangers that ASEAN may become irrelevant and disunited, given both the external and internal factors considered. In this section, however, at the risk of seeming somewhat optimistic, I wish to be normative to sketch what can and should be done.

The ASEAN of today has done well to offer leadership to the region and to its own members but it remains quite limited. Its multilateral ministerial meetings and summits do have convening power to reach many states beyond ASEAN, including the major powers. In many ways, ASEAN has gained from the low-level trust amongst these major powers so that the group is viewed as non-threatening and perceived as an acceptable facilitator or convener to start dialogues on some of the key issues facing the region (Tay and Kiruppalini, 2015).

However, this has often meant that ASEAN must stay neutral between the major powers, especially on the most sensitive issues. A flexible and quiet diplomacy is often preferred by ASEAN and can be effective (Tay, 2016d). But there are times when that quiet diplomacy can lapse into near silence for fear that ASEAN will otherwise be divided. The calculation of national interests – political and economic – most often trumps any articulation of what is best from the regional point of view.

A project for ASEAN's future could imagine how these can be improved. The ability to help set the regional agenda would be a considerable but imaginable improvement over convening. Similarly, growing from dialogue, ASEAN could aim at building trust and starting action, where agreed. In trying to move ahead in this way, ASEAN would aim to maintain flexibility and be trusted and non-aligned amongst major powers. But ASEAN should engage with such major powers to evolve 'a chorus of concern' based on the norms and principles of the region and of international law. Moreover, where there is common cause on an identified issue, ASEAN should actively seek to involve middle powers (Korea, India, Australia, New Zealand, etc.).

Part of the limits that ASEAN faces at present relate to the rotating chair and the lack of institutional heft in the Secretariat (Tay and Guo, 2015). There are risks that in this situation the ASEAN agenda is insufficiently defined and can fluctuate quite markedly, depending on approach, resources, and interests of the chair for the year. This can be addressed by utilising a 'troika' approach to harmonise 3-year plans amongst the past, present, and future chairs. In this, it would be logical and functional that the ASEAN chair, while remaining central, can and should rely more on the Secretariat for continuity and follow up.

There are also those who feel strongly that ASEAN is too limited in its consideration of and relevance to the peoples of the region; that ASEAN is state-centric. Related to this view, ASEAN is currently focused on governments, rather than other institutions of the state (e.g. parliament and the judiciary). At present, there are some contacts and exchanges amongst the parliaments of ASEAN members, as well as between

non-governmental and people’s organisations. However, in some years there has been controversy about meetings between ASEAN leaders and these civil society representatives (Kean, 2014).

To this writer it seems epiphenomenal whether or not these meetings are held – since these are brief and highly ceremonial occasions that ‘tick the box’ of consultation. What we should focus on more is whether each ASEAN government is encouraged and indeed expected to take a whole-of-government approach so that it is not only its foreign policies and foreign policy institutions that are involved in ASEAN. It is equally and perhaps even more important that ASEAN broadens to include domestic ministries with the goal of developing dialogue and seeking to harmonise policies where possible. Additionally, on the question of developing a people’s ASEAN, it would seem a necessary foundation that in each country there be a commitment to develop and strengthen the national level involvement of people in regional issues. If this can be done, there would be more substance in becoming a ‘people’s ASEAN’ from the bottom up, even if there is no ASEAN Parliament or annual encounter between government leaders and civil society groups at the regional level.

In Table 3, I briefly sketch out the nature of ASEAN’s leadership thus far and how the grouping’s leadership needs to evolve in the future.

Table 3: The Nature of ASEAN Leadership: Present and Prospective

	ASEAN Leadership 2000s	ASEAN Leadership Future
Summitry	Convening	Agenda setting
Role(s)	Default trust and starting dialogues	Building trust and starting action
Role in Relation to Major Power Issues	Neutral, silent, or divided; flexible and quiet diplomacy	Maintaining flexibility and nonaligned but engaged to evolve ‘a chorus of concern’. Involve middle powers (India, ANZ, Korea)
Basis of Decisions	Political and economic interests in individual states	While maintaining flexibility, to become a ‘community of norms’
Role of ASEAN Chair	Insufficiently defined and can fluctuate, depending on approach, resources, and interests of the chair for the year	Utilise ‘troika’ approach to harmonise 3-year plans; and rely more on Secretariat for continuity and follow up
People in ASEAN	MFA-centric and focus on government	Specific issues that matter to people. Whole-of-government and national level involvement of people

ANZ = Australia and New Zealand; ASEAN = Association of Southeast Asian Nations; MFA = Ministry of Foreign Affairs. Source: Singapore Institute of International Affairs (SIIA), 2016.

Conclusion: Change or Become Irrelevant

With the changing conditions and its own ambitions to be a community intra-ASEAN and a central player in the wider region, ASEAN must develop new modes and ambitions for leadership that are better able to respond to national, regional, and global needs. ASEAN is facing real and immediate challenges that will require it to adapt and change or else become increasingly irrelevant.

Ideally, the new ASEAN leadership would be (1) based on principles, rules, and previous commitments; (2) more consistent in process and scope, with support of the ASEAN Secretariat; and (3) aware of and responsive to global and Asia-Pacific issues, with more initiative and greater self-confidence with regard to how ASEAN can add value to address them.

Some commentators believe this can be done by immediately demanding stronger regional institutions. The views I have canvassed in this chapter differ by recognising the continuing primacy of the national governments. In my view, while ASEAN can and should play its part, the key actors will be at the national level. As such, it is a precondition for the above to be achieved that (1) ASEAN Member States develop a political elite that has a stronger regional perspective to balance their national and sectoral viewpoints; and (2) broader sections of the communities in the 10 ASEAN Member States start to feel the relevance of ASEAN to their lives.

Shifts in governance and policies need to be undertaken in each ASEAN country to position them to better participate and lead at the regional level. This is being driven in a number of leading ASEAN countries by national agendas for reform to become more competitive and integrated with regional production networks and global supply chains, and by systems of governance to be reformed sufficiently to enable such reforms (Tay, 2016e).

The push for national reform for these reasons – rather than an altruistic ASEAN agenda – will be the decisive factor in shaping ASEAN's emerging leadership. Much of the success of reform efforts will depend on the political will of the elites in each ASEAN country.

ASEAN can, however, assist and be assisted by programmes that foster more outward looking perspectives amongst citizens in member states and a better understanding of developments in the region. Public education efforts can also link regional developments in Southeast Asia to wider global trends such as innovation, urbanisation, transparency, and social and economic issues.

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Not Quite Beyond the ‘ASEAN Way’? Southeast Asia’s Evolution to Rules-based Management of Intra-ASEAN Differences

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Introduction

On 20 November 2007, the Association of Southeast Asian Nations (ASEAN) formally adopted a charter, which subsequently entered into force on 15 December 2008.² This development led some observers to speculate on the changing nature of regional diplomacy in Southeast Asia from a hitherto longstanding preference for informality and consensus-based interactions to a rules-based and potentially compliance-oriented approach. This view of ASEAN regionalism builds on a conventional wisdom that Southeast Asia has traditionally been averse to legal solutions where its interstate relations are concerned. Purveyors of this argument invariably point to the diplomatic conventions and security norms and practices favoured by ASEAN, whose institutional design has long privileged consensus, consultation, informality, and inter-governmentality – the so-called ‘ASEAN Way’ (Acharya, 2003) – over obligation, precision, subsidiarity, and other ancillary principles typically associated with a highly institutionalised organisation like the European Union (EU). On the other hand, ASEAN member countries have only occasionally relied on legal means to manage and, where possible, settle their disputes with other states. It is likely that the inception of the ASEAN Charter marks the initiation of a long and arduous trek towards a new diplomatic convention and security practice amongst Southeast Asians, which the architects of the charter hope would be defined increasingly by rules rather than a set of loose and informal practices.

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² ‘Charter of the Association of Southeast Asian Nations’, 20 November 2007. <http://www.aseansec.org/publications/ASEAN-Charter.pdf>

The aim of this chapter is to trace Southeast Asia's embryonic experimentation with a rules-based (or legal) approach to the management of its intraregional and extra-regional relations, and to assess its implications for regional order and security.³ Understood here, **legalisation** involves the degree to which rules shape the behaviours of states, whether or not they actually go before the courts. Efforts in this respect include ASEAN's ongoing (and challenging) implementation of its charter and the selective resort by several ASEAN countries to legal means to settle disputes comprising trade and territorial concerns. Although Southeast Asia as a whole lags behind other regions in its willingness to countenance legalisation, a growing number of ASEAN countries have in fact relied on third-party arbitration and/or adjudication. That they have sought to settle disputes between themselves and external parties, on one hand, and amongst themselves on an intramural basis, on the other, implies a slow but gradual willingness to seek legal recourse. This is so even on concerns involving sovereignty and territoriality, a fair number of which have arisen since the entry into force of the Third United Nations Convention on the Law of the Sea (UNCLOS III) in 1994.⁴ Crucially, none of the examples of the pursuit of legal resolution of intra-ASEAN disputes – including the ones discussed below – involved reliance by regional states on ASEAN-based instruments and mechanisms. Ironically, ASEAN states are more liable to look to international legal organisations and dispute settlement mechanisms than to their own regional organisation (i.e. ASEAN) for mediation, arbitration, and/or adjudication.⁵

The region's relative ambivalence to legalisation – weak at the regional institutional level, on one hand, selective reliance on bilateral dispute settlement on the other – raises interesting questions for the outcomes, intended or otherwise, of ASEAN's efforts in regional security integration. How, for example, might a predominantly utilitarian approach to legalisation, which Southeast Asian countries seem to prefer, affect the ASEAN Community, which ASEAN members are still seeking to establish? And if ASEAN's vision of regional community presupposes the necessity of institutional innovation and reform, what are the prospects for such? Liberal scholars tend to assume legalisation is designed to achieve institutional change, and those who take umbrage with the ASEAN Charter for its purported flaws seem to presuppose the legal turn by ASEAN should be about the innovation and transformation of that regional organisation

³ This chapter builds upon an earlier effort by Tan (2015: 248–66).

⁴ UNCLOS III, which lasted from 1973 to 1982, entered into force on 16 November 1994 following ratification by Guyana, the 60th state to sign the treaty.

⁵ This is supported by a recent survey of Asian security and economic elites conducted by a leading Washington-based think tank. Survey respondents were asked how significant regional organisations are to their national and regional security. Unsurprisingly, the majority of respondents prized national security strategies and international bodies over and above regional organizations (Gill, Green, Tsuji, and Watts, 2009).

and the regionalism that has hitherto defined the region.⁶ But the instrumentality and strategy with which Southeast Asian countries approach their selective appropriations of the legal recourse in dispute settlement suggest the more likely outcome of their actions will be institutional continuity or stasis. Indeed, their relatively conservative approach to legalisation at the ASEAN level is also designed to ensure maintenance of the regional status quo (or continuity, in short).

This is not to imply that prospects for institutional and regional transformation are therefore slim, or that Southeast Asians are fundamentally opposed to change. If anything, an enhanced regional organisation armed with viable compliance-based regimes undergirding interstate relations in Southeast Asia would be integral, even essential, for the region's future peace and prosperity, not least to ensure a sustained commitment by ASEAN members – and, conceivably, external powers as well, say, co-signatories to the ASEAN Treaty of Amity and Cooperation (TAC) established in 1976 – to peaceful means of conflict management and resolution. Ultimately, a region-wide reliance on rules-based management of interstate differences could mean an increasing de-securitisation of trade and territoriality between and amongst the ASEAN countries themselves.

Regional Experience with Rules

At best, Southeast Asia's record in rules-based management of regional security has been patchy. As noted, the apparent ambivalence with which the region's countries have approached legalisation suggests, despite the establishment of the ASEAN Charter, that Southeast Asia still has a long way to go in emulating the legal character of more advanced international organisations, if indeed that is what Southeast Asians aim to do.⁷ To be sure, there are compelling reasons that argue against that, furnished by 'path-dependence' explanations favoured by scholars of historical institutionalism (Fioretos, 2011). As a former secretary-general of ASEAN once lamented, comparisons

⁶ In fairness, the language of the ASEAN Concord II of 2003 and the charter itself allude to the aspirations of its architects. See, 'Declaration of ASEAN Concord II (Bali Concord II)', 7 October 2003. <http://www.aseansec.org/15159.htm>

⁷ In this regard, there is a conceptual distinction between mimicry and emulation. To the extent ASEAN now has a charter and boasts a vision for building an ASEAN Community with economic, political-security, and socio-cultural pillars – the language is reminiscent of the European Community (EC) and the EU – one can say ASEAN is mimicking the EU in terms of the superficial borrowing of lexicon and institutional conventions. On the other hand, emulation involves greater effort and deep internalisation of the principles, norms, and practices of the organisation the emulating actor seeks to emulate. At this point, it is safe to say ASEAN is a mimicker of more advanced institutions, but whether it successfully evolves into an emulator of such remains to be seen. On mimicry/mimicking and emulation, see Johnston (2008: 45–73).

between ASEAN and the EU are neither fair nor judicious, especially if they are motivated by the assumption that Southeast Asian regionalists not only aspire to attain the institutional and legal standards and practices adhered to by their European counterparts, but that they should therefore be held accountable to those expectations.⁸ Indeed, European institutions today are showing signs of a willingness to countenance a more flexible approach (Cini, 2007).

What does the historical and contemporary record suggest about Southeast Asia's engagement with rules and legalisation? Two broad observations are noteworthy in this regard. The following discussion will focus first on ASEAN's own efforts at establishing a legal personality as a regional organisation, and second on the state-to-state level both within Southeast Asia as well as between ASEAN member countries and external powers.

Is ASEAN Institutionalising Established Rules or Creating New Ones?

The adoption of a charter by ASEAN in 2007 has evoked intense debate on whether this step towards rules constitutes an institutional and normative advance in regional affairs, or a mere entrenchment of existing norms and principles long held by the regional organisation. On the one hand, the charter's arrival has been heralded as a watershed moment in Southeast Asian regionalism, marking the region's embrace of rules that would facilitate the evolution of regionalism from a hitherto soft or minimalist variety to a more institutionalised form. On the other hand, detractors of ASEAN dismiss the charter as yet another flight of fancy that, as it has been with most visions and aspirations of ASEAN, would in due course be exposed as long in word but woefully short in deed (Jones and Smith, 2002). Others welcome the charter but lament ASEAN's inability to achieve its own targets, not least in terms of driving regionalism and regional economic integration (Severino, 2007). For still others, the quibble is not over ASEAN's intent to legalise about but the particular principles privileged by the charter, principally legal-rational norms such as sovereignty and non-interference, and social conventions such as the ASEAN Way.

There is much to be said for affirmative interpretations of the charter, not least where liberal implications for regional peace and security are concerned, should legalisation become the accepted approach amongst ASEAN countries for managing and hopefully

⁸ As Rodolfo C. Severino, Jr., Secretary General of ASEAN from 1998 to 2002, has written: 'Will ASEAN be like the EU? Most likely not. At least not exactly. As the EU itself acknowledges, it is unique as a regional organisation and will probably remain so. But we can expect domestic and external forces, the logic of globalisation, and the imperatives of regionalism to move ASEAN to resemble the EU more closely than it does today, and as ASEAN evolves, more closely than we can foresee today' (Severino, 2001). <http://www.aseansec.org/3112.htm>

resolving their intramural disputes and conflicts in an orderly nonviolent fashion.⁹ Needless to say, this is contingent on the sustained corporate commitments of Southeast Asian governments to a legal regime and their refusal to defect the regime – even at risk of incurring relative losses in the near term because of perceived absolute gains over the long haul (Hardin, 1965). In the language of neo-institutionalism, such a legal regime is robust only if state actors adhere to it on the basis of ‘appropriateness’ (commitment based on the belief that rules per se are an essential and inherent good for the region) rather than of ‘expected consequences’ (commitment based on the view that legalisation is a matter of instrumental choice purely on behalf of self-interest) (Goldman, 2005: 35–52). Given the relative nascence and immaturity of Southeast Asia’s legal regime, it is obvious no robust logic or ethic of appropriateness regarding legalisation exists in Southeast Asia just yet. On the other hand, it could be argued, as some indeed have done, that the ASEAN Way, which continues to enjoy legitimacy in regional conduct, retains its sense of appropriateness and suitability in the eyes of the ASEAN states (Acharya, 2001).

At the regional level, there is little question that Southeast Asian regionalism has historically eschewed legalisation. ASEAN’s institutional design has long emphasised an intergovernmental structure and informal decision-making process based on flexible consensus and consultation, and minimal delegation to quasi-judicial mechanisms (including a relatively weak secretariat) (Acharya, 1997). Its founding and ancillary documents are best conceived as multilateral declarations and not treaties per se (the regional organisation’s preferred nomenclature notwithstanding), certainly nothing of the sort that would commit the regional organisation to some form of political integration (Leifer, 1989). ASEAN regionalism has emphasised dispute management rather than resolution; member nations essentially agree to shelve rather than settle their disputes. And although ASEAN’s 1976 treaty specifies a High Council that would recommend ways of resolving disputes, the provision has never actually been activated. Further, if decisions had indeed been taken, the provisions do not come with a mechanism through which to enforce them. This much was clear when the foreign minister of Singapore, in his capacity as the chair of ASEAN in 2007 and faced with the Burmese military junta’s forceful suppression of dissidents in Yangon, conceded that ASEAN has ‘little leverage over the internal development [in Myanmar]. What we have is moral influence as members of the ASEAN family’.¹⁰

⁹ As Benjamin Schiff has put it, ‘Neoliberal institutionalists explain law as a tool to reduce the realm of disorder in international relations, making it a pragmatic step for states concerned not only with relative power, but even more with absolute well-being. Legal institutions arise as states seek to stabilise their relations by replacing political power conflict with orderly legal processes – labeled by some observers the process of ‘legalization’ (Schiff, 2008: 41).

¹⁰ ‘Straits Times’ Interview with Singapore Foreign Minister George Yeo’, *The Straits Times*, 2–3 October 2007. http://app.mfa.gov.sg/pr/read_content.asp?View,8389. On the question of moral influence and social persuasion within ASEAN, see Tan (2013: 233–65).

This is not to imply that ASEAN has no dispute settlement mechanism of its own (Caballero–Anthony, 1998). For example, there is the ASEAN Protocol on Enhanced Dispute Settlement Mechanism (EDSM). Also known as the Vientiane Protocol, the EDSM is a set of non-adjudicatory mechanisms as well as formal adjudicatory mechanisms for disputes brought under ASEAN economic agreements in general. It is modelled after the World Trade Organization (WTO) Dispute Settlement Body. Secondly, the ASEAN Charter has a protocol on dispute settlement mechanisms, which goes beyond consultation, good offices, mediation, and conciliation to emphasising arbitration, by third-parties if need be.¹¹ Disputing parties are expected to fully comply with the arbitral awards and settlement agreements resulting from these non-adjudicatory processes. Finally, there is also the Investor–State Dispute Settlement (ISDS) under the ASEAN Comprehensive Investment Agreement (ACIA), which allows investors of an ASEAN state, either natural or juridical persons, to bring a claim against the government of another ASEAN state for the loss or damage to their investment resulting from the breach of obligation under the ACIA (Ewing–Chow and Losari, 2015). By and large, these mechanisms ‘steer a middle path between compulsory adjudication and freedom of choice’, in the words of one assessment (Naldi, 2014: 105–38). While formal dispute settlement proceedings have been considered on a number of occasions, the fact remains that ASEAN Member States have yet to make use of the mechanisms provided for within their organisation’s legal framework.

Significantly, the charter also appears to underscore the ASEAN member countries’ evident preference for norms and principles such as ‘respect for the independence, sovereignty and territorial integrity of member states’, ‘peaceful settlement of disputes’, ‘non-interference in member states’ internal affairs’, and ‘right to live without external interference’.¹² For some this development is arguably regressive since it amounts essentially to a codification of existing agreements, declarations, and norms, and burnishing such with a legal patina. In the words of one observer:

Disappointment comes not so much from things that are found in the charter, but from things that are not but should be. The charter is by all accounts as good a lowest common denominator as could have been expected, given the disparate interests, histories and sensitivities of Southeast Asian countries. Taking in not many important recommendations from the EPG [Eminent Persons Group], the document reaffirms a state-centric ASEAN and institutionalises age-old values of consensus and non-interference. It lacks clear mechanisms for dispute settlement, accountability and redress. (Dang, 2008: 24)

¹¹ See Article 25 of the ASEAN Charter.

¹² As Walter Woon, who was involved in the work of drafting the charter, has clarified, the chapter in the charter on the settlement of disputes only concerns **interstate** disputes (Woon, 2016: 165).

Another observer has offered a blunter assessment:

The ASEAN Charter is a positive development; it moves ASEAN ahead. But it is a disappointment. ASEAN was at a crossroads, but with the adoption of the ASEAN Charter, the 10-member grouping decided to codify existing norms and maintain its historical identity as an intergovernmental organisation. ASEAN did less than it could have done. ASEAN had even gone backwards. (Desker, 2008)

Thus understood, to the extent Southeast Asia has yet to move (in the words of one analyst) 'beyond the ASEAN Way' (Caballero–Anthony, 2005), but has in fact extended or prolonged its longstanding modus operandi, then the legalisation of principles such as national sovereignty and non-intervention/non-interference could conceivably indicate the existence of a logic of appropriateness, as much as that of consequentiality, concerning the region's apparent preference for a particular diplomatic cum security convention.

On the other hand, the charter's architects, while acknowledging the political horse-trading that invariably comes with compromise agreements of this sort, have nonetheless argued that the charter constitutes an important achievement upon which further institutional developments and embellishments could and would be made. A year after the charter's adoption, Tommy Koh, a member of the High Level Task Force that drafted the charter, furnished the following assessment:

[W]hat remains to be done? Negotiation on a protocol to implement the chapter in the Charter on dispute settlement is the most important unfinished business. One of ASEAN's past failings was a culture of not taking its commitments seriously. The Charter seeks to change that by giving the Secretary–General the responsibility to monitor the compliance of member-states with their commitments. In the event of a dispute between two states over their commitments, the Charter sets out an ASEAN dispute settlement mechanism. Such an arrangement will give assurance to partners entering into agreements with ASEAN. (Koh, 2009)

Seen from this perspective, the charter represents a work in progress, a first step in what could be a long process towards building a culture of compliance to commitments. In October 2010, ASEAN's foreign ministers, in anticipation of the Seventeenth ASEAN Summit, agreed to adopt two legal instruments – the Rules for Reference of Unresolved Disputes to the ASEAN Summit and the Rules of Authorization for Legal Transactions under Domestic Laws – both of which are critical to the realisation of the charter. At the same time, there are worrying signs that ASEAN continues to be

hampered by what its previous Secretary-General, Surin Pitsuwan, has called ‘problems in implementation’, not least those that affect the ASEAN Economic Community (AEC) as a consequence of the slowness of many ASEAN member countries to act upon agreements on economic integration (Kassim, 2011). In this regard, the apparent failure of member countries to implement collective agreements – the failure to follow through on institutional commitments, in other words – is a concern that could derail ASEAN’s quest for a viable legal charter and assumption espousal of a meaningful legal personality. In 2010, the ASEAN senior official with oversight of the AEC called for urgent concerted action by all ASEAN Member States to move their organisation from its longstanding brand of ‘process-based regionalism’ to a ‘results-based regionalism’ (Pushpanathan, 2010). Likewise in 2011, the Secretary-General of ASEAN urged the organisation to replace its ‘centrality of goodwill’ with a ‘centrality of substance’.¹³

Nearly a decade after the charter’s establishment, the perceived gap between ASEAN’s legal aspiration and reality has not significantly improved. For example, in 2016, members of the ASEAN Parliamentarians for Human Rights (APHR) criticised the apparent slowness with which their respective national governments are pursuing the improvement of the region’s human rights record as pledged in the charter. ‘ASEAN leaders must step up to the plate and make good on their promises’, according to the APHR. ‘That means taking concrete steps, including restoring democracy in Thailand and ending the persecution of opposition leaders in Cambodia and Malaysia, among many other to-dos’ (APHR, 2016). Yet all this does not necessarily imply that ASEAN member countries are not adhering to rules, if by that we mean the older diplomatic conventions of the ASEAN Way rather than the commitments specified in the ASEAN Charter.

How Are ASEAN States Settling Their Disputes?

The historical record suggests that the ambivalent treatment of legalisation at the regional institutional level has not precluded some ASEAN countries from relying on third-party adjudication to settle disputes involving trade and/or territorial jurisdiction. To be sure, such resort to legal mechanisms has been extremely selective.

¹³ Cited in Singh (2011).

Trade Disputes

In the area of trade-related disagreements, the WTO Dispute Settlement Understanding has been underutilised by Southeast Asian countries by and large (Table 1). Interestingly (and ironically), the first complaint lodged under this provision after it was introduced involved Singapore and Malaysia over import prohibitions on polyethylene and polypropylene – a case that was eventually resolved without WTO adjudication. In other words, the first countries ever to use the WTO provision were Southeast Asian – against another Southeast Asian nation, no less – both members of a regional organisation that explicitly rejects legalisation for dispute settlement. In January 1995, Singapore requested consultations with Malaysia on the issue, and followed up 2 months later with a request to establish a panel. However, in March 1995, Singapore opted to withdraw its complaint completely.¹⁴

Table 1: Number of WTO Disputes Involving ASEAN Countries, China, and the United States

Country	As Complainant	As Respondent	As Third Party
Brunei Darussalam	0	0	0
Cambodia	0	0	0
Indonesia	10	14	13
Lao People's Democratic Republic	0	0	0
Malaysia	1	1	9
Myanmar	0	0	0
Philippines	5	6	14
Singapore	1	0	21
Thailand	13	4	72
Viet Nam	3	0	22
People's Republic of China	109	34	130
United States	109	126	131

ASEAN = Association of Southeast Asian Nations; WTO = World Trade Organization.

Source: All data compiled by author as of 20 June 2016 from the World Trade Organization website at: https://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm

¹⁴ 'DS1: Malaysia-Prohibition of Imports of Polyethylene and Polypropylene', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds1_e.htm. Also, see Ahn (2003: 3).

There was also a dispute involving Washington's restriction of shrimp imports into the United States (US), registered at the WTO jointly by Malaysia and Thailand (along with India and Pakistan) against the US in October 1996. In February 1997, following multiple requests by the complainants, the Dispute Settlement Body (DSB) finally convened a panel. In May 1998, the panel upheld Malaysia's and Thailand's claims; 2 months later the US appealed against that decision. Although the Appellate Body reversed the panel's finding that the US measure at issue was not within the scope of measures permitted under the chapeau of Article XX of the General Agreement on Tariffs and Trade (GATT) 1994, the body nonetheless concluded that the US measure satisfied the requirements of the chapeau of Article XX.¹⁵

The Philippines raised a number of complaints against its trading partners regarding what it perceived to be unfair import restrictions on its agricultural exports: against Brazil's prohibition on desiccated coconut in November 1995; the US on certain shrimp and shrimp products in October 1996; Australia on fresh fruit (including pineapples) and vegetables in October 2002, etc.¹⁶ In the case with the Brazilians, the DSB established a panel in March 1996 after two requests by the Filipinos. However, following the panel's initial dismissal of the complaint, the Philippines' appeal was subsequently rejected by the panel the following year. The case with the Americans is still pending. In the Australian case, following multiple requests from the Philippines to establish a panel, the DSB finally did so in August 2003. Before the establishment of the WTO, Thailand brought a dispute it had with the US on tobacco-related concerns before the GATT for arbitration. More recently, in April 2006, Thailand, not unlike its ASEAN members, brought a complaint against the US concerning anti-dumping measures on imports of frozen warm water shrimp. (Subsequently, Japan, Brazil, and China followed suit in joining the consultations.)

In February 2008, the panel convened by the DSB upheld Thailand's claim that the US acted inconsistently with Article 2.4.2 of the Anti-Dumping Agreement, which in turn prompted the Americans to appeal the panel's decision. In July 2008, the Appellate Body similarly upheld the panel's conclusion. In April 2009, the US reported to the DSB that it had taken steps to implement the latter's recommendations and rulings.¹⁷

¹⁵ 'DS58: United States – Import Prohibition of Certain Shrimp and Shrimp Products', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds58_e.htm. Also see, Hsu (n.d.).

¹⁶ See, 'DS22: Brazil – Measures Affecting Desiccated Coconut', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds22_e.htm; 'DS61: United States – Import Prohibition of Certain Shrimp and Shrimp Products', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds61_e.htm; 'DS270: Australia – Certain Measures Affecting the Importation of Fresh Fruit and Vegetables', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds270_e.htm

¹⁷ 'DS343: United States – Measures Relating to Shrimp from Thailand', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds343_e.htm

Indonesia has not been directly involved in WTO-related disputes with any ASEAN member although it was a third party in the case brought by the Philippines against Brazil involving desiccated coconut. It did however bring complaints against Argentina, South Africa, the Republic of Korea, and the US over concerns involving clove cigarettes (a major Indonesian product), footwear, and/or paper.¹⁸ To date amongst the ASEAN countries, Thailand is the most active complainant with 13 cases (as well as a third party with 72 cases) and Indonesia is the most active respondent with 14 cases (see Table 1 above).

Territorial Disputes

ASEAN countries have not shied away from resolving their bilateral disputes over territory amicably through bilateral negotiation, or by bringing their bilateral territorial disputes before the International Court of Justice (ICJ). Two oft-cited cases are the dispute over the Ligitan and Sipadan islands between Indonesia and Malaysia, which Malaysia eventually won, and the dispute over Pedra Branca (or Pulau Batu Puteh) island between Malaysia and Singapore, which Singapore eventually won (Merrill, 2002; Jayakumar and Koh, 2009). In the Ligitan and Sipadan case, the ICJ ruled in Malaysia's favour by virtue of the 'effective occupation' and/or 'effective administration' that Malaysia historically exercised over the islands (Colson, 2003: 398–406). 'The Court noted that the activities relied upon by Malaysia, both in its own name and as successor State of Great Britain, are modest in number but that they are diverse in character and include legislative, administrative, and quasi-judicial acts', according to the ICJ judgement rendered on 17 December 2002. The judgement went on to say about those Malaysian activities: 'They cover a considerable period of time and show a pattern revealing an intention to exercise State functions in respect of the two islands in the context of the administration of a wider range of islands'.¹⁹ Nor did Indonesia (or the Netherlands before it) ever register its disagreement or protest with Malaysia (or Britain before it) when those activities were carried out, including the construction of lighthouses on the islands.

¹⁸ 'DS123: Argentina – Safeguard Measures on Imports of Footwear', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds123_e.htm; 'DS217: United States – Continued Dumping and Subsidy Offset Act of 2000', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds217_e.htm; 'DS312: Korea – Anti-Dumping Duties on Imports of Certain Paper from Indonesia', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds312_e.htm; 'DS374: South Africa – Anti-Dumping Measures on Uncoated Woodfree Paper', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds374_e.htm; 'DS406: United States – Measures Affecting the Production and Sale of Clove Cigarettes', World Trade Organization. http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds406_e.htm

¹⁹ See, paragraph 148 in *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia v Malaysia): Judgement*, ICJ Reports 2002, p. 625.

The case of Pedra Branca, which included two nearly islets Middle Rocks and South Ledge, was notified to the ICJ in July 2003 and formally presented by the contesting parties before the Court in November 2007. The Court's initial conclusion was that the sovereignty of Pedra Branca was historically with the Johor Sultanate, which is now part of Malaysia. After studying the history of Johor Sultanate and the Dutch and British positions on control of Southeast Asia, and also the role of the East India Company, the Court concluded 'the Sultanate of Johor had original title to Pedra Branca'.²⁰ This conclusion was implicitly an objection to Singapore's previous argument that Pedra Branca was *terra nullius* (ownerless), so that it was eligible for 'lawful occupation'. In May 2008, the Court ruled in favour of Singapore on the basis of Malaysia's historical failure to respond to Singapore's conduct *à titre de souverain*, that is, its concrete manifestations of the display of territorial sovereignty over Pedra Branca.²¹ However, the Court disagreed with Singapore's claim that Pedra Branca, Middle Rocks, and South Ledge comprised a single entity and awarded the latter two formations to Malaysia instead.

The preceding two cases signal an embryonic willingness by some Southeast Asian countries to adopt a rules-based recourse to settle vexing bilateral disputes over territory. Questions of sovereignty and territoriality have been the chief reason behind most bilateral tensions between ASEAN countries. This is generally true of Asia as well (Emmers, 2009). The settlement of such cases, to the extent they are possible, have often taken a long time. For example, Hassan Wirajuda, the former foreign minister of Indonesia, noted in 2009 that it took his country and Viet Nam 32 years to arrive at a bilateral agreement over their adjacent exclusive economic zones in the South China Sea. In the case of Singapore with whom Indonesia had a dispute over a relatively short stretch of marine border on their respective western boundaries, it took Jakarta and Singapore 5 years to settle their dispute (Osman, 2009). A more recent case for the same two countries involving the joint demarcation of maritime boundaries in the eastern stretch of the Singapore Strait took 3 years – with the start of technical discussions in 2011 to the signing of the treaty in 2014 – to settle (Hussain, 2014). Whether via bilateral negotiation or through the ICJ or other third party, the readiness of states to adopt such avenues – and, crucially, accept and adhere to decisions that go against them – is really the key challenge. As an Indonesian observer opined following the ICJ's judgement on Pedra Branca: 'This case reminds us of the earlier dispute over the islands of Sipadan and Ligitan, decided in 2002 between Indonesia and Malaysia. Then Malaysia won.'

²⁰ See, paragraph 69 in *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia v. Singapore): Judgment*, ICJ Reports 2002, p. 12.

²¹ See, paragraph 39 in *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia v. Singapore): Judgment*.

Now Malaysia has lost. However, no matter what the result is, there is significant progress whenever territorial disputes are resolved between nations' (Arsana, 2008).

The longstanding dispute between Cambodia and Thailand over the border area surrounding the Preah Vihear temple led Cambodia in April 2011 to seek an interpretation of the ICJ concerning its 1962 ruling, which had awarded the temple to Cambodia (and paved the way for a successful effort by Cambodia to have the temple included in the United Nations Educational, Scientific and Cultural Organization [UNESCO] World Heritage listing in July 2008). On its part, Thailand acknowledged Cambodian ownership of the temple but claimed ownership of 4.6 kilometres of land adjacent to the temple. Fighting between Cambodian and Thai forces broke out in February 2011, following which the foreign ministers of both countries appeared before the United Nations (UN) Security Council. Following Cambodia's request in April that year to the ICJ for an interpretation 'on the meaning and scope of the 1962 ruling',²² Indonesia tried to mediate between the two conflicting parties at the side lines of the ASEAN Summit in May – pursued at Jakarta's discretion in its role as chair of ASEAN – but its efforts proved inconclusive. In July, the Court ruled that both countries were to withdraw their troops from a newly defined provisional demilitarised zone around the temple area and to allow ASEAN-appointed observers to enter the zone (Paragraph 64 of the ICJ order).²³ Further, the two claimant states were to continue working with ASEAN with the latter playing a 'facilitating' role in the resolution of the conflict. In November 2013, the ICJ unanimously upheld its 1962 ruling and clarified that the whole territory of the promontory of Preah Vihear belonged to Cambodia.²⁴ Both countries have indicated their respective governments and militaries would honour the ICJ's decision (Sokheng, 2013).

In contrast, there have been less happy conclusions to bilateral territorial disputes in Southeast Asia. The Ambalat region, a sea block in the Celebes Sea off the coast of Indonesian East Kalimantan and southeast of Sabah in East Malaysia, has been a bone of contention between Indonesia and Malaysia since the 1980s. Reportedly rich in oil and natural gas, the issue erupted following the decision by Petronas, the Malaysian state-owned oil company, to grant a concession for oil and gas exploration to its subsidiary, Petronas Caligari, and to the Anglo-Dutch oil giant Shell, in a part of the Sulawesi Sea that Jakarta claims as its territory (Kassim, 2005). Petronas' action triggered fierce

²² *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand): Judgment*, ICJ Reports 2013, p. 3.

²³ *Request for Interpretation of the Judgment of 15 June 1962 in the Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) and Request for the Indication of Provisional Measures (Order)*, ICJ Reports 2011, p. 151.

²⁴ 'UN court rules for Cambodia in Preah Vihear temple dispute with Thailand', UN News Centre, 11 November 2013. <http://www.un.org/apps/news/story.asp?NewsID=46461#.V2jTW00kqM8>

reactions from Indonesia, which claimed the Ambalat region pursuant to Articles 76 and 77 of UNCLOS III. Worse, it roused nationalist sentiments and both countries came to the brink of armed conflict, with Jakarta scrambling fighter aircraft and warships in response. As recently as 2009, the Indonesian armed forces (TNI) accused Malaysia of having ‘breached the law’ by entering the disputed zone on no less than nine occasions in 2009 alone.²⁵ Further, a map produced by Malaysia in 1979, which depicted Ambalat or at least a large portion of it as under Malaysian sovereignty, evoked objections not only from Indonesia but other Southeast Asian neighbours (the Philippines, Thailand, and Viet Nam) as well as China. Whether the ferocity of the Indonesian reaction could be attributed, at least partly, to residual anger against having ‘lost’ the Ligitan and Sipidan islands to the Malaysians was unclear. It also raised questions over whether Indonesia, having been bitten once, would subsequently prove twice as shy to bring the Ambalat dispute and/or other territorial disputes it has with Malaysia to the ICJ or other legal body. In June 2013, it was reported that both countries were prepared to shelve their dispute in favour of joint exploration of natural resources in the region (Mattangkilang, 2013). In February 2015, following the lack of progress despite technical teams from both countries having met 26 times, both countries appointed ‘special envoys’ to initiate ‘exploratory’ negotiations over the dispute (Panda, 2015).

This discussion is not complete without mention of the case initiated in January 2013 by the Philippines against China before the arbitral tribunal set up under Annex VII of UNCLOS III. While China’s refusal to participate in the proceedings has received a great deal of attention, it is not the first time a party has chosen not to appear before a UNCLOS dispute settlement body.²⁶ What is reportedly interesting about the Chinese case are the persistent efforts made by Beijing, despite its refusal to participate in the proceedings, at advancing its legal argument through both formal and informal channels.²⁷ While China’s inconsistent stance has likely rendered the arbitral proceedings more complicated than they already are, its actions have arguably created the semblance of what one observer calls a ‘quasi-appearance’ at the tribunal (Nguyen, 2015).

²⁵ ‘TNI moves to secure Ambalat’, *The Jakarta Post*, 31 May 2009. <http://www.thejakartapost.com/news/2009/05/31/tni-moves-secure-ambalat.html>

²⁶ Also in 2013, the Netherlands initiated its case before the International Tribunal for the Law of the Sea (ITLOS) against Russia for its seizure of a Dutch-flagged vessel belonging to Greenpeace, the Arctic Sunrise, which was protesting against oil drilling. Russia has made clear it would not appear before the arbitral tribunal. ‘Arctic Sunrise case: Russia ordered to pay damages’, BBC News, 24 August 2015. <http://www.bbc.com/news/world-europe-34045493>

²⁷ ‘Chinese legal experts refute Philippine claim in South China Sea’, CCTV America, 7 May 2016. <http://www.cctv-america.com/2016/05/07/chinese-legal-experts-refute-philippine-claim-in-south-china-sea>. Official means include, inter alia, a ‘Position Paper of the Government of the People’s Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines’, put out by China’s Ministry of Foreign Affairs on 7 December 2014. http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1217147.shtml

No Rules-based Imperative (Yet) in Southeast Asia?

The aforementioned illustrations underscore the ambivalence in the attitudes of ASEAN states (and regional powers like China) toward legalisation. Assurances given by states that they would abide by decisions taken by the WTO, the ICJ, the International Tribunal for the Law of the Sea (ITLOS), and other legal and/or dispute settlement bodies do not necessarily imply their normative commitment to seeking legal recourse in the future. Commitment to the legal regime remains weak and selective. They lead one to conclude legalisation in Southeast Asia is neither an imperative nor is it an inexorable process. That is to say, there is no general acceptance of and inevitable advance towards legalisation as a standard prescription for dispute settlement – but an instrumental and strategic choice which regional countries employ selectively vis-à-vis their ASEAN neighbours as well as extra-regional countries (Kahler, 2000). Thus understood, ASEAN's longstanding eschewal of legalisation, not least until the appearance of its charter in 2007, cannot be adequately explained by recourse to diplomatic and security culture alone. If anything, keeping ASEAN as a consensus organisation²⁸ is as much as a pragmatic and/or strategic decision on the part of its member nations, not least the founding members who helped define the regional organisation's governing conventions.

Paradoxically, the institutionalisation of the 'ASEAN Way' in the ASEAN Charter could prove problematic for the regional organisation and its member states in that it has the potential to stultify the organisation by leeching it of the flexible consensus it once enjoyed. Not unlike the way in which the ASEAN Regional Forum has suffered through an inadvertent process of formalisation that arguably has hampered attempts toward progress in security cooperation (Emmers and Tan, 2011), ASEAN could face a similar predicament as a consequence of its enshrinement of pre-existing norms and principles that hitherto governed intramural relations but in a sufficiently flexible way that 'permitted' the occasional contraventions of the ASEAN Way (as when ASEAN members intervened in one another's domestic affairs – an infringement of ASEAN's non-interference norm – in order to preserve the regional order [Jones, 2012]). The concern has to do with a potential loss of institutional flexibility. For example, past practice amongst ASEAN economic ministers allowed for member countries to agree on economic liberalisation agreements on the basis of the '10 minus x' and/or '2 plus x' principles. This ensured that member states that wished to embark on cooperative initiatives at a pace faster than the rest of the grouping could proceed. However, the ASEAN Charter allows for arrangements made on the 'ASEAN minus x'

²⁸ According to Walter Woon, consensus in the ASEAN context means 'no member state feels strongly enough about a matter to block it; it does not mean that everyone agrees' (Woon, 2016: 157).

and other ancillary formulae for flexible participation only if there is consensus to do so (Desker, 2008). As such, what has hitherto been a practice based on a flexible consensus has, by virtue of the charter, been transformed into an uncompromising principle based on unanimity.

The irony here should not be missed: just as highly legal organisations such as the EU are today seeking to develop more flexible modalities that would give them greater manoeuvrability (Cini, 2007), ASEAN appears to be moving in the **opposite** direction.²⁹ There is, to be sure, a silver lining of sorts in this dark cloud for ASEAN, albeit a potentially farcical one: should ASEAN members continue their poor record of successful implementation of agreements and action plans to which they have committed themselves, then they could conceivably eschew getting trapped in excessive formalisation and proceduralism, while retaining a regional nimbleness.

Conclusion

This chapter has shown that, on the whole, Southeast Asia's slowness to develop a strong rules-oriented regime within ASEAN has not precluded a number of ASEAN countries from seeking peaceful solutions to their disputes with one another as well as with non-ASEAN countries through bilateral negotiation as well as third-party arbitration and adjudication. Where the latter avenue is concerned, ASEAN countries have pursued settlement through international bodies, not through ASEAN just yet. Their willingness to do so implies a nascent but growing regional confidence in rules-based management. However, their resort to rules has been conducted largely for strategic rather than normative reasons. This trend possibly suggests that where reliance on rules in regional management is concerned, they have hitherto been aimed less at regional innovation or transformation (i.e. moving ASEAN regionalism beyond the ASEAN Way) than at regional conservation (i.e. maintaining the social order or status quo of the region). It also suggests that, while ASEAN member states are not loathe to adopt a rules-oriented approach, they nonetheless value the informality of the ASEAN Way – so much so that they have rendered the ASEAN Way into a rule in itself via the ASEAN Charter. On a more charitable note, it could perhaps be said that the ASEAN Way is less under threat as much as it is evolving to include increasingly rules-based management as one amongst a number of implements in the diplomatic toolkits of ASEAN countries. They see international bodies like the WTO, the ICJ, and so on as complements to the ASEAN process.

²⁹ This raises intriguing questions for sequencing where institutional formation is concerned. On the when and how sequencing matters in the development of institutions, see Drezner (2010: 791–804).

While this looks increasingly to be the common outlook of the ASEAN countries, it is still not the case in their relations with China, however. For example, a rules-based arrangement like the Declaration on the Conduct of Parties in the South China Sea (DOC), hailed as a milestone when it was established between ASEAN and China in 2002, has clearly failed in its aim to foster trust amongst claimant states and prevent the dispute from escalating, whilst the process of establishing a Code of Conduct for the South China Sea (COC) has encountered its fair share of false dawns (Mingjiang, 2014). More recently, in response to Singapore's call to apply the Code of Unplanned Encounters at Sea (CUES), a coordinated means of communication to maximise safety at sea, to the South China Sea, ASEAN and China agreed in March 2016 to discuss Singapore's proposal (Beng, 2016). Subsequently, in Vientiane in September 2016, the two sides cemented their joint support for a voluntary and nonbinding CUES agreement – but one that covers only naval vessels and not (as Singapore had proposed) coastguard vessels.³⁰ Given the ubiquity of coastguard vessels in the South China Sea – Chinese coastguard vessels are amongst the most active and assertive, not to mention the largest, in the disputed waters (Torode, 2016) – China's reluctance to include the coastguard in this CUES arrangement implies a persistent disregard for rules-based management of its actions in the South China Sea.

Granted, the adoption of rules-based approaches by the ASEAN countries and China is as much driven by strategic motives as anything else. The fact that small and weak countries tend to emphasise rules – whether through their participation in international institutions or support for international law, usually both – is strongly supported in the international relations literature (Keohane, 2006). But where the ASEAN member countries are concerned, perhaps it also reflects the normative belief that when confronted by a preponderant power that disregards international legal decisions so long as they run counter to its ambition – at least where the South China Sea is concerned – even small states have to make a firm stand for rules-based management no matter the risks they incur. For example, at the 2016 edition of the Xiangshan Forum, China's version of the Shangri-La Dialogue annual defence forum, the ministerial representative from Singapore informed his Beijing audience that Singapore strongly advocates 'a rules-based world order' because, as a small city-state, Singapore 'cannot survive in a world where might is right' (Beng, 2016). The remark was clearly in response to Chinese anger against Singapore for its appeal, rendered in the wake of the Permanent Court of Arbitration's ruling on the South China Sea dispute between China and the Philippines,

³⁰ 'Joint Statement on the Application of the Code for Unplanned Encounters at Sea in the South China Sea', 7 September 2016. <https://www.asean2016.gov.la/kcfinder/upload/files/Joint%20Statement%20on%20the%20Application%20of%20the%20Code%20for%20Unplanned%20Encounters%20at%20Sea%20in%20the%20South%20China%20Sea.pdf>

to all parties ‘to fully respect legal and diplomatic processes’.³¹ For its trouble, Singapore received numerous warnings from the Chinese, veiled and otherwise, to avoid interfering in the South China Sea disputes and, as the designated coordinator for ASEAN–China relations (2015–2018), to focus its energies instead on promoting Sino–ASEAN cooperation.³² Perhaps countries like Singapore advocate rules-based management of regional security not only because they see it as the appropriate thing to do, but because their own experiences at the intra-ASEAN level have confirmed it.

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³¹ ‘Singapore urges respect for court ruling on South China Sea’, *Today*, 12 July 2016. <http://www.todayonline.com/singapore/singapore-south-china-sea-ruling-reaction>

³² ‘As Singapore is not a claimant in the South China Sea’, warned Chinese Vice-Foreign Minister Liu Zhenmin, ‘we hope that the Singapore Government, on the condition of not interfering in South China Sea issues, will actively promote cooperation between China and ASEAN’. Cited in ‘Chinese Social Users Lash Out at Singapore over S. China Sea Dispute’, *Today*, 23 August 2016. <http://www.m.todayonline.com/chinaindia/china/chinese-social-media-users-lash-pit-at-singapore-over-s-china-sea-sispute>

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ASEAN Consensus: The Intangible Heritage of Southeast Asian Diplomacy

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Consensus is the language of Association of Southeast Asian Nations (ASEAN)¹ diplomacy. It is the spirit that embraces us in word and deed in our quest for a certain world order and a future identity. To prophesy and wish its end means abandoning our faith in the infinite sense of the possible and surrendering the power and the freedom to speak with one voice in the concert of peoples and nations from all ages and in the remembrance of all time. Consensus is our legacy.

But such confidence in our past and future state of affairs and the singular pursuit of harmony within has somehow been shaken by a logic of discord, one that extends from the utility of consensus in window-dressing the pursuit of national interest, to the facile application of the rule of the lowest common denominator, and the 'collective muteness' that it cloaks in the face of humanitarian crises. These charges are not to be dismissed lightly if we are to clear what we think is a quite unfair mockery of consensus.

It is in the light of this present situation that we might also ask ourselves the following questions: If consensus is common enough a practice in international affairs, why should it exert a force on all our undertakings and yet is neither seen nor heard nor felt in the enterprise of other regions? If there is good enough reason to doubt its efficacy, why has there been no reason good enough to make replacements worth the while? Why does it endure – and where from does our sentimental duty overflow? Surely there is a truth

¹ The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967 in Bangkok by the five original member countries: Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Brunei Darussalam joined on 8 January 1984, Viet Nam on 28 July 1995, the Lao PDR and Myanmar on 23 July 1997, and Cambodia on 30 April 1999. 'ASEAN Diplomacy', to be distinguished from Southeast Asian international politics, is, therefore, used as shorthand for what has evolved over various stages, beginning officially from 'ASEAN 5' to 'ASEAN 10' at the present time.

that reaches beyond these two sets of opposing logical views, between the importance of being earnest and humbug, one to which we can all bear witness as the wellspring of this legacy.

Our present task advances from the assumption that the project of building an ASEAN Community is a common desire, but it also contemplates on how much of our freedom and history as an association of nations is shared in the imagination of a political community. In this regard, the ambition of our essay is to ground consensus in our unique historical experience, understand and establish its place in the language of diplomacy, and claim that vital role we can play in international relations.² We engage in a ritual of ruthless purification in order to distil the essential forces and energies that have led ASEAN into existence – midway into a century – and those that will carry it on into the far horizon. This ‘gap’ between past and future – where we stand and make a fight – Hannah Arendt reveals, is no mere interval outside of the continuum of time – it is in Augustinian terms, ‘the beginning of a beginning’ – where the boundless trajectories of past and future clash and result in a diagonal force immeasurable for our mortal state. We must purge our memory of the non-essentials, so that, heeding Platonic advertency, we can dwell in the cave and turn away from the shadows of darkness, confusion, and deception, seek out the light, and discover the clear sky of eternal ideas.

First Encounter: Our Concept of Diplomacy

To know and understand a concept we must walk along the river of its evolution. Our concept of consensus is no less intimately connected with our concept of diplomacy than the corresponding and very different concepts that stand at the beginning of our history. They can be seen in their full significance only if the common spring of their force is discovered. Our story as ASEAN begins in 1967, but the story of modern diplomacy reaches further back by at least 5 centuries. It was coeval with the European

² Rosario Manalo and I hold and share a common view on the potential of consensus in contributing to world order notwithstanding its unique affinity with the history of ASEAN. Her work and our own experience together in negotiating the first Asian regional human rights declaration have had a profound impact on the reflections contained in these pages, but whatever shortcomings may be found – be they errors of fact or interpretation – are mine alone. Earlier versions of this essay were presented at the *Oxford Southeast Asia Symposium* (20–24 March 2015, Kuala Lumpur), *ASEAN at 50: Retrospective and Perspective on the Making Substance, Significance and Future of ASEAN Technical Workshop* (21–22 July 2016, Bangkok), and the *ASEAN High-Level Policy Symposia Series* (25–26 May and 18 June 2017, Iloilo City). I would like to thank Jörn Dosch, Stuart McAnulla, Jim Martin, Michael O’Flaherty, Jürgen Rüländ, Kelly Gerard, Anthony Langlois, Aileen Baviera, Ponciano Intal, Tomasito Talledo, Lilia Casanova, Kiko Benitez, Alfredo Pascual, Joefer Santarita, Deepak Nair, Alice Ba, Jürgen Haacke, Surin Pitsuwan, and my colleagues and friends at the University of the Philippines Visayas for their comments and insights. It is to Hannah Arendt, however, and her exercises in political thought collected in the volume *Between Past and Future* of 1954 that I owe great intellectual debt. She is everywhere present in many a turn of phrase; I have found in her what she found in Augustine, ‘an old friend’. To them this essay is dedicated.

voyages of discovery in the Far East and their domination of nearly all of mainland and maritime Southeast Asia. To be sure, there were exchanges much earlier on between kingdoms and states from opposite sides of the vast Eurasian continent, but it was not until the beginning of the modern era, when the Portuguese and the Spanish, the Dutch, the British, and the French took possession of their colonies in the East, that a system of formal diplomacy and international law would evolve, come to our shores, and remain dominant in the world until the end of the 19th century.

Over this period, diplomatic relations in the modern international system went through various stages of institutionalisation:³ the emergence of resident embassies in Italy in the 15th century extending to northern Europe in the 16th; the legal recognition of the extraterritoriality of ambassadors by foreign services in the period of Louis XIV; the consolidation of the *corps diplomatiques* in the 18th century; the agreement of the European powers at the Congress of Vienna in 1815 on a system of determining precedence amongst diplomatic missions consistent with the doctrine of the equality of states; the incorporation of Turkey, China, Japan, Korea, and Siam into the European diplomatic mechanism during the late 19th century; and the 1961 Vienna Convention, which codified traditional state-to-state diplomatic practice, and secured the consent of the new states that came out of the collapse of European empires. Diplomacy acquired the sheen of a common aristocratic circle instructed and disciplined in the negotiation of affairs between the political units of the day – *civitates, principes, regni, gentes, respublicae*.

We now know, however, that this conception of diplomacy is bound up to a particular idea of international society, one that had its most ‘visible expression’ when vestiges of Western Christendom gave way to institutions of European international society, namely: the balance of power, international law, war, the concert of Great powers, and itself, diplomacy.⁴ We have inherited this tradition of thought from the English School of International Relations, which has characteristically established these institutions as a ‘settled pattern of behaviour’. The classic definition belongs to Hedley Bull in his masterwork, *The Anarchical Society*, in which he writes that institutions are ‘set(s) of habits and practices shaped towards the realisation of common goals... They are an expression of an element of collaboration amongst states in discharging their political functions – and at the same time a means of sustaining of this collaboration’ (Bull, 1977: 74). A set of institutions, therefore, if we are to take this canon of reason, embodies not only a distinct set of social choices, but also one that is specific to those for whom the set of choices are able to find and share common goals.

³ The classic formulation on the English School of International Relations comes from Hedley Bull’s (1977), *The Anarchical Society*. I have borrowed extensively from his work in terms of the evolution and stages of European diplomacy (see pages 13–14, 29, and chapters 1, 2, 3, 4, and 7).

⁴ For a useful analysis of recent debates and a survey of the institutions of international society, see Wilson (2012).

We tend to think that concepts have an independent immanent meaning in themselves, but Kierkegaard reminds us that, ‘concepts, like individuals, have their histories, and are just as incapable of withstanding the ravages of time as are individuals.’ In this light, it is important to observe how decisively the **origins** of ASEAN diplomacy would differ from European diplomacy as it arose from the Renaissance. Modern diplomacy was adapted to its environment.⁵ It was born out of the medieval system of rule, which was ‘legitimated by common bodies of law, religion, and custom expressing inclusive natural rights’ – and it ripened, as it were, in the modern system of territorial rule, which in turn, came on the back of the notion of firm boundary lines that had taken hold in Europe by the 13th century.⁶

The fundamental change, which was the shift from ‘frontiers’ and large zones of transitions to fixed territorial borders, was one fundamental divide between European international society and the international system to be found in Southeast Asia. To be sure, the notion of frontiers was not unfamiliar between courts of the Khmer Kingdom at Angkor in Cambodia and the great maritime empire of Srivijaya, most importantly in southern Sumatra of present-day Indonesia. And yet, as the experience between the British and the Burmans shows in the management of the areas of Assam, Manipur, and Arakan (north-eastern India or northwest of modern Myanmar), ‘spheres of influence’ captures, for lack of a better term, what was effectively a ‘clash’ between two views.⁷ The British and the Burmans were at variance on how and where to draw the line of responsibility between ‘states’ or such political units in Southeast Asia: between the custom of exercising authority if not ownership over ‘uncertain and porous’ zones and that over clearly delineated borders that required the maintenance of strict territorial control.

Building the Nation-State

As far as one can see, it was in this ‘first contact’, that the ‘origins’ of European and ASEAN diplomacy – in the sense of a beginning from which all other beginnings recede into the vanishing edge of the horizon – are intimately connected. Both institutions were bound up in the genesis of the state in its unique modern form. When the Europeans

⁵ If the term ‘modern’ denotes the age of change and discovery that includes the Renaissance, the Enlightenment, and the turn of the 20th century, then I think it is slippery to call diplomacy which evolved during this period in any way strictly ‘European’ because it would otherwise leave out both the ideas and material resources of non-European states from which diplomacy began to actually constitute the modern international system. I use the terms ‘European’ and ‘modern’ or its combination to denote its ‘origins’ rather than its ends, no less than its ‘otherness’ rather than its exceptional character because these innovations were inspired by a unique time and place.

⁶ John Ruggie’s article illuminates our understanding of systemic changes in world politics in a singular manner.

⁷ My first general introduction to Southeast Asia has been through the work of two authors whose views continue to shape my historical ideas of the region; see Osborne (2013) and Tarling (1998).

began to advance, Southeast Asia was a complex of kingdoms, principalities, and sultanates that mystically comprised a ‘settled, single world’ of rulers and peasants. Milton Osborne conveys to us that the nature of European power and influence in the region was ‘highly varied’ and its force ‘very uneven’, except in one significant deed: the establishment of international boundaries in Southeast Asia.

But this phenomenon was symptomatic of a broader and more profound shift in the emerging global international system. John Ruggie reveals in his epochal study of rule that the modern state is peculiar from previous ‘spatial extensions’ in that it has ‘differentiated its subject collectivity into territorially defined, fixed, and mutually exclusive enclaves of legitimate dominion’ (Ruggie, 1993: 151).⁸ The equally or perhaps more crucial insight that Ruggie explores is the fact that in the rise of the modern from the medieval system, the ‘**mental equipment** that people drew upon in imagining and symbolizing forms of political community **itself underwent fundamental change**’ (Ruggie, 1993: 157). In the realm of visual representation, the single-point perspective was invented. Precision and perspective as they appeared from a single subjectivity became prized – and sovereignty, in this regard, was merely the ‘doctrinal counterpart’ of its application to the spatial organisation of politics.

It would take another 400 years, from the 16th century on, to measure and appreciate the full implications of this epistemic change in the organisation of the system of states. In 1976, during the 1st ASEAN Summit, the high contracting parties, Indonesia, Malaysia, the Philippines, Singapore, and Thailand and their respective heads of government, committed the organisation to the Treaty of Amity and Cooperation, which enshrined the ‘mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations’.⁹ This treaty lays down the bedrock of the ‘ASEAN Way’ of managing international politics not only in the region but also with countries and other regional blocs who would become ‘dialogue partners’.

Recognising Equality

The second original preoccupation was the recognition of the equality of states, which was coupled with the concept of sovereignty. The articulation of European international society in the 18th and 19th century included basic features without which it could not have been plausible: the idea that all members possess the same basic rights, that the obligations they undertake are reciprocal, that the rules and institutions derive from the consent of its members, and the idea that ‘political entities such as Oriental kingdoms, Islamic emirates and African chieftaincies should be excluded from membership’

⁸ See Ruggie (1993).

⁹ Available at: <http://cil.nus.edu.sg/2009/cil-documents-database/>

(Bull, 1977: 34).¹⁰ This last was particularly problematic because in hindsight equality was distinguished selectively and realised accordingly on the argument that some civilizational cultures were superior.

The dark side of white supremacy was to rule with coercion and the imposition of unequal status most notably amongst its colonies but no less with other kingdoms such as China and Japan, which similarly elaborated moral standards for international order and legitimacy, separating the ‘barbarians’ from the ‘civilized’. This warrior culture gave way to more egalitarian notions of sovereignty, initially upon the revolutions of the 18th and 19th century and in the early course of the 20th century under the waves of decolonisation and nationalist independence movements. It finally relented to the establishment of international organisations such as the United Nations in San Francisco in 1945. This last, however, is a living testimony to the fact that inequality amongst states persists to this day. The right of the veto is a privilege extended permanently only to great powers.

Pursuing Peace

Finally, it is the political experience of war that defines the third common origin, which is nothing less than the pursuit of peace as the ‘grand object of diplomacy’. The manner in which it is best served, however, is born out of the contradictory experience between the ‘colonizer’ and the ‘colonized’. Garrett Mattingly in his commanding study, *Renaissance Diplomacy*, writes, ‘the new Italian institution of permanent was drawn into the service of the rising nation-states, and served like the standing army of which it was the counterpart, at once to nourish their growth and to foster their idolatry. It still serves them and must go on doing so as long as nation-states survive’ (Mattingly, 1965: 10). If the Europeans had by the eighteenth century perfected sovereignty through war, Southeast Asia became the experiment, the periphery from which the nation-state would claim its sustenance.

For European international society, war was an adjunct of diplomacy and vice-versa, for the countries of Southeast Asia who were eventually to become the members of ASEAN war would not be, however, a matter of course. The causes and consequences of the historical conflict between Europe and the West in general and Southeast Asia need not detain us here but we think it is otherwise crucial to note that its full implications would be seen and felt not only at the time but also well into the beginning

¹⁰ See Bull (1977); Donnelly (1998); Buzan and Little (2000). Chapters 9, 14, and 15 in Buzan and Little provide the context of the expansion of European international society with focus on interaction capacities and processes with war and diplomacy as the main vehicles of European conquest.

of the 21st century. The paradox is that, for those who brought it, the institution and practice of diplomacy was one of many, and for those who borrowed it, it was the first and last to none.

In 1975, the speech of President Soeharto of Indonesia at the first ASEAN Parliamentary Meeting in Jakarta, had already set the height and tenor of their meeting in the succeeding year: 'Without trying to cast the blame on foreign powers, who for many centuries had completely dominated the fate of our peoples, we cannot, however, just ignore that (sic) fact that the past long period of colonisation had induced the emergence of differences of what actually represent their national interests, in both the political and economic fields. Obviously such differences could not be removed overnight, regardless of our strong determination. Some of these differences might well be preserved in the form of their own national identity. Equally of great importance, however, would be our own desire and will to cultivate harmoniously that particular identity within this vast and beautiful garden that is ASEAN' (ASEAN, 1975).

The right of every state to lead its national existence free from external interference, subversion, or coercion, the principle of non-interference in the internal affairs between members, the settling of disputes by peaceful means, and the principle of non-confrontation and cooperation were embedded with territorial integrity, sovereignty, equality, and independence in the ASEAN Way. They became for the Southeast Asian bloc the doctrinal counterparts of the non-aligned movement in the Third World, which emanated from the Bandung Conference of 1955, fundamentally creating a neutral space that would be outside the guarantee and assurance of the superpowers who were locked in the Cold War (Stubbs, 2008). The first Bali Concord in 1975, therefore, adopted as the framework for political cooperation not only the Treaty of Amity and Cooperation (TAC) but also the Zone of Peace, Freedom and Neutrality (ZOPFAN). It comes as no surprise, therefore, that almost 40 years later the 2012 ASEAN Human Rights Declaration would historically hallow out an article on the 'right to peace'.

The point of our context is to discover our original encounter with modern diplomacy and the intimate connections from which the first principles of our own diplomacy arose. When the 'first ASEAN ambassadors' signed the Bangkok Declaration in 1967, the terms of diplomacy had hitherto been set: the definition and protection of borders, the establishment of sovereign equality and the exercise of freedom, and the avoidance of war at all cost. Diplomacy would now serve European international society no less than the new and free ASEAN, but as fate would have it, the former in the capacity of a master and the other as an apprentice. European modern diplomacy was mature, sophisticated, and complete. But it was also at this very moment that the table would be turned and ASEAN in quite a singular manner would respond to the interplay of these

three considerations: if modern diplomacy was adapted to the requirements of European international society, **consensus was invented** to adapt modern diplomacy irreversibly to the requirements of a new ASEAN order. To this we now turn.

Negotiating the Human Right to Life: A Ringside Account¹¹

Diplomacy is negotiation. Negotiation is consensus. The 10 ASEAN member countries have pivoted around its practice, defining an **ASEAN Way** – the peculiar manner in which they have hitherto invested in the idea of community and steadied the teetering contours of their territorial borders no less than their national identities. To understand consensus we have to look at its practice. One of the most curious cases is the expansion of the international human rights regime. This choice is deliberate in so far as the authors have in their respective capacities first as individuals and then as colleagues worked on human rights in the circle of ASEAN. More importantly, however, three points deserve consideration. In the pageant of history, ASEAN diplomacy runs its own course and one way to situate it in the broader perspective of international politics is how the international human rights regime charts ASEAN (and vice-versa) onto the world map post-1945, lending it the power to shape a social order not of its making. Secondly, Vitit Muntarbhorn in his contribution to this volume argues that human rights and good governance, even if nominally, have been ‘legitimized’. Finally, what we have before us is an emerging regional human rights system, which may perhaps pose the most sustained challenge yet to the norms of sovereignty and non-interference (Clarke, 2012; Villanueva, 2012). The individual in turn is mapped onto the political landscape of ASEAN.

Human rights became part of the global normative agenda with the signing of the Universal Declaration of Human Rights in 1948: ‘Every human being is born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood’.¹² To this day, however, its advocates continue to wrestle with the fundamental components in international relations: the individual, the community, and the goods that we seek to distribute amongst ourselves. We consider the individual because we seek to protect, preserve, and enhance human dignity; we consider the community because as individuals we are natural social beings, requiring and desiring to develop our potential in the company of like creatures and looking to achieve such ends on the basis of common values, dreams, and practical choices; and finally we consider the goods and natural resources which make up the

¹¹ This is based on the observer account of Kevin H.R. Villanueva (2014).

¹² Available at: <http://www.un.org/en/documents/udhr/index.shtml> or [http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/217\(III\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/217(III))

necessary requirements of our daily existence within and between the communities that we choose to create and develop. On the one hand, ‘human rights’ has become a norm through which we can universally debate the meaning of human dignity that is essential to all. On the other hand, the international human rights regime – the set of international laws, international conventions, treaties, and declarations – which demand reciprocal duties have, however, been challenged with regard to its purported universality.

In 2012, we crisscrossed mainland and maritime Southeast Asia, meeting officially with the Representatives of the ASEAN Intergovernmental Commission on Human Rights (hereafter AICHR or the ‘Commission’) and their respective delegations for two or three days, culminating in the adoption and signing of the ASEAN Human Rights Declaration (hereafter AHRD or the ‘Declaration’) – the first text of its kind to emerge from the entire region and Asia for that matter. How did the negotiations proceed? One of the first human rights provisions that incited extended deliberations was the right to life. We shall take this provision as a case in point. It was contested in the course of the negotiations not least because initial formulations, especially in the Basic Draft, held explicit provisions on the death penalty. The succeeding discussions on this provision, however, were also emblematic of the normative tensions that were generated between national and regional discourses – in particular, the principle of national sovereignty. The phrase ‘in accordance with national law’, which figures for the first time in the provision on the right to life, is hence nearly omnipresent in the Declaration. When and wherefore this phrase had to be worked into a particular article was a prickly and intractable issue in the history of the AHRD. In the final document it appears unequivocally in at least seven rights provisions.¹³ The set of contestations around the ‘right to life’ as well as those around the insertion of ‘in accordance with national law’ as a limiting or qualifying clause manifest the possibilities of various interpretations on the expansion of these norms. What follows is a ringside account: 10 official meetings in three phases and the 21st ASEAN Summit under the chairmanship of Cambodia.

First Phase: Laying the Groundwork

Meeting 1: Siem Reap, 8–9 January.¹⁴ The first ‘official’ meeting for the ASEAN Human Rights Declaration kicks off. But for all intents and purposes, the agenda focused on the administration of the drafting process. The Representatives first sat down to propose

¹³ See Articles 11 (life), 16 (seek asylum from persecution), 18 (nationality), 19 (marry and found a family), 20.2 and 20.3 (protection against *ex post facto* law), 25.1 and 25.2 (political participation), and 27.2 (free trade unions) of the AHRD provided in Appendix A. The law is invoked in several other instances, appearing a total of 23 times, but not entirely in the interest of ‘limiting’ a right.

¹⁴ The official press releases for all 10 official meetings may be viewed at: <http://aichr.org/press-release/press-release-of-the-first-meeting-of-asean-intergovernmental-commission-on-human-rights-on-the-asean-human-rights-declaration-siem-reap-cambodia/#more-435>

a calendar of meetings for the specific design of negotiating the list of human rights provisions that would comprise the Declaration. The draft would have to be ready by the 21st ASEAN Summit in November 2012. Precise dates and venues were tabled, but they had yet to be confirmed. Second, it was agreed that Representatives unable to be present in any of the meetings should appoint alternates to whom the Representatives must themselves give full mandate. Finally, the **Drafting Group** presented their report and the **'Basic Draft'**. Between July 2011 and January 2012, the 10 Representatives sent their delegates, some of whom were also their special assistants and advisers, coming from the various national ministries and national organisations, to meet monthly, to investigate the legal framework for an ASEAN human rights regime and to come up with a working text. This was called the Drafting Group, and the Basic Draft, which was the end product of their deliberations, was meant to be the initial basis for the official negotiations. This marked the transition between the first and the second stage of the 'two-tier approach' in the drafting process.

Meeting 2: Jakarta, 17–19 February. Chet Chealy, member of the Cambodian Human Rights Committee, presides over the meeting and stands in as the alternate of Om Yentieng, the Official Representative of Cambodia to the AICHR, almost permanently until November 2012. The AICHR Representatives (hereafter 'Representatives') had now before them the Basic Draft: a 19-page document that was marked heavily by brackets and footnotes, manifesting the approbations and discontents of the country delegations. Side by side was the **'Zero Draft'**, which was prepared by the ASEAN Secretariat to provide the Drafting Group with a basis to jumpstart its own negotiations. It was fourteen pages long. The Representatives had also given the ASEAN Secretariat the mandate to assemble a draft with provisions culled from the various national constitutions, international human rights agreements, international protocols, and regional declarations. Beginning the negotiations – where from, what, and how – like in all things was to prove difficult especially because neither of the two drafts eventually found favour amongst all the Representatives.

In the Jakarta meetings, the substantive negotiations began and the groundwork was laid. The structure of the Declaration was adopted. The discussions of the ASEAN foreign ministers in their Siem Reap ASEAN Foreign Ministers Meeting (AMM)¹⁵ Retreat (11 January 2012) became the backbone of the negotiations: they reminded the Representatives that the Declaration was to be a 'political document' and should be 'comprehensive but succinct'. Exploratory discussions on the universality of human

¹⁵ This is also called the ASEAN Foreign Ministers' Meeting held annually with 'retreats' and 'informal meetings' that take place in between. See the official press release of the January 2012 AMM Retreat at: <http://www.asean.org/images/archive/120111-AMM-Retreat.pdf>

rights, gender, non-discrimination, and a limitation clause were brought to bear. The Representatives agreed that the AHRD must not dilute the UDHR 1948, it must ‘add value’ and must be ‘commensurate with the idea that human rights is progressive and not retrogressive’.

Meeting 3: Jakarta, 12–13 March. This was going to be the first time the AICHR Representatives were going to sit down around the table – **in complete attendance** – and in this sense serious preparatory work began. The modality of meeting in small caucus groups, first, and then in plenary, was upheld. The Commission was a gathering of individuals who had, at least at one stage of their careers, either been engaged in the international affairs of the 10 ASEAN member states or committed to the cause of human rights. They were seasoned diplomats, international lawyers, state ministers, academics, and human rights advocates.¹⁶

¹⁶ Representatives to the ASEAN Intergovernmental Commission on Human Rights (2012):

- Brunei Darussalam: **Pehin Dato Dr Awang Hj. Ahmad bin Hj. Jumat** (‘Dato Pehin’). His previous post was Minister of Culture, Youth and Sports; and before that he was the Minister of Industry and Primary Resources.
- Cambodia: **Om Yenteng** (‘Senior Minister Om Yenteng’), He was also Senior Minister and President of the Cambodian Human Rights Committee.
Chet Chealy (‘Mr Chealy’), Alternate Representative. He chaired six out of the 10 official meetings. He was also Member of the Cambodian Human Rights Committee.
- Indonesia: **Rafendi Djamin** (‘Pak Rafendi’). He was also Coordinator for the Coalition of Indonesian non-governmental organisations for International Human Rights Advocacy.
- Lao PDR: **Bounkeut Sangsomsak**. His last post was Vice Chairman of the Commission on Foreign Relations of the National Assembly.
Phoukong Sisoulath (‘Phoukong’), Alternate Representative. He was the Project Manager for the Department of Treaties and Law in the Ministry of Foreign Affairs. He sat in the place of Bounkeut Sangsomsak for the entire duration of the negotiations.
- Malaysia: **Dato’ Sri Dr Muhammad Shafee Abdullah** (‘Dato Shafee’). He was also Ad Hoc Legal Adviser to the Malaysian Government and to the Ruling Party (UMNO) and Advocate and Solicitor of Malaya, Messrs Shafee and Co.
- Myanmar: **Amb. Kyaw Tint Swe** (‘Ambassador Swe’). He was also Vice Chair of the Myanmar National Human Rights Commission. Prior to the post of Representative, he served as the Permanent Representative of the Permanent Mission of the Union of Myanmar to the United Nations.
- Philippines: **Amb. Rosario Gonzales Manalo** (‘Ambassador Manalo’). She was the Senior Foreign Service Adviser to the Secretary of Foreign Affairs of the Philippines. She was also Philippine Representative to the Asia-Europe Foundation Board of Governors and former Chairperson of the High Level Task Force for the drafting of the ASEAN Charter.
- Singapore: **Richard Magnus** (‘Mr Magnus’). He was a retired Senior District Judge and was also sitting on numerous national advisory committees and chairing the board of various national institutions in Singapore (e.g. Casino Regulatory and Public Guardian).
- Thailand: **Dr Sriprapha Petcharamee** (‘Dr Sriprapha’). She was also full-time faculty at the Human Rights Study Program and former Director of the Office of Human Rights Studies and Social Development, both at Mahidol University, Thailand.
- Viet Nam: **Amb. Nguyen Duy Hung** (‘Ambassador Hung’). He was also Director General of the Institute for Foreign Policies and Strategic Studies at the Diplomatic Academy of Vietnam.

The next 10 months were going to see the 10 state representatives complete a unique moment: the first human rights declaration by national governments ever to come out of Asia. In this regard, they agreed to hold two separate regional consultations, first, between the Commission and the ASEAN Sectoral Bodies,¹⁷ and second, between the Commission and regional and national civil society organisations (CSOs).

The Second Progress Report of the AICHR on the drafting of the AHRD was prepared for the ‘interface meeting’ with the ASEAN Foreign Ministers Meeting to take place on 2 April 2012, at the 20th ASEAN Summit in Phnom Penh. Seventeen substantive articles were identified under the category of civil and political rights.

The high point of the negotiations on the right to life came in Jakarta on 12 and 13 March 2012. Prior to that, on 11 March, the negotiations were aligned in two ways. Firstly, the Representatives kept on returning to discussions on procedural issues. The urgency in negotiating an early draft compelled the group to maximise time. They hence implemented the proposal from the previous meetings to form smaller groups and discuss in caucus the different sets of rights under the stewardship of the Representatives who held the related expertise. The groups were meant to be ‘open-ended’ so that any member state wishing to make any sort of contribution would be free to join any of the groups at any time without encumbrances. The other strand of the debates spun around substantive issues (i.e. the content, meaning, as well as the order or sequence of rights) that would underpin a ‘bill of rights’. The Representatives echoed repeatedly the ‘guidelines’ from the last foreign ministers’ AMM Retreat in Siem Reap to be ‘comprehensive and succinct’. Ambassador Manalo from the Philippines insisted that this was a ‘declaration’ and anything more specific and elaborate in the way of the law was the reserve of a convention under the norms of international law. The inevitability of designing and articulating ASEAN human rights covenants soon after the release of the Declaration began to be implicit in the exchanges of the Representatives. They had to constantly remind themselves, however, that these two projects were to be taken on separately.

Most of the day was dedicated to clarifying, defining, qualifying, and selecting words that were most appropriate to the historical and geopolitical context of ASEAN. The Philippines consistently pointed out that the AHRD was an ASEAN project and, as such, the principles set out were not only inter-governmental but also ‘people-oriented’. Thailand and Indonesia were clearly sympathetic to civil society even if in varying

¹⁷ They are also called the ASEAN Sectoral Ministerial Bodies, which represent the various national organs of the member states administering the public services of the state (e.g. education, health, security, etc.); see list in Annex 1 of the ASEAN Charter.

degrees, with the latter perhaps being more radical in its vision and thus overly idealistic in proposing the terms of engagement with civil society organisations; Myanmar, Viet Nam, and the Lao PDR, in close agreement with the Philippines and Thailand, tried to navigate towards a compromise in the discussions of each individual right; Singapore and Malaysia, whose representatives were seasoned and knowledgeable practitioners of international law, in turn brought caution and care to the words and phrases that may be turned towards tangential legal interpretations; and finally, Brunei Darussalam, whose delegation was most conscious of its national mandate to abide dogmatically by the rules, was determined to meet and deliver results in the most efficient and timely manner. These were the general tendencies in the positions of the Representatives **at this stage** of the negotiations. But their views actually carried more nuances, which made the outcome of each of the deliberations less predictable than could otherwise be imagined. Everyone was extremely aware that controversy or divergent views would naturally arise when discussing certain rights and their substantive content.

On the morning of the 12th before the caucus discussions could even begin Malaysia, which joined the group on civil and political rights, came up with its own draft that it claimed to be a ‘realignment’ of the list of rights based on the Basic Draft and the subsequent discussions of its national delegation. Malaysia had neatly put the amended versions in boxes and retained the original text of the Basic Draft. Interestingly, at this stage of the negotiations, the Zero Draft prepared by the Secretariat was the closest and most straightforward version to Article 3 of the UDHR 1948: ‘Everyone had the right to life, liberty and security of person’. The Secretariat had annotated its formulation on the right to life by citing eight of the 10 national constitutions, five international documents, and four regional instruments. It was in the Basic Draft, however, that the death penalty was stated explicitly, previous reservations from member states notwithstanding (see Table 1 below).

Now in Jakarta, the general feeling within the group was that the death penalty would intuitively go against the notion of the right to life. But member states cautioned each other on the fact that the Declaration could not contravene existing national and international laws. Cambodia and the Philippines had abolished the death penalty for all crimes (abolitionist states); Brunei, Lao PDR, and Myanmar had abolished it in practice (abolitionist de facto)¹⁸ and the rest of the member states had so far retained it (retentionist states).

¹⁸ *De facto* is used in the manner that human rights observers (such as Amnesty International and Death Penalty Worldwide) denote the term to refer to countries who have not held executions in the last 10 years. See Center for International Human Rights at Northwestern University School of Law and World Coalition Against the Death Penalty (2012).

As the negotiations proceeded in caucus, the first caveats came from Malaysia and Singapore who favoured employing both words – ‘serious’ and ‘heinous’ – to denote crimes because each of these had contested meanings in international law and are, in certain cases, exclusive of each other. Richard Magnus of Singapore then came up and broached the idea of perusing the European Convention on Human Rights 1950 (hereafter ECHR 1950) as an alternative formulation. Thailand, meanwhile, also suggested reviewing the ECHR 1950 and argued that the language in Article 2 contemplates death penalty but evades its direct expression. Ambassador Manalo from the Philippines then motioned to change ‘death penalty’ to ‘capital punishment’, possibly to soften the nakedness of the word ‘death’. Dato Shafee of Malaysia, reasoned that in actual fact in Malaysia there is a movement to abolish the death penalty, but 60% of the population were actually against its abolition. The caucus subsequently agreed to delete the following two of the existing three sub-articles:

~~Death penalty~~ Capital punishment may be imposed ~~only shall be limited~~ for the most serious or heinous crimes. ~~Capital Punishment~~ Death penalty shall not be imposed prescribed (sic) for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

Member States shall endeavour to review from time to time the need for capital punishment as a penal measure with a view of its abolishment (sic) in the future (see Table 1 below).¹⁹

Dr Sriprapha of Thailand pressed for a fresh proposal by recommending that a single sentence capture the essence of the entire provision: ‘Everyone has a right to life’ – full stop. After all, she reasoned, Article 3 of the UDHR 1948 does not suggest the death penalty in any way; it would only be contemplated in the International Covenant on Civil and Political Rights 1966. Ambassador Manalo, positioning the Philippines on the side of Thailand, argued out: ‘if you get into the details then we are confusing what is a declaration – a political aspiration – with the specificities that ought to go into a convention’. This was in order to make the Declaration comprehensive and succinct.

Every person has an inherent right to life which shall be protected by law.
No person shall be deprived of his life save in accordance with law.

¹⁹ The strikethroughs refer to deletions.

A debate on the meaning of ‘life’ arose. The word and notion of ‘life’ was defined by Thailand as *contra* to death or the failure of the biological capacity to live. Singapore and Malaysia motioned to define life in ‘broader’ terms, however, so that imprisonment, Mr Magnus and Dato Shafee agreed, constituted the deprivation of life; the years spent in prison comprised an equivalent number of years of effective living outside penitentiary confinement. Dato Shafee argued that the understanding and interpretation of rights allow for a ‘margin of appreciation’. These contestations led to a pithier final version by the end of the caucus session that included the inherent right to life as it is ‘protected by law’ in the ‘broadest sense’.

On the following day, the 13th, Ambassador Manalo made a final appeal to pare the phrase down to the single sentence – once again – for the sake of making it ‘comprehensive and succinct’. Dato Shafee intervened, however, encapsulating the meaning of the existing phraseology: ‘the present article embodies three concepts: first, life is inherent; secondly, because it is inherent then the law must protect it as part of the duty of the state; and finally, one may be deprived of life only in ways and means permitted by the law’. This instance of elocution somewhat reflected, amongst others, the vestiges of the British proclivity of the interlocutors to draw precision on the legal consequences of the article in contrast to the ‘declaratory’ formulation of the article – **everyone has an inherent right to life**. Towards the end, Ambassador Hung of Viet Nam introduced a gender-sensitive modification, so that the final text includes both possessive pronouns – ‘his or her life’. The final formulation contemplates accordingly national laws for which death penalty still holds but avoids its explicit reference, possibly in the ‘hope’ of keeping or abetting death penalty in a future time.

Meeting 4: Jakarta, 9–11 April. The AICHR Representatives had emerged with renewed energy from their interface meeting with the ASEAN foreign ministers. On top of the enthusiasm, their report was also accepted with a sense of urgency because it was now clearer than ever that a clean draft would have to be presented in the next Foreign Ministers Meeting (the AMM on 8 July 2012) and adopted by the heads of state in November 2012. The discussions in Phnom Penh were to have a considerable influence on the present proceedings. The mandate that the Declaration was meant to be a ‘political document’ was constantly reiterated. The views were divided between those who favoured revisiting the UDHR 1948, reaffirming its principles and subsequently elaborating an additional list of ‘new’ rights or ‘added value’ rights, and those who believed that the structure of the AHRD – as it stood in working texts of the last two previous meetings – was already good and workable. Modifications would have to be made but they would mostly have to be on the length and style of declaratory phrases and sentences. The Commission eventually deliberated on this potentially divisive issue in a morning ‘retreat’ on the second day. But as the meeting advanced, the strength of

Table 1: The Evolution of the Article on the Right to Life

Draft Timeline/Dates	The Right to Life
Universal Declaration of ‘Human Rights 1948’	‘Everyone has the right to life, liberty and security of person.’ (Article 3)
Zero Draft	Every person has an inherent right to life. This right shall be protected by law. No one may be arbitrarily deprived of this right.
	No limitations or derogations are permitted in regard to those rights guaranteed absolutely in international law, in particular the right to life, freedom from slavery, prohibition of torture, prohibition of imprisonment for non-fulfilment of contractual obligation, no retroactive criminal law, recognition as a person before the law, freedom of thought, conscience and religion or beliefs.
Basic Draft	<ol style="list-style-type: none"> 1. Everyone has an inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of this right. 2. [Death penalty shall be reserved for the most serious crimes, which are determined by national law of each ASEAN Member State but shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.]
Caucus Version	<p>Title: ‘<u>Right to Life</u>’</p> <ol style="list-style-type: none"> 1. <u>Every person</u> has an inherent right to life which shall be protected by law. <u>(sic) and deprivation of such right must be in accordance with established law and must not be arbitrary.</u> No one shall be arbitrarily deprived of this right. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. Such penalty shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women. 2. Death penalty Capital punishment may be imposed only shall be limited for the most serious <u>or heinous crimes.</u> Capital Punishment Death penalty shall not be imposed prescribed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women. 3. Member States shall endeavour to review from time to time the need for capital punishment as a penal measure with a view of its abolishment (sic) in the future.
AICHR Plenary Version, Jakarta	‘Every person has an inherent right to life which shall be protected by law. No person shall be deprived of his or her life save in accordance with law.’
Night Draft–Bangkok Draft–Yangon Draft–Kuala Lumpur Draft–Manila Draft	‘Every person has an inherent right to life which shall be protected by law. No person shall be deprived of life save in accordance with law.’

Notes: The Caucus and Plenary Versions are ‘end versions’; the articles actually went through several versions before the end version in caucus (12 March 2012) and in plenary (13 March 2012). The ‘Basic Draft’ is a formulation of the article resulting from the discussions of the Drafting Group. Discussion results on the Basic Draft are marked with strikethrough lines (for deletion) and brackets (for further consultation with the AICHR). Malaysian suggestions are underlined. This version was the basis of the negotiations of the AICHR in caucus. The resulting ‘caucus version’ was the basis of the negotiations of the AICHR. The ‘plenary version’ was carried over as the ‘Jakarta working text’ in the succeeding meetings in March and April until the Bangkok Draft was adopted as the first in the series of four working drafts (Bangkok–Yangon–Kuala Lumpur–Manila).

the majority and the practices in the negotiations since January gave weight to the latter proposition. Various Representatives consequently pressed their case on provisions for special protections for groups, the right to development and the need for international cooperation in the promotion and protection of human rights. Economic rights were grouped together with social and cultural rights because they were ‘interrelated’. This generation of rights went through collective scrutiny with relatively few dissents.

Second Phase: The First Working Drafts

Meeting 5: Bangkok, 6–8 May. Senior Minister Om Yentien from Cambodia returns to preside over the meetings. Three full days are dedicated entirely to the draft (6–8 May); a day is then spent for the regular meeting (9 May) and the last day for the First Regional Consultation (10 May). The Bangkok meeting will probably come down in the history of the draft of the AHRD as one of its most decisive moments for three reasons. Firstly, the Representatives had to agree on how to undertake the consultation with ASEAN Sectoral Bodies, including specialised bodies. These included, for example, the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) and the ASEAN Committee on Women (ACW). The actual draft could not be made available, so another document that would most accurately present the advances in the drafting process had to be drawn up. In the meantime, the Representatives were also under the pressure of the next deadline set by the ministers – the July 45th ASEAN Ministers’ Meeting in Phnom Penh. Secondly, the AICHR had to wrestle with what had now become an unmanageable 16-page ‘working text’, carried over from the Jakarta meetings. Achieving a balance between brevity and succinctness was a priority. And thirdly, the Representatives would have to negotiate, possibly for the last time, on the substantive content of the Declaration, especially on the list of civil and political rights, under all these extenuating conditions, because it was always nearly impossible to amend an article that had already secured consensus. A retreat (their second one to date) was convened: it was agreed that drafting must only be done in plenary and that the ‘ground rule’ (established previously in Jakarta) to respect unanimity in the discussion of each provision must be respected and observed. A ‘Night Draft’ under the lead of Singapore and in consultation with Cambodia, Myanmar, the Philippines, and Thailand took shape on the evening of the 6th. Negotiations resumed, in plenary, the following morning. By the meeting’s end, it was eponymously called the ‘**Bangkok Draft**’ (8 May), which became the **first of a series of working drafts** of the Commission.

Meeting 6: Yangon, 3–6 June. The Representatives had agreed that in Yangon they would primarily focus on a ‘cosmetic revision’ of the draft. But the meeting brought to bear some of the thorniest issues. With the Bangkok ASEAN Sectoral Bodies’

Consultation just past and the Kuala Lumpur Civil Society Organisations' Consultation imminent, Yangon became arguably the most thorough 'in-house' inquiry into the list of human rights as well as the substantive content of its provisions. The Philippines submitted suggestions in order to refine the language whilst Malaysia argued formidably for what was yet the most comprehensive attempt to come up with just one provision for the entire Declaration establishing limits on the bill of rights – 'a general limitations article'. The Philippine proposal became the negotiation template; the deliberations were paced, paragraph-by-paragraph. The Malaysian proposal, meanwhile, was turned down in favour of built-in limitations in the individual articles (as it had been done in the Bangkok Draft). This would have been an opportunity to make the draft much tighter and more coherent in form and in substance. But the move came too late. The hard won agreements on how and in which article to apply the limiting clause, 'in accordance with national laws' and its many variations, were at risk and the Representatives were no longer disposed to renegotiate in this regard. The negotiation of the '**Yangon Draft**' (6 June) formed part of the first crescendo of the AICHR deliberations. What was put on the negotiating table – some of them for the last time – were the provisions on regional particularities, gender, the right to development and sustainable environment, the right to education, and a closing paragraph for the Declaration. The right to peace was born.

Meeting 7: Kuala Lumpur, 23 June. The '**Kuala Lumpur Draft**' (23 June) was to be the first in which the rights of specific groups in ASEAN were to be either gradually incorporated or reinforced in the Declaration not only by the AICHR Representatives but also, more significantly, by national, regional, and international civil society organisations. Kuala Lumpur was set to be the venue of the Second Regional Consultation (22 June); it was the first official encounter between civil society advocates and the 10 AICHR Representatives. The 36 attending CSOs were represented by a total of 53 delegates. Nearly all delegates had lobbied forcefully for the equality of rights and non-discrimination by focusing on the groups that were somehow left outside the purview of human rights protections: minorities and indigenous peoples, HIV victims, women and children, and migrants and undocumented workers. The notions of public morality, national security, and just requirement, and the right of self-determination were also closely examined. Some member states had carried out national consultations running up to the regional consultations so the charge that civil society was not consulted **at all** by the Commission was only partly accurate – the real issue that civil society had with the Representatives was that it was not consulted in the way it believed it ought to have been consulted. Even non-governmental organisations as critical as Solidarity for Asian People's Advocacy (SAPA) acknowledge the significance of this aperture in the history of the AICHR (ASEAN, 2013). This would have been the highpoint of the dialogues with civil society. Later on, however, during the 45th ASEAN Foreign Ministers Meeting (AMM) on 8 July 2012 in Phnom Penh, the foreign ministers

were to give the instructions for pushing the same initiatives: to increase consultations with all stakeholders in order to refine and improve the text of the Declaration.

Civil Society Organisations put up a clear stand against the use of the phrase ‘in accordance with law’ during the 2nd Regional Consultation (or the first regional consultation on the AHRD **with CSOs**) in Kuala Lumpur on 22 June. Two days earlier, between the 20th and the 21st, the 5th Regional Consultation on ASEAN and Human Rights, which was a separate gathering of concerned CSOs in the region, had taken place. As a result of this meeting, the delegates drew up a ‘Joint Submission’ (hereafter the ‘Kuala Lumpur Joint Submission’) (Asian Forum for Human Rights and Development, 2012) that was presented to the AICHR. The Kuala Lumpur Joint Submission was a list of their ‘general’ as well as ‘specific’ recommendations on civil and political, and social, economic, and cultural rights; they had, interestingly, devoted a whole section of their proposal to the rights of specific groups.²⁰ The Representatives now in turn carefully reviewed the Kuala Lumpur Joint Submission during and after the 2nd Regional Consultation.

Both national and regional CSOs attended the consultation; the 10 countries were represented by 39 ‘national’ CSOs while a total of 14 CSOs were supposed to be operating across the region. During the consultation, the national CSOs were requested to group according to their member states and present their recommendations together. The handful of regional CSOs, in the meantime, conveyed their recommendations individually. All of the inputs were eventually collated by the Secretariat into one matrix document called, ‘Paragraphs Inputs from the National and Regional CSOs’. The Kuala Lumpur Joint Submission was distinct, however, in that it had not only sparked everyone’s attention first, but was also a negotiated text of what was in itself already a large and periodic assembly of CSOs within the region. A hardcopy was distributed during the meeting; the Joint Submission was a clear and systematic document and had somehow provided a template for the matrix that was soon after prepared by the Secretariat for the rest of the CSO inputs.

Finally and most relevant to this account is the fact that the first provision on the list of the ‘suggested language’ under civil and political rights was on the right to life. It was phrased in two basic sentences: ‘Everyone has an inherent right to life. No one shall be deprived of this right’ (Asian Forum for Human Rights and Development, 2012: 6).

²⁰ The Kuala Lumpur Joint Submission was prepared specifically for the regional consultation (see Asian Forum for Human Rights and Development, 2012).

This, the CSOs in the Kuala Lumpur Joint Submission claimed, ‘represents a progressive reading of the current state of international human rights law’ (Asian Forum for Human Rights and Development, 2012: 6). The article, however, as it was then worded in the AICHR’s Yangon Draft, remained unchanged.

Third Phase: Engaging ASEAN and Civil Society

Forty-fifth ASEAN Ministerial Meeting, Phnom Penh, 8 July 2012: The ‘**First AHRD Draft**’ had been submitted to the ASEAN foreign ministers but deeper tensions in the drafting of the Declaration were about to come to a head in the face-to-face meeting between the Representatives and the ASEAN Foreign Ministers at the 45th AMM. This was the ‘Kuala Lumpur Draft’, and in this sense, therefore, a composite of the Jakarta working texts and the Bangkok, Yangon, and Kuala Lumpur working drafts. It was called the ‘AHRD’ draft so that it would not only be not privileging any one country but also because this would be the first draft presented collectively by the AICHR. The AICHR had also wanted to win its mandate anew; the foreign ministers, several of the Representatives argued, were not to duplicate the very work that had been purposely delegated to the AICHR. On the other hand, some member states wanted to turn over a significant if not a considerable part of the drafting process to the Senior Officials Meeting (SOM),²¹ which would push the Declaration towards the exigencies of the state rather than the people. This fact was symptomatic of more profound divisions in the work ethic and ideologies of the member states: some were working bottom-up whilst others were following orders from top-down. We convoyed to the Phnom Penh Peace Palace. The meeting with the 10 ASEAN foreign ministers started at 14:30 p.m. and ended at 15:30 p.m.; exactly one hour had passed. Upon the assurance of the Indonesian Foreign Minister, Marty Natalegawa, the drafting of the Declaration would continue under the stewardship of the AICHR – the ‘kitchen’, it was said, ‘remains with AICHR’.

Meeting 8: Bengar Sari Begawan, 26 August. The Third Regional Consultation (25 August) in Brunei was meant to placate the tensions between the AICHR and the ASEAN Sectoral Bodies since the First Regional Consultation in Bangkok. This was not simply going to be a face-saving measure. The mandate to hold more consultations with the sectoral bodies of ASEAN and the civil society organisations of the region had come from the foreign ministers in the last AMM in Phnom Penh. Notwithstanding the low number of delegates who showed up in Bengar Sari Begawan, noteworthy

²¹ The Senior Officials’ Meeting is usually composed of high-ranking officials from the ministries of foreign affairs of the member states e.g. representatives and permanent ambassadors to ASEAN; they coordinate with ASEAN National Secretariats and other ASEAN Sectoral Bodies.

contributions were brought to the floor. The lobby to give special protections for women and children, and the disabled and the elderly, and the campaigns for the Responsibility to Protect (R2P) persisted. There was a proposal to modify the preamble, but the Kuala Lumpur Draft virtually remained untouched. The eventuality of specific human rights conventions in the foreseeable future became clear. The meeting was thus going to be a 'freer' attempt to forge what could be thought of also as a 'civil society' or 'people's version' of the draft, evolving in two stages. The first stage was going to be a consultation with practitioners within ASEAN who were dealing with specific sectors and industries that had either an impact on or were contingent to human rights issues. Meanwhile, the second stage was to take place in Manila when the AICHR would meet with national and regional CSOs for the second time after Kuala Lumpur.

Meeting 9: Manila, 13–14 September. The circumstances in which the Manila meeting unfolded were not dissimilar to those in Brunei: how far, if possible, was the AICHR willing to sacrifice the hard-won formulations to accommodate the reasonable suggestions of civil society organisations – especially in light of the fact that each of the Representatives wanted nothing less than a good Declaration? On account of this dilemma the deliberations in Brunei and Manila will probably comprise the second crescendo in the drafting history of the Declaration. The Representatives were going to hold the Fourth Regional Consultation on 12 September. Eight joint submissions in hardcopy and a matrix prepared by the Secretariat, collating all CSO recommendations, were distributed so that the articles may once again be examined against other possible formulations. An attempt to curb the repetition of the phrase 'in accordance with national law' was made to no avail. The rights to peace and development were hailed as they were cautiously disputed along with special protections for women and children. Nearly all the articles were put under scrutiny, including the now well-beaten phrase 'regional particularities' and 'public morality'. A meeting with three regional experts on the last day (14 September) provided the platform from which to measure how far above or below the international human rights standard the Declaration stood. This was going to be the last genuine shot both by the Representatives and civil society advocates who were present to make substantial changes to the draft before the Informal ASEAN Foreign Ministers Meeting (IAMM) on 27 September. It was expected that the foreign ministers, who met on the sidelines of the 67th Session of the United Nations General Assembly, would make the decision to either return or accept the draft and pass it on to the ASEAN heads of state for final deliberation. The '**Manila Draft**' bore 'twins': first, the 'highlighted version' kept two issues hanging in the balance: the inclusion of two ASEAN declarations on women and the adoption of the Vienna Declaration and Programme of Action paragraph on 'regional particularities'; and second, the 'clean version' (15 September) was sent to the ministers on the 18th of September.

The final set of deliberations on the right to life took place in Manila on 13 September, a day after the culmination of the 4th Regional Consultation (or the second and final regional consultation with CSOs). Three of the eight sets of submissions – by Civil Society Forum, Women’s Caucus, and Philwomen – targeted each of the individual formulations in what was by then already the Kuala Lumpur Draft with specific proposals for a change in language – including the right to life. Philippine Women on ASEAN (Philwomen) lobbied to replace the phrase ‘in accordance with law’ with the following formulation:

Every person has an inherent right to life which shall be protected by law. No person shall be deprived of life save in accordance with generally accepted international human rights standards (Philippine Women on ASEAN, 2012: 3).²²

Women’s Caucus, on the other hand, lobbied for the adoption of a single sentence, ‘Everyone has the right to life’, because, they reasoned, ‘the right to life is inherent’; and ‘not all ASEAN states subscribe to the death penalty’ (Philwomen on ASEAN & Human Rights Working Group, 2012: 4–5).

Finally, following through on their proposal, the Kuala Lumpur Joint Submission, the drafters of the Joint Submission of the Civil Society Forum on the ASEAN Human Rights Declaration (hereafter the ‘Manila Joint Submission’) (Asian Forum for Human Rights and Development, 2012), pressed for a more radical overhaul:

Every person has an inherent right to life which shall be protected by law, including through the abolition of the death penalty
~~No person shall be deprived of life save in accordance with law~~
(Asian Forum for Human Rights and Development, 2012: 10).²³

The Manila Joint Submission was the result of the Civil Society Forum on ASEAN Human Rights amongst 54 civil society organisations, which was held just before the regional consultation from 10–11 September. The practice of the CSOs was to usually pair suggested amendments with a rationale or an underlying principle, which came in the form of an international declaration or convention. This time the Manila Joint Submission had expanded its argument for this clarion call to abolish death penalty by including citations of specific international human rights instruments:

²² The amendment was underlined and the phrases for deletion were rendered with strikethroughs.

²³ The amendment was underlined and the phrases for deletion were rendered with strikethroughs.

This represents a progressive reading of the current state of international human rights law and standards as reflected for instance by the UN General Assembly resolutions calling for the abolition of the death penalty. See e.g. 65th session of the UN General Assembly, UNGA Res. 65/206 (2010); 2nd Optional Protocol to the ICCPR (Asian Forum for Human Rights and Development, 2012: 10).

The Secretariat had not only provided all the Representatives with a hard copy of all the eight submissions but had also collated once again all the inputs in a single matrix document. **All** of the articles with the corresponding inputs went through the scrutiny of the Commission. The right to life, by virtue of its place in the sequence of the draft was amongst the first to be examined. All the countries made their last principled stand. Dr Sriprapha of Thailand reiterated for the group and for the record that she was not comfortable with the paragraph because it fell below the standard of the UDHR 1948. Ambassador Manalo, in the same vein, argued that invoking national law would kill the spirit of human rights. Ambassador Swe tried to push for the single sentence – everyone has an inherent right to life. But for some of the Representatives the existing article already represented a consensus – a good compromise at the very least – and there was no room for manoeuvre at this stage.

Dato Shafee, hoping to strike perhaps an even better compromise, proposed the reconsideration of a general limitations clause. Singapore reasoned toward its preference to treat each right on a case-to-case basis. In the meantime, Thailand argued that Article 7 of the AHRD on the universality of rights will have already called the attention of the reader to the ‘different political, economic, legal, social, cultural, historical and religious background’ that must be borne in mind in the interpretation of the provisions. Pak Rafendi of Indonesia, shared the concerns of his colleagues, and called for the significant reduction of the number and frequency in which limitations appear. Ambassador Swe, therefore, finally appealed that the matter be deferred to the human rights experts with whom they were to have a final consultation on the following morning. However, the question of whether to include or delete various references to national law, during and after the experts’ consultation, fell in the shadow of the more general negotiations on the Declaration. Article 11 had taken its final form way back in Jakarta.

Informal ASEAN Ministerial Meeting, New York, 27 September 2012: The ‘Second AHRD Draft’²⁴ was now in the hands of the ASEAN foreign ministers.

²⁴ This was now the ‘Manila Draft’ but effectively the composite of the First AHRD Draft and the revisions in the Brunei and Manila meeting.

Meeting 10: Siem Reap, 23–24 September. Everyone had fought obstinately for every word and every turn of phrase. The foreign ministers were gathering in New York on Thursday the 27th. There was still that tiny possibility that the odds may turn against the ASEAN Human Rights Declaration. But it was difficult to see how anyone would be able to sustain another round of negotiations. In many ways, Siem Reap was the quiet after the storm. The Siem Reap meeting, however, is key in understanding ‘woman power’, what it meant to dialogue with stakeholders and ultimately the dynamics of negotiation in ASEAN: the two regional declarations on women, which would have been left in limbo, were fiercely contested.

21st ASEAN Summit, Phnom Penh, 18 November 2012: All 10 ASEAN Heads of State gathered for the summit. On the 17th, the night before the signing, the fate of the Declaration suddenly hung in the balance. The following morning, at the foreign ministers’ meeting, the Philippine Secretary of Foreign Affairs, Alberto del Rosario, was anguishing to endorse a human rights declaration that might be found to fall below the standards set by the UDHR 1948. But then all those gathered eventually concurred to a key paragraph in the document, which was meant to be read always alongside the Declaration, the Phnom Penh Statement:

We ... do hereby... reaffirm our commitment to ensure that the implementation of the AHRD be in accordance with our commitment to the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and other international human rights instruments to which ASEAN Member States are parties, as well as to relevant ASEAN declarations and instruments pertaining to human rights (Phnom Penh Statement, Par. 3)

Inventing Consensus

Since ASEAN members have set consensus to work, and have operated intimately with the institutions of what was first and foremost a European society, but which has developed into a full grown global international society, the term ‘consensus’ has been clouded by controversy and confusion. The time is ripe to recall what it is in essence. Tan Shri Ghazalie Shafie, who was then designated with the credential as the special envoy of the Malaysian Deputy Prime Minister to find ways and means of ending *konfrontasi* with Indonesia, writes: ‘In order that words did not become enshrined and ossified in written agreement, Moertopo and I strongly suggested that a regional organisation should be established but it should not be a creature of formal treaty,

rather a solemn declaration built on the *spirit of togetherness*. And we proposed that the regional organisation should be established only after the brotherly relationship between Indonesia and Malaysia had been resumed, so that Indonesia and Malaysia would together serve as the mainstay of ASEAN' (Shafie, 1992: 30).

Scholars and diplomats have invoked on an infinite number of occasions this 'spirit of togetherness' and have made clear and repeated references to its cultural-anthropological origin and expressions in the Malay values of village life, somewhere between *mufakat* (consensus) and *musyawarah* (consultation). Before a proposal is formally presented, controversial issues have to be swept 'under the carpet'; otherwise without compromise the issues would be adjourned (Collins, 2014). On the island of Panay in the Philippines, there is the equivalent practice of *sinapulay* or *pagtarabuay*, which are notions that differentiate the act of conferring or consulting amongst the village elder-arbiters (*magurang-manughusay*) and the parties in conflict, with the act of the agreement itself or *consensus-building*, called *paghirisugot*. Alicia Magos writes that these indigenous practices or traditional approaches (*dinuma-an nga paagi*) were fundamentally 'relational' and sustained the equilibrium of the village community (Magos, 2016).

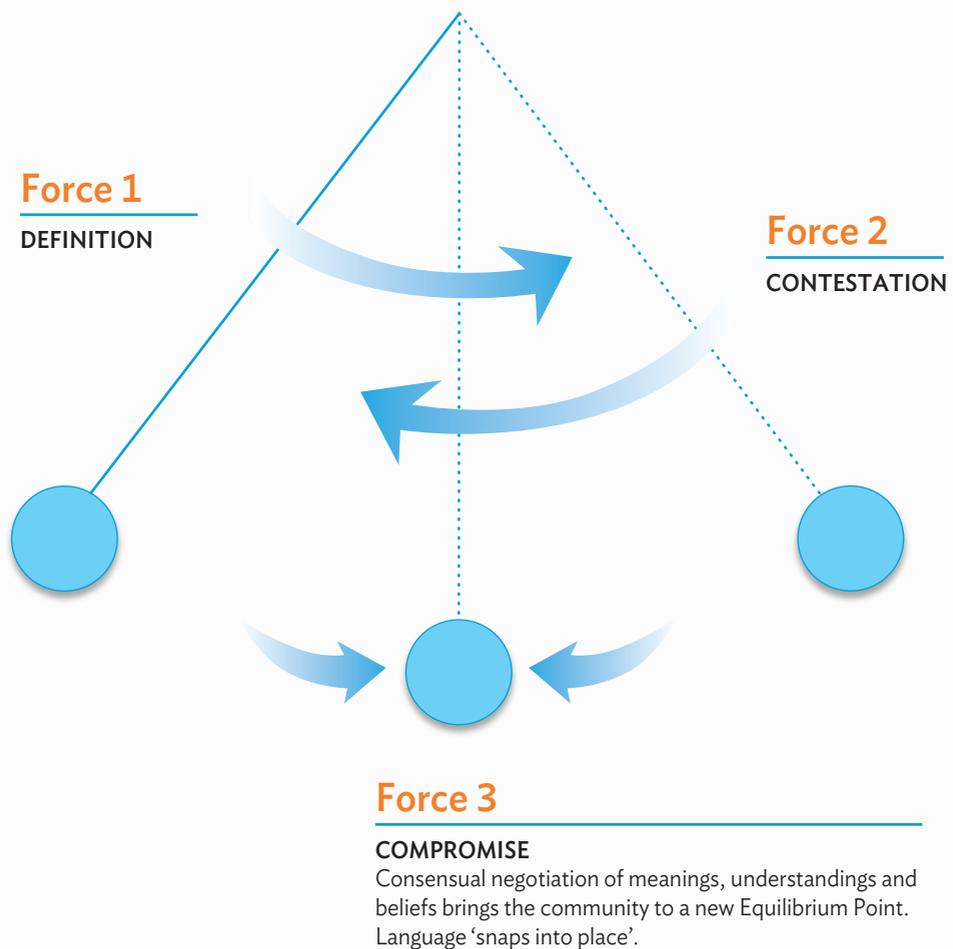
It is generally agreed that consensus is a process, and it is evident from our initial reflections on the international human rights regime that it would have to operate on at least two levels: the first being the selection of what counts amongst the variety of interests, preferences, and outcomes as 'controversial'; and the second being the negotiation of what counts amongst these as 'admissible', or as is the term of use and currency within ASEAN, 'comfortable'. There is a necessary inner activity, however, to which these two movements inevitably retreat, which is the constant cycle of introspection on how any given issue would count before, during and after it is expressed in word and deed.

How are we to distinguish ASEAN consensus with traditional diplomacy where and when 'if an agreement cannot be reached, peace is best served by keeping open the hope of agreement in the future'? Surely, there is more at stake in consensus than the similarity of purpose in keeping such relations between states open as they are in the horizon. Consensus is a process in the sense that we assume certain movements, linear or otherwise, so that – finite or otherwise and at given intervals – we may be able to identify and agree on a 'beginning' and an 'end'. Scholars have been surprisingly silent and the literature scant, if there has been any at all, on how consensus is *arranged*. The point of our context is to ask: is there an aggregate practice on the level of the region that reflects these national traditions but that has also acquired, as it were, a life of its own?

The Pendulum Model

'Kevin's pendulum' has been established as the discursive style and process – the model – that guides the movement of the forces that operate when consensus is taken to task. The model has primarily been applied to the negotiation of the international human rights regime, in general, and the drafting of the ASEAN Human Rights Declaration of 2012, in particular. It, hence, provides 'a model of consensus' not in the sense of causes and consequences but in terms of the process and the conditions through which a notion, an idea, and more specifically a text is agreed upon under certain conditions.

Figure 1: Building Asean Consensus: The Three Forces of Kevin's Pendulum©



The image comprises three ‘transactions’ that move in the direction of the three forces of the pendulum.²⁵ **Definition** is the first type of transaction. It is the elemental transaction in human affairs when actors describe the text of a notion, a concept, a phenomenon, an event or simply a fact. It is a representation of an ‘idea’. Definition, which is equivalent to ‘inertia’, is the force that makes the pendulum swing outwards in a given direction. **Contestation** is the second type of transaction. It is a consequence of a conflict or a contradiction in view and representation; it is a ‘struggle to win’ between at least two definitions. Contestation, which is equivalent to ‘gravity’, is the force that draws the pendulum back from the direction that definition takes it to. **Conciliation** or compromise is the third type of transaction. This consists in accommodating the irreconcilable difference of views that emerge from logic, fact, and belief. Actors agree on a **new definition** – a text is either reproduced or replaced. Conciliation, which is equivalent to ‘wind resistance’ or ‘friction’, is the force that causes the pendulum to swing, back and forth, in shorter and shorter arcs. It is essentially the force that will eventually stop a pendulum from swinging and for language to ‘snap into place’.²⁶

The great advantage of this model is that it illustrates the eternal forces at work, moving at each level or activity in the practice of consensus. In our understanding consensus is above all a dialogue, an activity of speech without which the world of ideas and beliefs would fall outside the realm of human affairs. On this perspective the values of the community of speakers – ‘the interlocutors’ – become inseparable from the conditions in the sense that a constellation can only be seen amongst the stars. The terms of a **dialogue**, the conditions under which a social system that aspires to such an activity make claims to a multitude of values. As far as we can see, the highest of them are three: plurality, freedom and equality, and community. Plurality guarantees the peaceful co-existence of distinct bodies of law, religion, and custom. Freedom, the space to participate in a dialogue – where all parties are equal sovereigns with no access to a vote

²⁵ This model on ASEAN consensus was established and developed by Kevin H.R. Villanueva (see Villanueva, 2014).

²⁶ Note the application of the pendulum model on the negotiation of the article on right to life based the drafting process of the AHRD 2012 below. See also Table 1 provided above.

Definition	The notion of life in opposition to ‘death’ or the failure of the biological capacity to live.	Everyone has an inherent right to life.
Contestation	Life is ‘broader’; imprisonment curtails life; the years spent in prison comprise an equivalent number of years of effective living outside of penitentiary confinement.	Every <u>person</u> has an inherent right to life which shall be protected by law... Death penalty Capital punishment may be imposed only shall be limited for the most serious <u>or heinous crimes</u> .
Conciliation or compromise	<ol style="list-style-type: none"> 1. Life is inherent 2. It is must hence be protected by law and it is the duty of the state 3. One may be deprived of life in ways and means permitted by the law 	‘Every person has an inherent right to life which shall be protected by law. No person shall be deprived of his or her life save in accordance with law.’

but to a voice – bestows power and authority on the community *in toto* – and not in the majority or in a minority of powerful states. And finally, the condition of a community of speakers assures that the project of ASEAN is able to break out in ever-expanding circles between states and peoples who are the ‘roots of our society’. In the light of these requirements it comes as no surprise that the language of consensus is, therefore, quintessentially ASEAN.

The Lowest or the Highest Common Denominator?

The challenge is that we take advantage of this invention. But given the widespread critique that consensus is no more than the lowest common denominator, the promise of future common solutions is lost in the impasse of competing interests between individual states. For what else is the lowest common denominator if not the single or set of individual traits, attributes, beliefs, or interests of one state in search of itself in all? Indeed, is it possible that such demands can ever be present or found in all, including the manner and intent that it wishes to be expressed as **common** to all? This habit of likening consensus with the lowest common denominator to our minds perplexes the point in a variety of ways.

The heart of diplomacy is negotiation. The idea to ‘come to the table’, as it were, is an openness to pursue the intuition that if we share ‘certain common interests and common values’ then we can discover common solutions to the problems that affect us all. When we begin to think of this task in terms of the lowest common denominator, however, we inadvertently narrow in on individual political units, in this case, one member state of ASEAN, and as a consequence reduce decisively the room for manoeuvre of each member state to the **lowest** common denominator that belongs to the state in question. Should we not perhaps then be content with a mere cursory look over our parts and settle on our lowest common values instead of the collective possibilities of community? In this regard, the question we bring to the table is: on what else is there to **negotiate**?

The second demands that we engage in an experiment. Let us try to call the lowest common denominator what it actually is – and that is the **highest** common denominator. The ‘lowest’ common denominator between the numbers four, eight, and twelve – is understood not to be two but four. It therefore becomes evident that there exists a **margin** of possibilities for each member state. Moreover, no matter how wide or slim the margin may be, it is **invisible**. The nature and history of diplomatic negotiation has not changed in this regard. ‘Written instructions’ in medieval diplomacy were of two kinds: one ‘exhibited’ or handed over as ‘a token of confidence’ and the other to be ‘closely guarded and never alluded to, but to furnish the real guidance’. We can of course theoretically think of a case where the ‘lowest equals highest’, say between the numbers

two, four, six, and eight – but alas the contours of political preferences are incomparable to the elegance of numerical abstractions. What these forerunning insights imply is that the finality of any one outcome is inescapably beyond the reach of certainty.

The point we wish to make here is that to treat consensus as if it were the lowest common denominator is to confound what it essentially is – a process – for what it is not – a product. Consensus is the negotiation and the achievement of the collective possibility. They do not enjoy equal status; indeed, one can also get to the lowest common denominator through the process of majoritarian decision-making no more than through practice and rule of unanimity. How is consensus in turn to be further distinguished from either of these two? Quite plainly, it is the absence of the vote. If the vote and its corresponding procedures in international organisations have traditionally represented the consent of the sovereign state and its unshakable centrality, consensus reiterates the ‘spirit of togetherness’ and establishes power and authority on the community. What in the end is consensus? The ASEAN proposition of this notion has been to agree upon everything **as well as** everything that is to be agreed upon. We are led to move between the two kinds or levels of agreement touched upon above. The more general notions of consensus in the management of international affairs, including the principle of unanimity and the rule of majority have tended to fall under the first kind. It is no longer unusual, however, to say that we shall agree to disagree, but it is certainly not the spirit that diplomats bring to the negotiating table.

Consensus is hence a process and we can only make sense of it in the realm of human affairs. In so far as it is caught in the realm of human affairs, it is bound by the necessity of time and to this we now briefly turn. There is the outstanding part of the image of the pendulum heretofore unnoticed which determines the speed of one full swing. It is the string from which the bob hangs. The longer the pendulum, the slower the swing; conversely, the shorter the pendulum, the faster it swings. It is said that this represents an absolute principle that will always work no matter the type of design. The length of the pendulum relates to the distribution of time in consensus. It is a difficult concept to grasp but the image of the pendulum cannot do without it.

Our elemental notions of time are based on the rhythms of the human body and the movement and the properties of the Earth. Time is the interplay between sleep and nourishment, between night and day, and the seasons that intervene in cycles, which themselves change. Given these most basic human needs and functions, it is already evident that we agree on the activities but ‘disagree’ on the exact time for their exercise. Locating time, therefore, is a physical, mental, and ecological set of intuitions inherent in humanity. Such intuitions are perceived from the perspective of the individual on one end and the community on the other.

In the pendulum model, therefore, instead of defining what it is, the view is to define what it does. Just as the physical forces behind its motion parallel the dialogue of consensus, K.H.R. Villanueva finds that the function of time in real dialogue works on the same mechanics behind the pendulum: all forces being equal, the longer the bob, the longer the oscillation periods are between the poles of social creativity. Hence, presumably 'longer' dialogue performances, 'deeper' introspections and so on. This somehow obscures, however, the fact that there are some ASEAN norms that are negotiated over a relatively short time. Put another way, time does not cause agreement. What time does is that it constitutes the conditions under which the movements of a dialogue can actually take place. Without time, there can be no dialogue, no word, and no deed. Consensus is predicated on interaction – that is, the dialectical movement between performances, between strategies, and within the utterance of the word.

Time comprises the **terms** of dialogue, not its effects. The phrase 'let's talk' is perhaps the most apt metaphor in relating time to the value of consensus. 'Let's talk' is the proposition. It is to meet, to encounter, and to get to know but it does not come with the imperative to agree. To talk is to engage discursively where language can either be the means or the end, or indeed both, where a 'meeting of the minds' is desired, at least, to some degree. Time contextualises and the creation of language in time is both active and passive. It is this quality that allows for the consequent effective distribution of ideas and consensus to take place.

The Golden Rule

In this regard, it is time to take up the last charge, hitherto dormant, that consensus is 'outmoded'; that the context in which it was invented no longer holds; and that it has become a 'veto' in place of its affirmative role and function in building confidence and trust within the ASEAN to which it has been a midwife. The fundamental problem with these critiques is that they fail to appreciate the adaptive power of consensus **to place actors in the dynamics of domestic and international political games and help us explain and understand the selection, spread and retention of preferences, interests, beliefs and values within and between all levels in the international system.** This is the **creative capacity** of the consensus principle that factors into expectations and outcomes variables of change **in context.**

The second is the **intersubjective capacity** of consensus-seeking to generate meaningful relations and social perceptions which in turn become the basis upon which norms evolve either into greater sophistication or give way to new ones. These two types of outcomes relate to the **productive capacity** of consensus that enables the intangible

political space within which new actors and new forms of accountability may be created, contested and defined.

We think the challenge is to understand both the normative and the procedural dimensions of consensus as two sides of the same coin. For consensus to be truly operative we must ask: at which levels of regional governance do we introduce mechanisms of political accountability so that outcomes arrived at by state and non-state actors are translated into measurable indicators of political change and progress amongst member states? For consensus to be truly ASEAN we must ask: in which direction is consensus leading? Is it pushing ideas of regional identity to evolve and transform or reifying national identities?

Why does ASEAN consensus in its fullest aspects indeed fall between such extremes? The unique quality inherent in our consensus is to find common ground in search of change and to present possible alternatives and scenarios through the sheer exhaustion of all that is possible under the heavens. Dialogue **is** the ‘golden rule’ that sustains the supreme values of the community. The reason one confounds the golden rule with the power of veto is because its spirit is lost in the often-overwhelming force of *raison d’état*. The spirit of the golden rule is togetherness, which is no less than the agreement binding upon all others: **ASEAN is one for all and it is all for one**. The ‘Wendtian twist’ comes in handy: Consensus is what we make of it. It is in the hand and interest of the ASEAN Community, not in any one of its single member states, that it can choose ultimately to either be greater or less than the sum of its parts.

Epilogue

In our understanding there exists an intimate relationship between European modern diplomacy and ASEAN diplomacy so that one is somehow tempted to see the ‘origins’ of the latter in the former. Historically, however, we have also seen how consensus has been shaped by forces that have sprung from within ASEAN no less than by the historical experiences that it shares with the world outside. If this is so, is there any reason not to think that **diplomacy** itself originates from another source or that as an institution it is not unique to any one place and time? Raymond Cohen writes that diplomacy is ‘neither self evident nor serendipitous but a complex ecology of conduct produced by civilization over a long period’ (Cohen, 2001: 36). In this vein he argues that diplomacy is a ‘Great Tradition’ transmitted from the cuneiform civilizations of Babylon and Assyria to Achaemenid Persia, classical Greece, Byzantium, Venice, and Rome (Cohen, 2001).

It is not difficult to see how each civilization has reproduced as it were the repertoire of diplomatic functions echoed earlier on: representation, exchange, and reciprocity. Cohen points out how these preoccupations did not effectively take shape in illiterate communities but in those that had advanced in their forms of government, law, and letters. Moreover, what he discovers for us is the twin process of conversion and change, both of which are exemplified in the variation of rituals, customs, and practices which themselves affect the forms in the repertoire. We think he is right. But there is something perhaps even more interesting that he has his finger on – the ‘moral imperative’ of communities to engage in diplomacy.

Where does the impetus to represent, exchange, and return the **diplomatic gesture** come from? The pedigree of diplomatic ideas is discernible, but in terms of what could possibly be the core of the diplomatic impulse, the answer appears to still be up in the air. If every society and every civilization has inherited diplomacy from the beginning of history as it were, does the fact that we are able to identify in Cohen’s term ‘a primordial design’ point to what we might call a **universal** moral imperative that makes diplomatic behaviour necessary? In other words, from where does the pattern itself take its shape? And if so, who defines it? Is it any different from the moral vocabulary with which we would like to expand the borders of an ethical community? These are questions that hound us because understanding international relations goes hand in hand with understanding diplomacy. Our knowledge is that ASEAN consensus is part of the solution and not the problem. It rescues reason, sentiment, and dialogue and dignifies the community. Consensus lives on the living memory of a global village: plural in their beliefs and practices, equal in their state as sovereign nations, and one for all. It is perhaps no accident that we now live in a long era of ASEAN peace.

What will the future look like, therefore? There are at least three scenarios that we can think of; the first is for those who will want to keep consensus and the second is for those who will want to chuck it into the dustbin of memory. Those who will want to keep it will rest secure that our past is alive and well, that we will be able to look at ourselves in the mirror and recognise our faces and have the satisfaction of taking our familiar places around the table. On the other hand, those who will want to throw it away, will find themselves asking as individual states: Who shall we follow between America and China? In the meantime, if we were to keep together as a bloc, we would find ourselves asking: who will provide the blueprint of our idea and vision of community – the European Union, the Organisation of American States, the African Union, or the Arab League? What will the past look like from then on? There is a chance that everyone will be at the table except us.

A third scenario is, in contemporary usage, to innovate on institutional design – ‘to found, build on, branch out and link up’ new international institutions with consensus (Acharya, 2011). The challenge in this regard is to question the policies that we have crafted, including those upon which we have guarded silence. ASEAN is arguably going through a transition and the more obvious controversies have revolved around free trade agreements, the single market, and the intractable disputes on national territory and sovereignty. But what about our views and beliefs on migration, climate, and the environment, which are perennial as the great metaphysical questions of humanity, and which challenge us to think and live **beyond** borders?

In the frame of space and time that we have so far seen and discussed, consensus appears to be a symbol of an emerging political space. If the ‘single-point view’ of the Renaissance, and the ‘multiperspectival polity’ personified by the European Community were each its own answer to the civilizational requirement of possessing a particular perspective of the world, **what differentiates the ASEAN paradigm?** The image of the pendulum reveals that agency **swings** between the nation states and the brotherhood of peoples, no less than between the international collectivity and the individual human agents where introspection begins. Might we ask that what we have before us is itself the inner eye from which new forms of individuation – the creation of a ‘transperspectival polity’ – in the international system is gradually happening and taking hold?

There is something quite radical about taking consensus out of our garden and to look from a window where it can grow. That is, what if we put consensus out into the world? If European diplomacy has found followers in our land, why can’t ASEAN diplomacy find followers over to where we have borrowed a parcel of our politics? The question for the future is whether consensus will continue to turn around the national interest or around more progressive ideas of community and world order. The founding fathers came together to build the nation state, not to bury it. But, the lesson we must keep from ASEAN and the question we ought to recall, between past and future, is this: **why** come and hold on together if in the end we do not see our destiny as one community of peoples? ASEAN works in the name of consensus but it is we who take it where we want to go.

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From Comprehensive Security to Regional Resilience: Coping with Nontraditional Security Challenges

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Introduction

The Association of Southeast Asian Nations (ASEAN) turns 50 in 2017. Having come this far, ASEAN has much to celebrate and reflect on as it charts its future direction with new challenges ahead that could well test its relevance as a regional organisation. ASEAN has indeed been gearing up for these challenges, as reflected in the latest articulations of its envisioned future trajectory. *The ASEAN Vision 2025: Forging Ahead Together* has laid out a set of bold plans ‘to realise a politically cohesive, economically integrated, socially responsible, and a truly people-oriented, people-centred and rules-based ASEAN’, and an ASEAN that ‘is able to respond proactively and effectively to the emerging threats and challenges presented by the rapidly changing regional and global landscape’ (ASEAN, 2015: 16). Together with the ASEAN Vision document, the ASEAN Political–Security Community (APSC) Blueprint 2025 was released. It further expressed the aspirations of ASEAN to ‘ensure a rules-based and inclusive community in which peoples enjoy human rights, fundamental freedoms and social justice, live in a safe and secure environment with enhanced capacity to respond effectively to emerging challenges.’¹

The ASEAN Vision 2025 document and the APSC Blueprint are significant on at least three counts. First, the consistent use of the language of community in describing ASEAN’s plans in the decades to come. Second, the emphasis on being able to proactively and effectively respond to emerging threats. And third, the iteration of ASEAN’s desire to be a rules-based community to uphold its *raison d’être* of maintaining regional peace and stability. These three elements are inextricably linked and indicative

¹ ASEAN Political–Security Blueprint 2025 in the *ASEAN Vision 2025* (ASEAN, 2015: 19).

of where ASEAN sees itself after half a century of existence and how it positions itself in a rapidly changing global security environment. More importantly, underpinning the future of an ASEAN political–security community is the need to build resilience ‘for the common good of ASEAN, in accordance with the principle of comprehensive security’.²

Against these developments, the aim of this chapter is two-fold. One is to examine how prepared ASEAN is to face the complex security challenges that have defined the rapidly changing security environment. The key premise here is that the kinds of security challenges confronting the region and beyond are nontraditional and transnational in nature and will have salient implications for the security and well-being of the people in ASEAN. Nontraditional security (NTS) also tests the capacity of its member states to deal with these challenges. The other is to assess how NTS challenges are pushing ASEAN to review its principle of comprehensive security and adopt more progressive security practices, which, in turn, impinges on the nature of regional security governance and the institutional design of ASEAN. It may be premature to argue that ASEAN’s preference for less institutionalised and more flexible security practices will, by force of circumstances, lend itself to more formal and structured security arrangements that compel its members to go beyond the ‘ASEAN way’ of informality and consensus-driven modality. But a confluence of endogenous and exogenous factors are paving the path for evolving patterns of security governance that push the boundaries of established ASEAN processes.

As a number of transborder NTS threats such as climate change, migration, pandemics, and others affect different communities globally, dealing with and managing the complexity of these challenges bring about multiple and often fragmented responses from several actors, aside from the state. The state, represented by the national government, does not always have sufficient resources and capacity for effective management of NTS issues. This gives rise to a new need to mobilise resources and manpower from as many sources as possible. We have seen, therefore, the proliferation of actors in the security domain. In addition to government agencies and inter-governmental organisations, non-state actors like the epistemic communities, civil society groups, faith-based organisations, and multinational companies are playing an increasingly prominent role in identifying, managing, and addressing NTS challenges (Krahmann, 2003).

That the state is no longer the only provider of security, therefore, presents new challenges to how ASEAN and its member states had envisioned and designed the ASEAN community to unfold in the years to come. To be sure, transnational NTS

² See section 5.2 of the ASEAN Political–Security Blueprint 2025 (ASEAN, 2015: 20).

challenges necessitate multi-actor engagements at multiple levels. Yet, ASEAN responses to security threats are mostly, if not all, state centric – relying only on inter-governmental and inter-agency cooperation. In fact, ASEAN’s history of multilateral functional cooperation to deal with regional challenges – be they economic or political–security in nature – have been limited to interactions amongst regional officials and bureaucrats representing the different sectoral bodies of ASEAN, as seen in the two examples of NTS cases discussed in this chapter. There has hardly been any significant engagement with non-state actors and/or civil society organisations. Arguably, this prevailing practice is incongruous with ASEAN’s more recent pronouncements of building an ASEAN Community that is people-centred and people-oriented.

The rise of NTS threats alongside traditional threats such as territorial disputes, nuclear proliferation, and great power rivalry has made regional security no longer just about managing competition for material power. Security is now also about navigating contesting ideas of how affected, insecure communities can be made more secure. Consequently, the approaches to deal with NTS threats go beyond traditional military means to one of calibrated governance that extends functional multilateral cooperation to multi-actor and multilevel approaches to managing regional security. The extent to which these new developments have informed the ASEAN Vision 2025 will be examined in more detail below.

Nontraditional Security Challenges and ASEAN’s Notions of Comprehensive Security and Regional Resilience

Before discussing how NTS challenges affect ASEAN’s vision of a safe and secure community, it would be useful at the outset to briefly review ASEAN’s interlocking concepts of comprehensive security and regional resilience. Unlike the conventional notion of security, which is narrowly defined to mean defending state borders from military attack, comprehensive security is a much broader conceptualisation of security that ‘[goes] beyond (but does not exclude) the military threats to embrace the political, economic and socio-cultural dimensions’ (Alagappa, 1998: 624). Muthiah Alagappa, one of the pioneering Asian security scholars, had pointed out that the notion of comprehensive security had been the organising concept of security in Southeast Asia, particularly during the formative years of ASEAN from the late 1970s to the early 1990s. An example Alagappa quoted to reflect this kind of thinking in the region was a statement of a former Malaysian Prime Minister who declared that ‘national security was inseparable from political stability, economic success and social harmony.

Without these, all the guns in the world cannot prevent a country from being overcome by its enemies, whose ambitions can be fulfilled, sometimes without firing a shot'.³ Comprehensive security found similar formulation in the concept of 'total defence' in ASEAN countries like Singapore and Thailand. Jawhar Hassan, another well-known Asia security analyst, further argued that the ASEAN region has always regarded security as multi-dimensional and comprehensive in nature.

But while comprehensive security indeed offers a broader conceptualisation of security, it is still very much state-centric in nature in that the referent of security is the state with less or no attention given to the security concerns of individuals and communities. In fact, several studies on security in Asia have shown that comprehensive security had for a long time been associated with the notion of regime security (Alagappa, 1998). Over the years, the state-centric focus of security had been critiqued by a number of security scholars, particularly in the post-Cold War period and found a lot a traction beyond the policy and academic communities to include social activists and civil society groups. The criticism against the privileging of state security over individuals/groups/societies paved the way for the introduction of a new security framework and the concept of human security. Human security, broadly defined, is about ensuring the safety of individuals and communities from such chronic threats as hunger, disease, and repression and protecting them from 'sudden and hurtful disruptions in the patterns of daily life – whether in homes, in jobs or in communities' (UNDP, 1994: 23). The human security concept has largely influenced the notion of NTS – a point that will be discussed in a later section of this chapter.

Regional resilience, on the other hand, can be seen as a foundation for and a means to achieve comprehensive security. The seamless relationship between comprehensive security and regional resilience is encapsulated in the Indonesian notion of '*ketahanan nasional*' (national resilience), which is defined as 'the ability of a nation to cope with, endure and survive any kind of challenges or threats in the course of a struggle to achieve national goals'. According to Indonesian scholar Dewi Fortuna Anwar, national resilience is built on the foundations of: (1) economic development, and (2) a need to avoid involvement in international ideological confrontation (Anwar, 2006: 82–83). Although national resilience is characteristically inward-looking and nationalistic in orientation, its application at the regional level retains much of the focus on economic development and a 'non-aligned' stance towards major power competition while promoting and fostering closer regional cooperation. National and regional resilience also underscores the need for ASEAN Member States and ASEAN as a whole to rely on their own capacities and strengths to be secure without having to rely on outside powers to provide their security.

³ Mahathir Mohamed, cited in Alagappa (1998: 624).

In brief, the twin concepts of comprehensive security and regional resilience had basically defined the conduct of intra-regional political and security relations and cooperation in ASEAN. Put simply, the ASEAN security framework can be understood as follows: for regional security to be maintained, the region must be resilient and this resilience starts with each ASEAN Member State being domestically resilient by having a strong economic foundation and a foreign policy that is not aligned with any major powers. Indeed, this security framework is clearly reflected in many of ASEAN's official documents and declarations since its establishment until its most recent ASEAN Vision 2025 documents. These include: Bangkok Declaration (1967), ASEAN's Zone of Peace, Freedom and Neutrality (ZOPFAN, 1971), ASEAN's Treaty of Amity and Cooperation (TAC, 1976), the Bali Concord I (1976), Bali Concord II (2003), and Bali Concord III (2011). In all these declarations, the need to unite together to prevent external interference and create a stable regional environment for member states to focus on domestic affairs were consistent themes.

Dealing with Nontraditional Security Threats

What is nontraditional about the kinds of security challenges we face today? And, how do NTS challenges impact on ASEAN's notions of comprehensive security and regional resilience? Clearly, the backdrop of the global security environment in an ASEAN at 50 has dramatically changed. Unlike 2 decades ago when ASEAN Member States were still mainly preoccupied with nation building and domestic affairs, while promoting and deepening intra-ASEAN political and economic relations, the rapid structural changes brought about by an increasingly globalised environment had begun to be felt in many ways by the countries and peoples of the region.

Starting from the late 1990s, ASEAN's much vaunted record of peace and security was dealt a severe blow when a series of crises hit the region. From 1997–1998, ASEAN Member States had to grapple with the devastating impact of the Asian financial crises that crippled the economies of the region – in particular Indonesia, Malaysia, Thailand, the Philippines, and even Singapore. What had started as a financial liquidity problem in one state – Thailand, leading to a devaluation of its currency – very quickly spread and affected the rest of the region. What was extraordinary about the so-called *Tomyam* effect was that the financial crisis had rapidly spiralled out of control and became not only an economic crisis but also a political and security crisis with far-reaching proportions. Politically, the financial crises led to the downfall of ASEAN's longstanding leader, President Suharto, and paved the way for democratisation in Indonesia. It caused a political backlash in Thailand with the replacement of one government led by Chaovalit by that of Chuan Leekpai. It also caused an indelible crack/fissure within Malaysia's dominant political party, the United Malays National

Organisation (UMNO), with the unprecedented sacking and jailing of the country's then Deputy Prime Minister, jolting the country's rather placid political environment.⁴

The economic crises also resulted in outbreaks of ethnic conflicts in Indonesia between the Muslim and Chinese communities in Jakarta and other cities of Indonesia. These were violent conflicts previously unseen in Indonesia's postcolonial history that seriously challenged the multi-racial harmony carefully nurtured under the Suharto regime. Further, the economic crisis also resulted in massive displacements of labour migrants, forcing receiving countries like Malaysia to send back migrant workers to their home countries, which in turn caused bilateral tensions between ASEAN neighbours.

The transborder impact of the Asian financial crisis, which was said to have originated in one country and spread to others, was but one of the many examples of the kinds of crises that posed risks and threats to regional security. From the effects of transborder pollution caused by forest fires in the Indonesian provinces of Kalimantan and Sumatra, to the transnational impact of infectious diseases like the outbreak of Severe Acute Respiratory Syndrome (SARS), H5N1, and Zika, human trafficking/smuggling and drug trafficking, and scarcity of water, food, and energy – all these issues severely affected the security of many communities in the region.

These transnational security challenges now constitute the concept of nontraditional security, which in the last few years has found its way into the security lexicon of ASEAN leaders, the policy and academic communities, and civil society groups in the region. Scholars have defined NTS as a concept that refers to 'challenges and threats to the survival and well-being of peoples and states that arise primarily out of non-military sources, such as climate change, resources scarcity, infectious diseases, natural disasters, irregular migration, food shortages, people smuggling, drug trafficking, and transnational crime. These dangers are often transnational in scope, defying unilateral remedies and requiring comprehensive – political, economic, social – responses, as well as humanitarian use of military force' (Caballero–Anthony, 2016: 6).⁵

Aside from these issues being non-military in nature, NTS threats also share common characteristics, namely:

- NTS threats do not stem from competition between states or shifts in balance of power.

⁴ There is a rich literature on the impact of the Asian financial crisis. See, for example, Haggard (2000). On the impact on regional security, see amongst others, Caballero–Anthony (2006).

⁵ For a comprehensive conceptual discussion on nontraditional security, see Caballero–Anthony (2016).

- Threats are often caused by human-induced disturbances to the fragile balance of nature, with dire consequences for both states and societies.
- Consequences of these threats are often difficult to reverse or repair.
- National solutions are often inadequate and would thus essentially require regional and multilateral cooperation.

The object of security is no longer **just** the state (state sovereignty or territorial integrity), but also people (their survival, well-being, dignity), both at individual and communal levels (Caballero–Anthony, 2016: 6).

- While many NTS issues are also human security issues, their transboundary impact often makes it difficult for individual countries to effectively deal with such NTS challenges on their own. This has added a new dimension to the nature of security cooperation in ASEAN. To be sure, the capacity of developing countries to deal with the impact of climate change on food, energy, and water security; to tackle transnational crimes like drug trafficking and human trafficking; to combat pandemics; and to prevent transboundary pollution is not only fully stretched but also acutely inadequate. The effective governance of NTS issues, therefore, requires deeper cooperation and coordination amongst states, and more cooperation and collaboration between state and non-state actors. How they work together to address NTS threats in ASEAN is explained further below.

NTS Issues and the Dynamics between Regional Security and Regional Resilience

It is increasingly evident that NTS issues like climate change, pandemics, and migration destabilise state and human security. While there are a number of NTS threats confronting ASEAN, for the purpose of a more manageable discussion this chapter only discusses the challenges posed by climate change and migration to regional security and resilience.

Climate Change and its Attendant Threats

There have been many studies that show that Southeast Asia is highly vulnerable to the effects of climate change. This vulnerability is multi-layered, and is impacted by issues ranging from inescapable physical characteristics to malleable political, economic, and social systems. Regional vulnerabilities are also variable – individual countries and communities face unique climate challenges and have differing capacities to respond to them. The discussion below briefly highlights some of the effects of climate change on the security of states and societies in ASEAN.

■ Economic security

Climate change has contributed to extreme weather events that have led to several of the worst natural disasters in the region. From 1970–2010, Southeast Asia’s annual average loss of life and damage due to natural disasters, both per capita and relative to land mass, was a colossal US\$4.3 million per 1,000 square kilometres, or US\$4,285 per square kilometre (ADB, 2013). Amongst ASEAN Member States, the Philippines and Indonesia lose more than US\$1 billion annually to natural disasters (see Table 1 below).

Table 1: Climate Change and Natural Disasters

	Annual Average Direct Economic Loss		
	US\$ million	% GDP	% Annual Government Expenditure
Brunei Darussalam	0.4	0.0	0.0
Cambodia	74.2	0.7	3.3
Indonesia	1,303.5	0.2	1.0
Lao People’s Democratic Republic	52.3	0.7	3.0
Malaysia	174.6	0.1	0.2
Myanmar	184.8	0.9	8.2
Philippines	1,602.9	0.8	4.8
Singapore	2.2	0.0	0.0
Thailand	255.6	0.1	0.3
Viet Nam	786.4	0.8	2.4

GDP = gross domestic product.

Source: World Bank and Global Facility for Disaster Reduction and Recovery (2012) in ADB (2013: 25).

Climate change exposes 563 million Southeast Asians living along coastlines, or about 80% of the population in Southeast Asia living within 100 kilometres off the coast, to rising sea levels. The agriculture-dependent regions could also become vulnerable to droughts, floods, and tropical cyclones associated with global warming. Over the past decade, heat waves, droughts, floods, and tropical cyclones have increased in intensity and are becoming more frequent, contributing to a comparable increase in loss of life and damage to property. In 2009, the Asian Development Bank (ADB) estimated that government’s inaction on climate change can cost an annual 6.7% of the combined GDP of Indonesia, the Philippines, Thailand, and Viet Nam by 2100, twice the global average loss. Typhoon Haiyan, the strongest typhoon recorded in Philippine history,

caused US\$90 million in damage and left more than 6,000 people dead. In 2015, ADB revised its figures, noting that the economic losses from the impact of climate change in ASEAN could be 60% higher than previously estimated, and could reduce regional GDP by up to 11% by 2100 (ADB, 2015a).

In terms of human loss, from 2004 to 2014, more than half of the total global disaster mortality was in Southeast Asia, that is, 354,000 of 700,000 total deaths in disasters worldwide. It is also estimated that about 191 million people have been displaced and rendered homeless (either temporarily or permanently) as a result of disasters, affecting a total of 193 million people. This meant that one in three to four people in the region had experienced different types of losses to property and life.

■ Food and water security

In addition to natural disasters, climate change has and will affect food security, particularly food productivity. The Consultative Group on International Agricultural Research (CGIAR) has predicted that food productivity in Asia will decrease by as much as 20% due to climate change as the geographical boundaries of agro-ecosystems, as well as species composition and performance, will change (Thornton, 2012). In addition, more permanent shifts in seasonal climatic patterns that bring on more frequent and intense weather extremes will be badly disruptive to agriculture, fisheries, and the natural resource base of the region. Rice yield in Southeast Asia is projected to fall by about 50% in 2100 relative to 1990 yields (ADB, 2014). Declines in crop yields are expected due to long-term changes in temperature and rainfall and increased climate variability. An estimated US\$1 billion in annual yield losses in South and Southeast Asia is due to flooding of about 10 to 15 million hectares of rice fields (Bates et al., 2008). This may lead to higher food prices, an exacerbation of chronic poverty and malnutrition, and undernourishment amongst vulnerable sectors of society (farmers, and rural and urban poor) affected by extreme climate events such as droughts and flooding (Beddington et al., 2012; Carter and Barrett, 2006).

It is also estimated that by 2050, the higher occurrence of extreme drought will increase water stress and further affect food security in the region (Bates et al., 2008). It is also projected that by 2025, 15–20 million hectares of irrigated rice will experience varied degrees of water scarcity (Bouman, 2007). In Asia alone, per capita water availability has been declining by between 40% and 65% since 1950, and the World Bank had estimated that by 2025 most states in the region will be facing serious water shortages unless strong action is taken. But this is compounded by the fact that 20% of the global increase in water scarcity is directly attributable to climate change (and the remaining 80% to growing demand).

■ Health security

The 2012 World Health Organization (WHO) report noted that climate change affects the social and environmental determinants of health – including clean air, safe drinking water, sufficient food, and secure shelter. A University College London study commissioned by *The Lancet* showed that with an average annual temperature increase relative to 1980–1999 by 5 degrees (°C), the effects include: increased health burdens from malnutrition, diarrhoea, and cardiorespiratory and infectious diseases; increased morbidity and mortality from heatwaves, floods, and droughts; changed distribution of some disease vectors; and a substantially greater burden on health services (Costello et al., 2009).

Global warming since the 1970s had caused 140,000 excess deaths annually by 2004. In 2000 alone, climate change-related deaths based on disability adjusted life years are estimated by the WHO to be more than 2 million in the Southeast Asia and Western Pacific subregions (which includes ASEAN). The WHO estimate on the direct damage costs to health from the impact of climate change is between US\$2 and US\$4 billion annually by 2030. Climate-sensitive diseases and infections such as diarrhoeal diseases, malnutrition, malaria, and dengue are expected to worsen with climate variability. Health conditions related to extreme weather events; cardio-respiratory diseases; temperature-related health effects; malnutrition; vector-borne diseases, and waterborne diseases are main concerns for developing countries highly vulnerable to climate change (GlaxoSmithKline, 2011). ASEAN has already seen this in the rising cases of dengue in part of the region, and the most recent outbreaks of Zika.

■ Political and community security

Last but not least are the political and security impacts of climate change. These can be seen in the way climate change affects demographics and people's mobility. Climate change-induced migration has contributed to the insecurity of many communities especially those affected by sea-level rises and extreme weather events. The International Organization for Migration has already identified environmental or climate change-induced migrants as 'persons who for compelling reasons of sudden or progressive change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad'.⁶

⁶ <https://www.iom.int/definitional-issues>

It was back in 1990 that the Intergovernmental Panel on Climate Change noted that climate change will have its greatest impact on human migration. However, such migration has not yet been recognised in any international treaty or law. Similarly, no international organisation has been mandated to protect the rights of environmental or climate migrants when they move across borders temporarily or for good. Yet in 2013 alone, the Internal Displacement Monitoring Centre (2014) reported that floods, storms, and earthquakes had already displaced almost 19 million people in Asia, with about 7.2 million displaced in the Philippines alone.

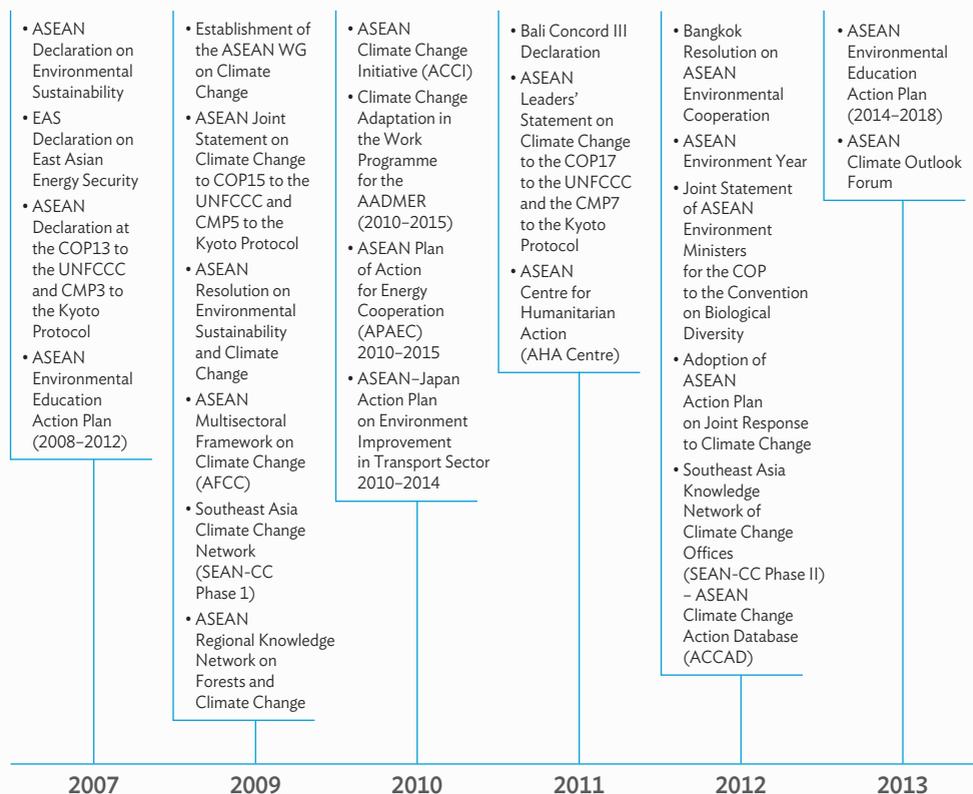
ASEAN and Climate Change

Against the projected impact outlined above, how has ASEAN dealt with climate change? It was not until 2007 that climate change entered the lexicon in ASEAN through the *Singapore Declaration on Climate Change, Energy and the Environment*. The title already reflects a very broad focus, starting from energy efficiency, countering deforestation, calling for individual and collective actions by a broad range of sectors, as well as encouraging active participation in the process of developing an effective, comprehensive, and equitable post-2012 international climate change arrangement under the United Nations Framework Convention on Climate Change (UNFCCC) process. The aim of the 2007 declaration, however, was for ASEAN Member States to arrive at a common understanding and aspirations towards a global solution to the challenge of climate change, as well as express their resolve to achieve an ASEAN community resilient to climate change through national and regional actions.

Following the 2007 Declaration, a series of regional initiatives were taken that eventually culminated in the adoption of an ASEAN Action Plan on Joint Response to Climate Change in 2012. Figure 1 presents the evolution of ASEAN's climate change framework.

For the last 9 years, despite the establishment of the ASEAN Climate Change Initiative, there has not been a singular, focused initiative that brings together a more targeted and focused regional policy on climate change. The absence of such singularity is understandable given that climate change has multiple effects – hence responses and policy interventions have to be made at different points and at multiple levels. Although ASEAN's approach based on declarations and stations is multi-pronged, involving all multiple sectors from the three ASEAN communities – the socio-cultural community, the economic community, and the political security community – it is unclear how these will work in providing targeted responses to the direct impact of climate change on the lives and security of the people in the region.

Figure 1: Timeline of ASEAN Initiatives on Climate Change



AADMER = ASEAN Agreement on Disaster Management and Emergency Response; ASEAN = Association of Southeast Asian Nations; CMP3 = Conference of the Parties Serving as the Meeting of the Parties to the Kyoto Protocol; COP = Conference of the Parties; EAS = East Asia Summit; UNFCCC = United Nations Framework Convention on Climate Change; WG = working group.

Source: Author’s compilation from various ASEAN documents.

Within the APSC Blueprint, climate change impact is dealt with through strengthening cooperation on disaster management and emergency response. In 2005, the ASEAN Ministerial Meeting on Disaster Management (AMMDM) came up with the *ASEAN Agreement on Disaster Management and Emergency Response (AADMER)* and within this framework a number of cooperation frameworks have been established that bring together civilian agencies and military forces.⁷ A key initiative here is the Civil–Military Coordination in Disaster Relief and Humanitarian Response (HADR) Operations as well as the Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response

⁷ AADMER is the first legally binding HFA-related agreement in the world and has been considered as one of ASEAN’s significant achievements in building regional capacity in disaster management.

Operations (SASOP), which began in 2009. Since the signing of the AADMER, member states have been involved in the ASEAN Regional Disaster Emergency Response Simulation Exercise (ARDEX).

Building on the AADMER framework, the ASEAN Centre for Humanitarian Action for Disasters (AHA Centre) was established in 2011, followed by the ASEAN Disaster Response and Monitoring System (ADRMS) in 2012 with the ASEAN Emergency Rapid Assessment Team (ERAT) as a core actor in disaster management and response. In addition, the Disaster Emergency Logistics System for ASEAN (DELSA) was established in Subang, Malaysia in 2012, serving as the regional stockpile of relief items and capacity building hub for emergency logistics operations. Since 2012, Delsa has serviced eight disaster emergency response missions including emergency operations for Typhoon Haiyan victims. Within the framework of the ASEAN Defence Ministerial Meeting (ADMM) and the ADMM+ frameworks, joint HADR activities have also formed part of their respective agendas.

Assessing ASEAN's Multi-sectoral Approaches to Addressing Climate Change Challenges

The discussion above shows that ASEAN has not been short on policies and initiatives in addressing climate change in the region and beyond. As described by a former officer at the ASEAN Secretariat, not only does ASEAN have a policy on climate change, it also tackles climate challenges through the ASEAN Community building framework that involves development and collaboration amongst different sectoral areas (Letchumanan, 2010). But the multi-sectoral approach and policies of ASEAN also make it difficult to assess the effectiveness of any of the policies and mechanisms initiated by ASEAN. More specifically, beyond the capacity built in HADR activities, how do these multiple programmes keep ASEAN people more secure and more resilient?

While it is not realistic to provide a comprehensive assessment of ASEAN's response to climate change, it is pertinent to raise important questions. Amongst these are issues related to providing emergency relief and the question of protection of communities displaced by natural disasters. On the first issue of providing emergency relief, the attitude of ASEAN states to outside assistance is important and in this regard the experience of Myanmar during Cyclone Nargis is instructive. Its initial refusal and later on its delay in allowing foreign assistance had cost hundreds of lives to be lost. While this experience allowed ASEAN to take the HADR agenda seriously, the norms of non-intervention had seriously hampered regional and international help that was critical in reducing the extent of the devastation on lives and properties. Thus, against imminent projections of further occurrences of extreme weather events in the region,

the repercussions of strict adherence to such norms in providing protection to affected communities need to be considered seriously by ASEAN as it envisions a resilient Community in 2025. At the very least, the goals of protection and resilience are compelling reasons for ASEAN Member States to start a serious conversation.

On the other hand, there is still the huge issue of capacity building. In the wake of typhoon Haiyan in the Philippines in 2013, one of the most intense tropical cyclones on record, the infrastructure in the affected areas was massively devastated. The Philippine government, however, did not have sufficient resources to undertake a humanitarian assistance and disaster relief (HADR) operation of this scale. Its Armed Forces at that time had only three functioning C130 aircraft, which was below the transportation capacity needed for the relief efforts. Much of the delivery of humanitarian resources and personnel heavily relied on airlifts from the United States military and from other countries (Jacobs, 2013). Hence, against the number of HADR exercises now being undertaken by ASEAN-led frameworks like the ADMM+ and the ARF, it is important to assess how prepared ASEAN is to deal with and lead the kinds of massive humanitarian assistance initiatives that are projected to increase in frequency in the years to come.

The issue of the protection of displaced populations as a result of natural disasters is also a difficult terrain for ASEAN to deal with. Many ASEAN citizens are vulnerable to the impact of climate change. The ADB (2014) noted that many communities are forced below a given poverty line after extreme weather events that cause flooding and displacement, but many countries in the region particularly lack formal social insurance and do not take into account such vulnerabilities when estimating the number of people living below the poverty line. To be sure, the needs of people affected by disasters grow in scope and complexity, compounded by the uncertainties of being able to recover and rebuild. However, disaster spending often does not take into account protecting and assisting displaced people. The bulk of disaster spending is still being used to respond to – rather than prevent – disasters. Underfunding continued to hamper the implementation of early recovery programmes (Lavell and Ginenetti, 2014).

There is also no legal framework in place to deal with the protection needs of people displaced by disasters. Governments have also not been able to reduce the vulnerabilities faced by these people to offset this increasing exposure. Displaced women and children become particularly vulnerable to human trafficking and sexual violence, and while state agencies are preoccupied with dealing with the immediate task of providing emergency medical assistance, and search and rescue, international organisations like the United Nations International Children's Fund (UNICEF), the International Organization for Migration (IOM), and civil society groups become important partners in ensuring the protection needs of vulnerable victims.

Hence, despite current efforts at improving HADR operations, there remains a lack of comprehensive national and regional responses to protection issues for displaced people. It is also unclear how ASEAN states and their sectoral bodies engage with other external actors that may demand more action from states to provide protection for victims of disasters.

The lack of protection from disasters is a major hindrance to building resilience both within states and in the region. Hence, despite ASEAN's recent pronouncement on building a disaster resilient ASEAN, without regional programmes targeted at addressing protection in all areas, many of the regional climate change initiatives could only address a small part of the wider protection needs of disaster affected communities.

Finally, ASEAN also lacks a coherent strategy on disaster risk and reduction of disasters. An important challenge for ASEAN states in managing natural disasters is to harmonise their initiatives and programmes with climate change mitigation and adaptation measures as proposed in the ASEAN Climate Change Initiative. The two initiatives complement each other, but ASEAN also needs to act on it rather than just acknowledge it. It remains to be seen how ASEAN Member States will effectively mainstream climate change mitigation and adaptation measures into disaster risk and reduction projects. Mainstreaming and/or integrating climate change adaptation and mitigation in a country's development plans are critical given that during 2004–2014 more than half of global disaster mortality occurred in Southeast Asia. It has also been estimated that the total economic loss during that period was US\$91 billion.⁸

And if the goal of ASEAN is to build a disaster resilient region, cooperation in climate change adaptation and mitigation amongst ASEAN Member States through technological exchange, climate financing, and building human capital are practical steps that do not require any more ASEAN statements and declarations.

Migration and Forcibly Displaced Populations

Aside from the complexities posed by climate change to regional security and resilience, the new trends in people's movement is another difficult nontraditional security challenge facing ASEAN. Since the mid-1980s to early 1990s, most of the cross-border migration patterns in the region have been mostly in the form of labour migration.

⁸ *Global Climate Risk Index 2016* by German Watch.

The Asian Development Bank has noted that Asia is the world's largest source of international migration. In 2013, 79.5 million migrants were from Asia, with South Asia being the largest source contributing 44% of the Asian total, followed by Southeast Asia (ADB, 2015b). As remittances are a key source of income for many ASEAN economies,⁹ it is important that international and regional migration flows remain unfettered and that labour migrants are accorded the rights and protection they deserve. One can argue that an ASEAN at 50 should be able to provide a more enabling and people-centred environment that protects the welfare and security of all migrants in order to manage the multi-faceted challenges that both states and societies face in the region. After all, ASEAN in its vision 2025 is supposed to be a more people centred organisation. But so far, ASEAN's response in dealing with migration has been mixed.

On labour migration, it is noteworthy that there are still many countries in Asia and in ASEAN that have not ratified the International Convention on the Rights of All Migrant Workers since it came into force in 2003. Despite this, ASEAN adopted the *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers* in 2007, which calls on countries of origin and destination to ensure the dignity of migrant workers. It outlines states' obligations in the areas of protection from exploitation, discrimination, and violence, amongst others. This regional framework has established a set of international and regional (ASEAN) standards proclaiming the aspirations and rights to much greater access to social protection by all workers across ASEAN. More important is the fact that since ASEAN adopted its Charter in 2007, two important regional bodies to promote and protect the rights of ASEAN citizens have been established – the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC).

Despite these standards and relevant institutions, access to social protection by migrant workers coming from and moving within the Southeast Asian region remains extremely limited. With the exception of the Philippines, which has robustly attempted to increase social protection of Filipino migrant workers overseas, many sending and receiving countries lack clear practices to guarantee wider social protection for migrant workers in and leaving from their countries. Recent studies show that countries have not moved forward to genuinely tackle the issue of wider social protection for migrant workers who travel across borders to work and live (Hall, 2012).

⁹ Asia accounted for nearly 50% of global remittances (US\$583.4 billion) in 2014 with India, China, and the Philippines receiving the most – US\$163 billion, or 61% of the Asian total.

Moreover, instead of signing and ratifying the International Labour Organization Convention on Decent Work for Domestic Workers and take steps to bring their national laws and policies into compliance with it, many governments so far have pursued bilateral agreements and memoranda of understanding to strengthen regulation and coordination of international labour migration. One of the disadvantages of bilateral agreements is the uneven bargaining power between labour-sending and labour-receiving countries, which could make such agreements weak and fail to guarantee key protection issues.

There have been increasing reports of many forms of exploitation of migrant workers in receiving countries, reflecting a lack of observance of international norms. Case studies in Southeast Asia provide reports of exploitation which include low pay and poor working conditions and abusive practices such as the withholding of passports and wages. Other common problems are verbal and physical abuse, long working hours, and lower wages than promised. These abuses show the lack of implementation of the regional framework. Consequently, the international media has also highlighted some of the issues faced by migrant workers in the manufacturing, agriculture, construction, and fishing industries of the region (Wah, 2014; Vandenberg, 2015).

As ASEAN aims to be a full-fledged Community, protecting the rights of migrant workers in the legal framework of countries in the region should become a priority. This is indeed important if the region were to progress towards a caring and sharing ASEAN community underscored by social justice. At the same time, efforts should be made to educate migrant workers about their human rights and rights to protection. For sending countries, the primary concern is to support and protect their citizens when they go overseas and ensure that migrant workers have the information they need to effectively safeguard their rights.

The challenge of forced migration

ASEAN also faces the problem of undocumented, irregular migrants which include victims of human trafficking, internally displaced persons (IDPs), and refugees. Many of these irregular migrants are supported by smugglers. There are also the stateless persons who often have no access to international travel documents and therefore have no option but to resort to irregular migration channels making them more vulnerable to being targeted by traffickers (IOM, 2012).

Although robust international and regional regimes to prevent trafficking in persons are currently in place, most efforts are focused on prevention and prosecution. A common observation regarding anti-trafficking regimes has been the heavy focus on

prevention through criminalisation of the acts of trafficking in persons rather than on the protection and rights of the victims of human trafficking.¹⁰ Hence, states allocate resources to and build capacity to combat criminal activities related to human trafficking and punishing perpetrators, but pay less attention to the protection of victims of human trafficking. One of the consequences of such an approach is the difficulties in identifying victims, which continues to impede efforts at effectively combatting human trafficking. Protection needs of trafficked persons go beyond ensuring personal physical safety and security. They also include having access to legal assistance and protection, access to health care and temporary shelters, and continued assistance in repatriation and integration.

Last, but certainly not least, is the plight of internally displaced people from conflicts. According to the 2015 study on IDPs in Southeast Asia by the Internal Displacement Monitoring Centre, Norwegian Refugee Council, the IDPs in most of the region's displacement camps lacked access to basic necessities such as food, clean water, and adequate sanitation facilities (NRC/IDMC, 2015). In July 2015, the United Nations highlighted the 'deplorable' living conditions in camps in Myanmar's Rakhine state, where tens of thousands of people displaced in 2012 by inter-communal violence between Rakhine Buddhists on the one hand, and Rohingyas and other Muslims on the other, had been living for more than 2 years without access to adequate water, sanitation, or healthcare. The Special Rapporteur on human rights in Myanmar said that some displaced Rohingyas had died in their camps because they had no access to emergency medical assistance.

The worsening plight of the Rohingyas has continued to be a major challenge to ASEAN Community building. Up until recently, many in ASEAN have been silent or chose to ignore the urgent humanitarian needs of refugees fleeing conflict and persecution, and so far the practice of some states in ASEAN has generally been to grant temporary refuge with minimal rights protection (NRC/IDMC, 2015). The result has been only ad hoc and temporary solutions, which has allowed regional governments to avoid collective responsibility (Pitsuwan and Parameswaran, 2015).

¹⁰ For international trafficking protocol, see Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, also known as the Trafficking Protocol or UN TIP Protocol, which entered into force in 2003. Most recently, in 2015, ASEAN adopted the *ASEAN Convention against Trafficking in Persons (ACTIP)*, which established a legal framework to effectively address the issue of trafficking in persons in the region. Other regional frameworks include the *Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)*, which brings together countries in the Greater Mekong Sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand, and Viet Nam), and the Bali Process, also known as the *Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime*, which brings together countries beyond the Asian region.

The lack of response from ASEAN is again always attributed to its policy of non-interference in the domestic affairs of member states. Whether this could change in a fast changing environment is difficult to ascertain. More recent developments appear to show that there are some pressures now being applied to the Myanmar government by its ASEAN neighbours to address the problem. In late November 2016, reports of violence had again erupted in Rakhine, which led to allegations of killings and rape of women and children. The incidents saw hundreds of protesters take to the streets in the ASEAN capitals of Jakarta, Kuala Lumpur, and Bangkok. In an unprecedented move, Malaysian Prime Minister Najib Razak described the violence against the Rohingyas as ethnic cleansing, causing Yangon to file a protest against the Malaysian government for interference in Myanmar's domestic affairs.¹¹ But days later, Myanmar's Aung San Suu Kyi called for an ASEAN meeting to respond to regional concerns – a call that surprised many but is certainly noteworthy given this is the first time Myanmar has turned to its ASEAN neighbours on this issue.

Conclusion

Nontraditional security issues such as climate change and migration have shown how different the security concerns of ASEAN are today compared with the last 3 decades or so. As discussed in the first part of this chapter, the increasing interconnectedness of people and places and the wide range on non-military, nontraditional security threats are rapidly changing the conditions in which people live and the way states operate. The reality is that the capacity of ASEAN states to deal with these complex, crosscutting transborder threats is seriously challenged. And this has, in turn, significantly affected their ability to control and manage security within their borders.

To be sure, comprehensive security and regional resilience as conceptualised by ASEAN in the 1970s are no longer sufficient to deal with new transnational security threats. For the region to be resilient to the multiple threats caused by climate change, it is no longer enough for the region to rely on its own capacity to deal with these issues, nor can it afford to refuse the involvement of other actors. As shown in the ASEAN experience during the Aceh tsunami disaster, Cyclone Nargis, and Typhoon Haiyan, the assistance of bigger powers like the United States, Japan, Australia, and others in humanitarian operations was critical, and so was the participation of international organisations like the International Red Cross, the World Food Programme, and local civil society organisations to provide immediate help to victims on the ground.

¹¹ Reuters World News, Malaysia says Myanmar violence against Muslim Rohingya 'ethnic cleansing', 2 December 2016, <http://www.reuters.com/article/us-myanmar-rohingya-malaysia-idUSKBN13S03k> (accessed 15 December 2016).

What this means for an ASEAN at 50 is that the old prisms of comprehensive security and regional resilience based mainly on economic development and regime security should now meaningfully give way to a multi-level security governance that recognises the role of other actors in the management of regional security. To achieve regional resilience, community participation and the engagement of other stakeholders should be integrated into a more pro-active ASEAN response to transborder problems. So, whether it concerns dealing with climate change or addressing the protection needs of irregular migrants and refugees, these tasks can no longer be left to ASEAN governments alone.

The involvement of different actors from local communities, civil society organisations, the private sector, regional organisations, and other international agencies are important given the complexities of the challenges involved. The meaningful engagement of local communities and non-government organisations in providing assistance to populations displaced by disasters and conflicts, victims of human trafficking, and refugees lessens the burden of state authorities and United Nations agencies working on these issues. Local communities can also help mitigate security concerns out of fear and misperception of migrant communities and engender a more secure regional environment to help vulnerable communities.

However, while there are indeed compelling arguments for ASEAN to actively engage with other stakeholders, this has also given rise to multiple tensions between states and non-state actors. The zealotry exhibited by states in protecting their sovereignty, the unwillingness of state authorities to open up spaces for other sites of governance to deal with NTS challenges, as well as the desire shared by many states to preserve the ASEAN norms of non-interference and consensus are all serious impediments to realising the goal of a secure and resilient ASEAN community.

Thus, as ASEAN Member States come to grips with the multifaceted NTS challenges facing the global community today, there should at least be critical elements that ensure the development and maturity of a secure and resilient ASEAN at 50. Foremost amongst these is the shared determination to strengthen its fledgling institutions like the APSC, the AICHR, the ACWC, and the AHA Centre and make these work, as well as the support and participation of civil society groups and other stakeholders underpinned by the vision that ASEAN's security is a shared responsibility.

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ASEAN and the Changing Regional Order: The ARF, ADMM, and ADMM-Plus

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Introduction

Amongst the more notable developments in the construction of regional order in Asia has been the extension of Association of Southeast Asian Nations (ASEAN) processes beyond its original Southeast Asian purview, resulting in frameworks and cooperative platforms that are inclusive of not just Southeast Asian states but also larger states in a broader Asia. As prominent pieces of a larger and still evolving regional security architecture, the ASEAN Regional Forum (ARF) and, more recently, the ASEAN Defense Ministers Meeting (ADMM) and ASEAN Defense Ministers Plus (ADMM Plus), along with other frameworks in economic and other issue domains, additionally provide good illustrations of how ASEAN's small to middle powers have attempted to exercise voice and influence over an evolving regional order. As ASEAN passes its half-century mark, however, intensified geopolitical tensions and political challenges also test ASEAN frameworks and ASEAN states in old and new ways. This is to say nothing of the questions that have long followed the organisation and its processes as regards its strategic and instrumental efficacy.

This paper considers the following question: in what ways are the ARF, ADMM, and ADMM Plus both reflections of, and contributors to, Asia's changing regional order and security architecture? As elaborated below, debates and questions about Asia's regional institutions – what they look like; how they should work; what they should prioritise – are themselves manifestations of, even proxies for, larger debates about regional order; not just who should have pride of place, but also what should be its organising principles. Indeed, a focus on regional institutions is especially helpful in shedding light on the complexity and multidimensionality of regional order.

The rest of this paper proceeds as follows. Beginning first with a brief discussion of the geopolitical space from which ASEAN's regional institutions emerged, the paper considers the ARF and ADMM/ADMM Plus frameworks as platforms from which states and especially ASEAN states have negotiated the content and structure of regional order, as well as specific cooperative initiatives. In that the security institutions in question also emerged at distinctly geopolitical moments, they also each offer windows on larger geopolitical changes in train, changing regional expectations, and ASEAN's relationship to East Asia's still evolving regional order.

The ARF and ASEAN Centrality

The ARF, ADMM, and ADMM-Plus frameworks have all emerged in a post-Cold War space created by changing great power policies and realities. The three institutions, however, enter into different geopolitical and institutional moments in the ongoing construction of regional order in Asia. The ARF emerged in the immediate post-Cold War period – a time distinguished by heightened questions about a range of United States (US) commitments in Southeast Asia; a time when China's material capacities and its integration into existing regional security and economic networks were relatively limited; and a time when there existed no track record of regional institutions or security cooperation outside of ASEAN in East Asia. In contrast, the ADMM and ADMM-Plus frameworks were created 12 and 16 years later in a vastly different geopolitical and institutional setting characterised by the growing capacities of China, heightened economic and security interdependence amongst states, and also multiple, overlapping, and sometimes competing institutional frameworks and in which ASEAN is both more influential and more questioned as a regional actor.

As regards the underlying bases for regional order, the ARF may be considered the more significant moment and development. As the first of ASEAN's expanded cooperative frameworks and first official-level, track-one Asia-Pacific security dialogue, the ARF introduced to the East Asian security policy debate alternative cooperative security conceptualisations that would form the basis for a more comprehensive and inclusive approach to security. In particular, cooperative security extends security beyond conventional deterrence to issues of comprehensive and sustainable development in all fields, inclusive of domestic-developmental, external security, and interdependent nontraditional security arenas (Caballero-Anthony, 1995). Premised on principles of inclusivity, cooperative security also prioritises reassurance objectives and consequently gives greatest emphasis to mechanisms of dialogue, consensus, and confidence building over more task-oriented problem solving and more confrontational forms of security management.

Defined thusly, the cooperative security conceptualisations underlying the ARF are what also justifies a broadly inclusive membership. Just as important, cooperative security's inclusivity principle provides the basis for alternative organising hierarchies – in this specific case, a more influential, even leading, role for ASEAN's group of smaller powers. In other words, just as security conceptualisations defined as balance of power privileges the most conventionally capable (namely, the larger powers), cooperative security based on principles of inclusivity privileges those best able to facilitate a coming together of different states – or what some call 'convening power' (Stubbs, 2014). The ARF offered an early institutional expression of what is now commonly referred to as 'ASEAN centrality'.

The ARF's cooperative security approach also offered a particular contrast to the more exclusive, oppositional approaches associated especially with US military alliances, which until the early 1990s offered the only set of arrangements responding to the broader purpose of 'regional security'. Given the inclusion of the US, the ARF by no means negated or replaced more conventional major power security contributions; but the ARF did represent an important first effort to diversify security options beyond the US, whose security role was itself viewed as insufficiently reliable and often deeply contentious.¹ More significantly, cooperative security contrasts with US alliance strategies in its most basic premise, which is that security is best gained not by working against others, but rather working **with** them. In this vein, ASEAN states' insistence on Chinese participation may be considered more significant than US participation, especially given emergent concerns about a rising China in post-Cold War East Asia. The concern for mutual security also offers additional justification for ASEAN's consensus-driven approach to regional security, though consensus mechanisms in the ARF also serve the additional purpose of institutionalising a regard for the interests of ASEAN's smaller states vis-à-vis larger ones.²

Thus, the inclusivity of the ARF – its distinctively omni-inclusive, multilateral engagement of all larger powers – and its justifying rationale for both the principles and mechanisms of ASEAN centrality remain its most stand-out features. But it is also these very features that today make the ARF the most contested of ASEAN's institutions. In particular, inclusion has made for a large and diverse set of actors and interests (now 27 members in all) that disagree about both the 'whats' and the 'hows' of regional security. Meanwhile, ASEAN centrality has been challenged by the constraints of consensus, as well as collective ASEAN's limited ability to move cooperation forward.

¹ See discussions in Capie (2004) and Bates et al. (2009).

² See, for example, discussions in Khong and Nesadurai (2007) and Wesley (2003).

As conceived, the ARF's institutionalisation of security cooperation was supposed to move through three stages – confidence building, preventive diplomacy, and elaboration of approaches to conflict. However, political, geopolitical, and practical-functional challenges, as well as intra-ASEAN hurdles, have stymied that progression since its start. Indeed, a common complaint is that the ARF seems permanently stuck between the ARF's identified first and second stages of security cooperation. Further, differences mean that the region's most contentious and potentially destabilising disputes may not be satisfactorily addressed within the forum. The South China Sea disputes and North Korea may be considered particular examples.

ASEAN's influence in the ARF has also meant that much of the critique about the ARF has come to focus on ASEAN itself – the appropriateness of its institutional practices, especially its non-binding, consensus-driven, non-confrontational approach to conflict management, and ASEAN's particular influence over the ARF's pace and agenda. That ASEAN's role should be contested is, by one argument, no surprise given the radicalness of ASEAN's claim to **equal** and even **central** standing vis-à-vis much larger powers in the articulation of strategic and political priorities, in the design of institutional frameworks, in setting the parameters of cooperation, and in being gatekeepers to who gets to play the regional game. Put another way, the ARF upsets the presumption that regional orders are created and best managed by great powers, as well as the assumption that great powers should have pride of place. This said, whatever the cause, the reality is that the ARF has been stymied by very real difficulties in moving states to a more mutually and commonly satisfactory plane of cooperation. ASEAN's own internal differences about both security priorities and approaches in the ARF additionally undermines ASEAN's claim to play a leading role, and gives extra credence to the critiques.

While the combined diversity and size of the ARF's membership likely would have challenged any institution of any form in moving states to a more concrete stage of security cooperation, the ARF's limitations in responding to pressing security challenges (both traditional and nontraditional) has also politicised ASEAN's role and processes in ways that are additionally counterproductive.³ In the case of the ARF, much of this politicisation came to be expressed in debates over 'preventive diplomacy', which was supposed to form the second stage of ARF cooperation. Such politicisation complicates the ability of some to recognise those instances in which the ARF has provided opportunities to deescalate crises (Emmers and Tan, 2011) as well as other concrete measures taken in response to terrorism, maritime security, and disaster relief.⁴

³ See, Ba (2011).

⁴ See, Haacke (2009) and Haacke and Morada (2011).

Moreover, the fact that ‘significant instances’ of preventive diplomacy have taken place in other forums similarly governed by ASEAN-style institutional practices (Emmers and Tan, 2011) suggests that the politicisation of the process in the ARF may also overly focus the critiques on ASEAN and its modes of security management. As discussed below, this is not to say that ASEAN and ASEAN-styled institutionalism do not face some real practical challenges. It is only to say that politicisation has complicated the ability of many to be more analytical about where the problems of cooperation lie in the ARF, as well as the ability to be more precise in identifying the kinds of problems that may be more or less suited for ASEAN-styled institutionalism.

From the ARF to the ADMM and ADMM-Plus

Practically, the challenges of security cooperation under the ARF framework has left a range of conventional and nontraditional security challenges insufficiently addressed. Growing dissatisfaction with the ARF process has led frustrated states like the US, Japan, and Australia to pursue and investigate alternative frameworks and policy options. For these states, the increased capacity and initiative displayed by China on both economic and maritime fronts with the turn of the 21st century only adds to the incentives to push alternative proposals that are both more exclusive in their participation and more major power-centric in their preoccupations.

The ADMM and ADMM-Plus frameworks, which respectively held their first meetings in 2006 and 2010, offer responses to some of the political and functional deficiencies above. Backed especially by Indonesia, which has pushed for greater intra-ASEAN security collaboration in areas like peacekeeping in the interest of regional autonomy, the ADMM is explicitly tied to ASEAN’s pursuit of an ASEAN Political–Security Community. The ADMM-Plus, in particular, may also be viewed as reflective of heightened questions about the insufficiency of ASEAN and the ARF in responding to both the challenges of major power uncertainty and pressing nontraditional security challenges.

The ADMM and ADMM-Plus display important shifts in focus and approach that are reflective of the particular geopolitical and institutional moments from which they emerged. For example, both the ADMM and ADMM-Plus appear to mark a more focused, task-oriented approach to security cooperation beyond confidence building, albeit with a focus on nontraditional security challenges. In the ADMM, defence ministers have pursued cooperation in defence industry and logistics cooperation, military medicine, military readiness, humanitarian and disaster relief (HADR), as well as the development of intra-ASEAN crisis emergency communications links, a peacekeeping network, and measures to reduce tensions in the South China Sea.

The more focused cooperative agenda was also evidenced in the five priority areas identified by the ADMM-Plus at its start – maritime security, counter-terrorism, humanitarian assistance and disaster management, peacekeeping operations, and military medicine.

HADR has been a particular area of growing cooperation in both the ADMM and ADMM-Plus. Under the ADMM, states have also conducted scenario-based tabletop exercises, and a heli-evacuation simulation, and at least two ASEAN Militaries HADR exercises (AHX) involving over 100 personnel from ASEAN militaries. A number of ASEAN-initiated exercises have also taken place under the ADMM-Plus, including a 2013 ADMM-Plus HADR/Military Medicine Exercise and a 2016 ADMM-Plus Maritime and a Counter-Terrorism Exercise, the latter of which was the largest ADMM-Plus exercise to date. Both exercises involved over 3,000 personnel, participation by military and other specialised teams, and considerable assets, including, ships and aircraft, from the 18 states.⁵ In 2013 and 2014, states also participated in an ADMM-Plus Maritime Security Field Training Exercise and Table-Top Exercises under the ADMM-Plus Experts' Working Group on Peacekeeping Operations and Logistics Support frameworks.

Additionally indicative of the more practical/operational, as opposed to diplomatic-relational, approach to security cooperation has been the participation of defence ministers and defence officials, not foreign ministers. While the involvement of defence officials did not begin with the ADMM and ADMM-Plus (see discussion below), these two frameworks did institutionalise their involvement in ways that go beyond their informal and more ad hoc involvement in the ARF. In contrast to the ARF, defence ministers are able to engage each other directly rather than being subordinated to the agendas set by the foreign ministries. The involvement of defence officials, which is not isolated to the ADMM frameworks, may also be viewed as part of a larger trend or progression in the development of a new track of defence diplomacy in ASEAN and between ASEAN and external partners. The ADMM also provides the umbrella framework for other regular military-to-military meetings between ASEAN defence chiefs, heads of the different military branches, and heads of intelligence. The ADMM-Plus' turn to Expert Groups, as opposed to the more informal and looser Inter-Sessional Support Groups of the ARF, can also be viewed as similarly indicative of the heightened attention to the more operational aspects of cooperation beyond diplomatic dialogue.

⁵ See, Singapore Ministry of Defence, 'Fact Sheet: 10 Years of ASEAN Defence Ministers' Meeting: Significance and Milestones'. (https://www.mindef.gov.sg/imindef/press_room/official_releases/nr/2016/may/24may16_nr/24may16_fs.html), 24 May 2016.

Lastly, the ADMM-Plus's much smaller membership (18 versus the ARF's 27) seems additionally indicative of a shift towards a more 'nimble'⁶ and focused approach to security cooperation in the vein that many of ASEAN's critics have argued for. Taken together, these trends, to quote See Seng Tan, make the ADMM and ADMM-Plus frameworks more 'work shop' than 'talk shop',⁷ especially when compared with the ARF.

As suggested, the shifts above respond to some growing practical and political pressures on ASEAN. At the same time, other practical and institutional developments have also helped to consolidate the general direction of changes found in the ADMM and ADMM-Plus. Practically, the period in which both ADMM frameworks emerged was punctuated by a number of high-profile nontraditional security challenges, including the 2002 and 2003 terrorist attacks in Indonesia, the 2004 Indian Ocean tsunami, the 2013 Super Typhoon Haiyan, other natural disasters, and an uptick in piracy attacks in the early 2000s in the area of the Malacca Strait. Maritime tensions associated with China's expanded activity in the South China Sea have also heightened interest in security frameworks that might better respond to the region's security challenges. Institutionally, the emergence of frameworks that mirrored the ADMM-Plus in its membership and its more focused cooperative agenda also had mutually reinforcing effects. Most notably, in 2010, the same year of the ADMM-Plus' first meeting, Washington joined the East Asia Summit framework as part of its heightened strategic and institutional engagement of Southeast Asia (i.e. the 'pivot/rebalance to Asia' policies under former US President Obama). With US (and Russian) participation, EAS membership mirrored the membership of the ADMM-Plus; it also made the EAS much more of a strategic forum. The 2010 creation of the ASEAN Maritime Forum was followed 2 years later by the creation of an Expanded ASEAN Maritime Forum (EAMF), which similarly shared the same, more limited ASEAN Plus Eight membership. By one argument, the ASEAN Plus Eight trend found in the ADMM-Plus offers a potential Goldilocks formula – small enough that member differences might be more contained, but also big enough to make up for ASEAN's logistical and material deficiencies.

In short, three related shifts in regional security cooperation have been associated with the ADMM and ADMM-Plus. The first is a 'functional turn' (Ba, 2014) – that is, security cooperation's expanded attention beyond diplomatic dialogue and towards more practical, task-oriented frameworks, agendas, and exercises. The second is a shift away from what might be characterised as the extreme inclusiveness of the ARF to a smaller, more focused membership. And finally, third, the ADMM and ADMM-Plus illustrate the

⁶ See Additional Protocol to the Concept Papers on the Establishment of an ADMM and the ADMM-Plus, adopted at the 8th ADMM, Nay Pyi Taw, 20 May 2014.

⁷ See Tan (2011).

expanded and more regularised direct involvement of technicians (e.g. defence ministers and technical experts, as opposed to diplomats) in security cooperation frameworks.

To the extent that these shifts offer contrasts to the ARF, it may be tempting to view recent security cooperative frameworks and the ADMM-Plus, in particular, in tension with ASEAN-styled institutionalism. Countering that conclusion, however, are the ADMM-Plus's ASEAN-centric modalities, as well as both ADMM frameworks' continued commitment to confidence-building processes. Also, the shifts associated with the ADMM and ADMM-Plus likely would not have been possible without the ARF. It was, for example, the ARF that offered important initial opportunities for defence ministers to take part in a regional security framework as early as 1996 – albeit on a voluntary and ad hoc basis – and from there, that high-level defence officials moved to regularise their participation under, first, the ARF Defense Officials' Dialogue, then, the ARF Security Policy Conference (ASPC), and now, the ADMM and ADMM-Plus. Similarly, in the area of HADR, which has been such a focus of the ADMM and ADMM-Plus frameworks, the ARF provided an important opportunity for early cooperation. For example, in 2009 – 2 years before the first AHX and 4 years before the first ADMM-Plus HADR/Military Medicine Exercise – the initiation of the biennial ASEAN Regional Forum Disaster Relief Exercise (ARF DiREx) offered civilian and military actors from 27 countries a regularised opportunity to synergise and synchronise civil-military relief efforts.

This said and whatever the cause, the ARF's geopolitical and practical limits, including the politicisation of ARF processes/mechanisms, remain not just relevant to the debate but also a complication in the effective management of regional security. For those dissatisfied with the ARF process, the question is whether the ARF's moment has passed and whether it enjoys sufficient satisfaction amongst its most important extra-regional stakeholders to sustain its relevance. The challenge is intensified by the diversity of interests that constitute ASEAN's extra-regional audience. As more capable actors, extra-regional partners also have greater options beyond ASEAN.

Meanwhile, the ADMM-Plus is also not without its challenges or concerns. In addition to the divergent interests of ASEAN's extra-regional audience, those within ASEAN also harbour great concern that ASEAN's role and centrality might be more easily eclipsed or weakened in frameworks like the ADMM-Plus where the emphasis on military and logistical capacity, as well as the smaller size of the forum, gives larger states greater significance. Efforts to substantiate ASEAN centrality through the ADMM-Plus' design and mandate offer some ways to respond to that concern. This includes some design features also characteristic of the ARF – for example, as in the ARF, the ADMM-Plus 'modalities' remain ASEAN-centric in affirmation of ASEAN's Treaty of Amity and Cooperation and consensus principles; both ADMM processes are similarly

supported by an ASEAN Senior Officials Meeting, as well as an ASEAN Chair (the ARF has co-chairs; the ADMM-Plus a single ASEAN chair).

The ARF and its subsequent politics, however, also means that ASEAN has more of a vested interest in ASEAN centrality than it did in 1994, when the ARF was first created. This can be seen, for example, in ASEAN's 2007 Charter, which explicitly prioritised the need for ASEAN to 'maintain the centrality and proactive role of ASEAN as the primary driving force in its relations and cooperation with its external partners'.⁸ It can also be seen in ASEAN's two-pronged approach to the ADMM-Plus where priority is assigned to the acceleration of ASEAN integration while intensifying ASEAN's external relations. For example, the ADMM-Plus mandate and its principles for membership make even more explicit the priority given to ASEAN. Thus, to be an ADMM-Plus member, it is not enough to be an ASEAN dialogue partner or observer as in the ARF; a state must also have already significant interactions with ASEAN defence establishments, as well as a demonstrated capacity and will to assist ASEAN states in national and regional capacity building in the realms of defence and security.⁹

This two-pronged approach is given additional illustration by the relative frequency of ADMM to ADMM-Plus meetings (the ADMM meets annually; the ADMM-Plus initially met only every three years and now since 2013, every two). Similarly, within the new defence diplomacy track, intra-ASEAN defence and security interactions, compared with other defence exchanges, have been the most intense (Gindarsah, 2016: 16). Yet another illustration of ASEAN's two-pronged approach can be found in the fact that ASEAN states have conducted a number of exercises/initiatives as the ADMM first, before conducting the same exercises under the ADMM-Plus, thus allowing ASEAN states to work together before joining the wider group in cooperation.

Looking Ahead

ASEAN's contributions through the ARF and ADMM/ADMM-Plus frameworks can be viewed in more expansive and more modest terms. Viewed expansively, ASEAN security institutions have helped normalise the ideal of regional security cooperation – inclusive of both rising and status quo powers, and both small and large powers – as a needed addition to more exclusive, major power-centric options, even if states may still disagree about what constitutes the most appropriate regional

⁸ See Charter of the Association of Southeast Asian Nations, 20 November 2007.

⁹ See ADMM-Plus Concept Paper, 14 November 2007; Concept Paper on ADMM-Plus: Configuration and Composition 2010; and Concept Paper on ADMM-Plus: Modalities and Procedures 2010.

framework. Viewed more modestly, ASEAN's security frameworks offer states important opportunities to experiment and familiarise themselves with different kinds of cooperation, thus expanding the repertoire of available resources and policy options available to them. In both these ways, the Asian security architecture is, as a result, today more multi-layered than it was 20–25 years ago. The value of ASEAN's frameworks to regional security lies not just in their addition of an institutional dimension to regional order – the 'missing link in regional security in Asia' (Fuchs and Harding, 2016) – but also in its potential to regionalise otherwise bilateral, exclusive security practices under common regional frameworks.

More contentiously, ASEAN principles of inclusive and cooperative security expand questions of regional order beyond 'balance of power' and 'regional stability'. In offering alternative bases on which cooperative relations and communities of interest are formed, they have provided the justification for ASEAN centrality, as well as upset the usual hierarchy between larger and smaller powers. However, for the reasons already highlighted, the ability of ASEAN states to maintain their position of ASEAN centrality – in not just name but also practical, political, and geopolitical relevance – remains an outstanding question as a result of interacting geopolitical, practical-security, and also intra-ASEAN hurdles and challenges. Consequently, while the official institutional architecture continues to display clear features indicative of ASEAN's influence over matters of institutional design, membership, and security content, ASEAN frameworks are also persistently challenged by alternative cooperative proposals, informal work-arounds, the threat of inattention by key participants, and major power conflict.

The addition of the ADMM and ADMM-Plus frameworks – especially, their institutionalisation of a defence ministers track involving more technical-operational cooperation between a more focused group of states – partly responds to understood challenges and the frustrations of particular extra-regional partners like the US, Australia, and Japan, as well as ASEAN states seeking a more immediately impactful ASEAN response to security challenges. However, today's extra-regional challenge is also simultaneously altered and intensified by geopolitical changes. In contrast to the more permissive conditions of great power uncertainty that defined the early 1990s when the ARF first emerged, today's context is defined by heightened great power competition, of which the intensification of maritime tensions between the US and China since 2009 has been its most prominent manifestation. Moreover, as many note, the nontraditional security focus of ADMM/ADMM-Plus frameworks limit their ability to respond to what are essentially conventional security challenges. In fact, the contentiousness of conventional security issues is partly responsible for the nontraditional security focus of ADMM frameworks. Additional constraints are imposed by ASEAN states' general commitment to non-confrontational and non-interventionist approaches to the region's

security challenges. Consequently, even on questions of nontraditional security, ASEAN's limited to non-existent response to some recent humanitarian disasters point to questions about ASEAN's willingness to transcend longstanding sovereignty norms in the interest of operational readiness and responsiveness.

The South China Sea, in particular, has come to embody the complex set of constraints and challenges faced by ASEAN and its claims to ASEAN centrality in the management of regional security. Not only has the South China Sea underscored the limits of ASEAN's influence vis-à-vis individual great powers and in moderating the tensions between them, but the South China Sea disputes have also greatly taxed both intra-ASEAN unity and its reputation – both important foundations for ASEAN's convening power and claims to institutional centrality. Similarly, the 2015 ADMM-Plus meeting, which failed to issue a joint declaration, demonstrated ASEAN's limitations in containing the damage caused by major power differences despite intra-ASEAN unanimity as to how to proceed.

Thus, it is important to be clear-eyed about what ASEAN can and cannot do in response to outstanding regional security challenges. For example, resolution of major power conflicts is beyond the capacities of ASEAN frameworks. In this vein, the contentiousness of conventional security challenges and major power questions also justifies the continued focus placed on both nontraditional security and capacity building in ASEAN. Also, nontraditional security challenges remain amongst the more important concerns in Southeast Asia. Efforts at cooperation and capacity building in this realm can also spill over into more conventional realms. This includes questions of logistical maneuverability, as well as military-to-military, interagency, and civil-military cooperation and communication. Meanwhile, capacity building offers a way to direct major power engagement and competitive inclinations towards ASEAN priorities – though this should be done with thought and care. For example, more might still be done to harmonise both national capacity building efforts of individual states and the identified ASEAN priorities and initiatives pursued under the different security frameworks (e.g. ARF, ADMM, ADMM-Plus). Such efforts would serve both the practical interest in security management, including improved ASEAN responsiveness, and ASEAN's political/geopolitical interest in ASEAN centrality.

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ASEAN in China's Grand Strategy

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Introduction

China shares land borders with as many as 14 countries, and has eight maritime neighbours, which means China and its neighbours are closely bound by geography. But to adequately understand China's neighbourhood relations, one must look beyond geography to consider how history, culture, geopolitics, and geo-economics have shaped, and will continue to shape, these relationships. Serious consideration must also be given to their competitive national interests in the evolution of their increasingly interdependent social, economic, and geopolitical relationship.

Southeast Asia is a huge neighbouring region for China, to which it is connected by land and the South China Sea. As the Association for Southeast Asian Nations (ASEAN) becomes a Community bringing all countries together, China's relations with ASEAN are based on two tracks – its bilateral relationship with each member and its collective relationship with ASEAN as a whole. While handling complex bilateral relations with each country, China has given priority to developing the relationship with ASEAN. With rising disputes over the South China Sea, China's relationship with ASEAN has been negatively affected.

There have been concerns that China's rise presents challenges for its neighbourhood relations.¹

¹ As commented by Wenwen Shen, whether China can regain the respect of its neighbours that it had during the era of the 'Middle Kingdom' remains to be seen. It will be a difficult balancing act for China – on the one hand demonstrating that it is back as a major power after a century of humiliation; and on the other wishing to be regarded as an important but peaceful neighbour. In an era of growing political and economic interdependence, such a development could only impact negatively on China (Shen, 2012).

What makes China's relationship with its neighbours more complicated is the close involvement of extra-regional powers, such as the United States (US). China and its neighbours clearly have a shared interest in good mutual relations and working together to achieve a peaceful and friendly relationship. If these relations are mismanaged, all sides will suffer. As a rising power, China will naturally expand its interests and exert its influence, which can lead to its neighbours questioning China's proclaimed intention of choosing a path of peaceful development.² Distrust of China by its neighbouring countries seems to have been on the rise recently. Some of China's neighbourhood countries worry about China's possible hegemonic ambitions and that it is striving to dominate regional affairs. The territorial disputes and maritime disputes in the South China Sea have led to a tense relationship between China and some ASEAN members and there has been widespread concern that the confrontations in the South China Sea may get out of control and lead to a military conflict. This situation has been made much more complicated by the announcement and implementation of the American 'pivot/rebalancing to Asia strategy'.³ Although Donald Trump, the new American President, has not used the same words, the US will not stop, or not even reduce its military engagement in East Asia and in the South China Sea areas in particular.⁴

Disputes amongst nations, including territorial disputes, can never be resolved by war, which only deepens hatred. Traditional Chinese culture adores 'peace and harmony', commends 'defusing' tensions, and pursues 'reconciliation'. When China was weak, war was sometimes imposed on it and at other times it was a defensive choice for China. Now the time for China to display its 'culture of harmony' has come.⁵ The Chinese leader, Xi Jinping, has recently called for the building of a 'community of shared interests and common destiny' amongst China and its neighbours based on the new guiding principles of 'amity, sincerity, mutual benefit, and inclusiveness'.⁶ Of course, how to truly realise this 'community dream' will depend on the will and wisdom of a rising China as well as on its neighbours.

² As commented by David Shambaugh, 'Although China's posture of late has been largely reassuring to the region, its past behavior has not always been so. Long memories, residual concerns, and irredentist issues remain and as a consequence several states appear to be practicing various types of "hedging" strategies' (Shambaugh, ed., 2005: 41).

³ As commented by Glaser (2012) 'the risk of conflict in the South China Sea is significant. These tensions are shaping – and being shaped by – rising apprehensions about the growth of China's military power and its regional intentions. China has embarked on a substantial modernization of its maritime paramilitary forces as well as naval capabilities to enforce its sovereignty and jurisdiction claims by force if necessary. At the same time, it is developing capabilities that would put U.S. forces in the region at risk in a conflict, thus potentially denying access to the U.S. Navy in the western Pacific.'

⁴ As new White House spokesman Sean Spicer said, the United States would prevent China from taking over territory in international waters in the South China Sea. See, Denyer, 2017.

⁵ Some Chinese scholars, like Yu Dunkong, a senior fellow at Chinese Academy of Social Sciences, have argued that the essence of Chinese culture is 'harmony'. He has also argued that China's call for harmony shows the recurrence of its cultural tradition, which is not just a slogan but a real commitment (Yu, 2014: 4–5).

⁶ Xi (2013). It is considered that the call for building a community of common destiny shows the real direction of China's foreign policy towards its neighbourhood areas (Liu, 2014: 3).

One of the most important changes compared with the past for China and ASEAN is that the foundations of regional cooperation have evolved and are now based on multi-layered structures ranging from the bilateral level to the regional level, such as ASEAN+1, ASEAN+3 (ASEAN+3 Macroeconomic Research Office [AMRO]), ASEAN+6 (Regional Comprehensive Economic Partnership [RCEP]), and the East Asia Summit. The regional cooperation process helps to build the community spirit and fosters shared interests. China has played an active role in promoting regional cooperation, which shows that a rising China wants to build a regional community, rather than a so-called ‘Middle Kingdom order’ that it can dominate.⁷

Overview of China’s Grand Strategy

China has a grand strategy for realising its dream of national rejuvenation through achieving the ‘Two Century Goals’, i.e. becoming a ‘moderately well off society’ by 2020, the 100th anniversary of the Chinese Communist Party, and becoming a fully developed nation by 2049, the 100th anniversary of the founding of the People’s Republic of China.

Although China is now the world’s second largest economy, it is still a developing country with a gross domestic product (GDP)/per capita far below that of developed countries. As President Xi Jinping said, ‘China remains a populous country with a weak economic foundation and uneven development. Our aggregate GDP is quite large. However, when divided by 1.3 billion, China’s per capita GDP is only around the 90th place in the world. Some 128 million Chinese are still living below the poverty line set by the United Nations. To provide a decent life for the over 1.3 billion people, we still have a long way to go, and persistent and strenuous efforts are called for.’ (Xi, 2014a: 340) Therefore, it is natural that China’s grand strategy continues to prioritise economic development (Chu, 2013: 3–5), and for this it is crucial to keep an open global market framework and a manageable and peaceful regional and world order. For the regional order, the key is to maintain peace and cooperation with the countries in the surrounding regions. For the world order, it is essential for globalisation to continue, supported by multilateral institutions and open regionalism.

⁷ On China’s rise, the views are different, as summarised by Amitav Acharya. Some see the region heading towards major conflict and blame it on Asia’s lack of European-style pacifying mechanisms of deep regional integration, multilateral institutions, and shared democratic politics. Asia’s future may thus be likened to Europe’s 19th century and early 20th century past – a multipolar rivalry ending in two catastrophic wars. Another pessimistic view compares China’s ascent to America’s in the 19th century. Like the US’ pursuit of regional expansion and the Monroe Doctrine in the Western hemisphere, this view foresees China seeking regional hegemony over its neighbours. On a cautiously optimistic note, some analysts foresee a balance of power order emerging in Asia, managed either by a concert of great powers or a Sino–US condominium (G-2). More optimistically, China’s ascent is seen as reviving a benignly hierarchal regional order in East Asia under Chinese primacy that would bring in shared prosperity and peace. The most optimistic scenario raises the prospect of a regional community, in which economic integration, multilateral institutions, and shared norms and identity remove the danger of war (Acharya, 2013).

China is committed to keeping on the road of peaceful development and not to be a superpower like the other old powers. Thus, China interacts positively with other countries for a peaceful international and regional environment. As President Xi Jinping remarked, ‘to pursue peaceful development in keeping with the development trend of the times and China’s fundamental interest is a strategic choice made by our party’ (Xi, 2014b: 271). Towards this end, while engaging and protecting the existing international system, China also intends to reshape the existing order and promote a new type of international relations based on partnership and cooperation (Ma, 2017). As a big rising power, China will surely play a more active and contributory role in international affairs in the future (Gao, 2014: 18–19).

Realising the National Rejuvenation

Realising the dream of the rejuvenation of the Chinese nation has been a long-cherished wish of the Chinese people since the advent of modern times (Xi, 2014c: 61). China’s policy of reform and opening up since 1978 has proved to be a success and this makes the Chinese dream more achievable. In 1987, the Chinese government advanced a three-step development strategy⁸ aimed at the realisation of a modern society. The targets set for the first and second steps had been fulfilled already. Encouraged by these achievements, the 18th Communist Party of China (CPC) National Congress set the ‘Two Century Goals’ (Hu, 2012). This means that China attempts to double its 2010 GDP and the per capita income of its urban and rural residents by 2020, and realise the Chinese dream of the great renewal of the Chinese nation (Xi, 2014c: 61).

Committing to Peaceful Development

In terms of a rising China, the other countries’ concerns are mainly about its possible attitude to the status quo of the international order. Realism theory predicted an offence-oriented China, which would challenge the US in the global arena and build a China-centred regional order in Asia.⁹ Hence, the US’ policy against China shifted to containment of China when the Obama administration announced the US strategy of ‘pivot Asia’, in response to which China reiterated that its rise is a peaceful one.

⁸ The three-step development strategy refers to China’s development strategy for realising initial modernisation in three steps. The first step is doubling the 1980 GDP by the end of the 1980s and ensuring that the people have adequate food and clothing; doubling the 1990 GDP by the end of 20th century and ensuring the people a moderately prosperous life is the second step; and increasing the per capita GDP level to that of moderately developed countries, ensuring the people a relatively affluent life, and realising modernisation by and large by the middle of the 21st century is the third step.

⁹ For example, some argued that few countries or elites see any future in tying their fortunes to an economically unstable empire based on militarism and destructive colonial occupations (Petras, 2012).

Table 1: China's GDP and GDP/Per Capita (1978–2016)

	GDP (US\$ billion)	Per capita GDP (US\$)
1978	211.9	222
1980	305.1	311
1985	307.0	292
1990	309.3	344
1995	727.9	604
2000	1,198.5	949
2005	2,257.6	1,732
2010	5,926.6	4,430
2011	7,301.1	5,447
2012	8,226.9	6,338
2013	9,185.0	7,081
2014	10,238.1	7,684
2015	10,982.8	8,028
2016	11,391.6	8,866

GDP = gross domestic product.

Source: China Statistical Yearbook, 1990, 2000, 2016.

A quickly rising China was also a worry of some of the ASEAN members against the background of disputes with China in the South China Sea. But China and ASEAN have worked hard to manage the tensions. While continuing to negotiate a code of conduct (COC), the two sides make more efforts to develop their economic cooperation (Beeson, 2016).

China is committed to peaceful development as a key part of its grand strategy of striving for 'a harmonious and stable domestic environment and a peaceful and stable international environment' as preconditions for its focus on development and to realise the 'Two Century Goals' (Xi, 2014d: 290). China has benefited from peaceful engagement and participation in the international system. In its peaceful development, China is facing challenges from both great power relations and relations with neighbouring countries. The historic transformation of China from a century of decline to a century of rejuvenation will inevitably exert a great impact on relations between China and its neighbours and the neighbourhood order and pattern, causing a big change in the structures of relationships and order. In other words, along with China's rise as a strong power, its neighbourhood relations and regional order will be gradually readjusted and reconstructed.

How to handle the relations between China and the US is of special importance. China proposed to build a new model of major-country relationships to avoid the so-called Thucydides Trap,¹⁰ which is different from the old model of clashes and confrontations between the major powers (Xi, 2014e: 306). But narrowing the trust gap is not easy and to avoid contests and conflicts requires mutual trust. The strong linkages between the economic and the political and security realms; and between bilateral, regional, and global affairs, which are already established between the two sides, contribute to a manageable relationship (Yuan, 2012).

Developing cooperative and harmonious neighbouring relations is of great importance. China's relations with its neighbouring countries, including ASEAN members, have witnessed significant changes. China has become the largest market for most of its neighbouring economies, and a more and more important source of foreign direct investment (FDI) flows for them. China and its neighbouring economies are connected by production networks backed by investment and trade flows. More importantly, the economies of China and its neighbours are linked by various free trade arrangements (FTAs), like the China-ASEAN FTA, the China-Republic of Korea (henceforth, Korea) FTA, the China-Australia FTA, the China-New Zealand FTA, the China-Pakistan FTA, the China-Japan-Korea FTA still being negotiated, and the forthcoming RCEP. Furthermore, the cooperation frameworks go beyond economic relations, like the Shanghai Cooperation Organization (SCO), the China-ASEAN summit, the China-Japan-Korea summit, etc. To address the special importance of relations with its neighbouring countries, the Chinese government refers to good diplomacy with neighbouring countries as 'a basic requirement for realising the "Two Century Goals" and the Chinese Dream of the rejuvenation of the Chinese nation' (Xi, 2014f: 325).

The relations between China and its neighbours already have many features of new relationships, the most outstanding ones of which are: interest sharing has been enhanced, mechanisms of sub-regional dialogue and cooperation embodying convergence of interests have been established, and, above all, China has become the constructive factor in the change of these relationships. These new developments are on the whole conducive to constructing a peaceful and cooperative neighbourhood for China.

¹⁰ The Thucydides Trap is a term coined by Graham T. Allison, a Harvard professor and recognised US national security and defence policy expert. The concept itself comes from, fittingly, Thucydides, a Greek historian from about 2,400 years ago who wrote a book entitled *The History of the Peloponnesian War*, generally regarded as the first work of history as we would recognise it. Thucydides argued that the cause of the Peloponnesian War was 'the growth of Athenian power and the fear which this caused in Sparta' (Allison, 2015). In other words, as one power rises, an already established power gets nervous and gears up for war, with this devolving into a vicious cycle that eventually results in war.

Playing a Constructive Role

China has no intention and no need to overthrow the existing international economic system since it has benefited from participating in it. However, the existing international system needs reform and improvement. For example, the developing economies, including China, should have a greater say and role in international organisations such as the International Monetary Fund and the World Bank. The world also needs new institutions to respond to new situations and new demands. In fact, reform of existing international institutions and establishment of new international institutions are unavoidable. As an emerging new power, China assumes responsibility for coming up with new initiatives that provide opportunities for it to play a bigger role, while at the same time making more contributions. The ‘Belt and Road Initiative’ (BRI) put forward by China is a good example for understanding how China intends to play such a contributive role.¹¹

Aimed at promoting regional connectivity and integration, the BRI is based on China’s awareness of the fact that poor infrastructure has been a bottleneck for most developing countries. The success of BRI depends on mobilising resources not only from China and the countries along the road, but also from the rest of the world. Towards this end, China unilaterally set up the Silk Road Fund and founded the Asian Infrastructure Investment Bank with other countries. As a new model of win–win cooperation, BRI is not exclusive and welcomes the involvement and support of the world community. Besides highlighting the need of developing countries and mobilising resources to eliminate poverty and narrow the development gap through BRI, China also plays an active role in the association of Brazil, Russia, India, China, and South Africa (BRICS), the G20, Asia–Pacific Economic Cooperation (APEC), and other international institutions. Faced with a slow recovery of the world economy and rising protectionism, China works hard to keep its economy on the right track for restructuring and shows a strong interest in and responsibility for defending the positive trend of globalisation against protectionism (Zhu, 2017).

¹¹ Muhammad Azizul Haque argued that China’s bid to assume global responsibility is very clear from its endeavours to ensure peace, stability, and development of China and the rest of the world. This is evident in China’s efforts and roles in the proposed establishment of the Asian Infrastructure Investment Bank, the BRICS (Brazil, Russia, India, China, and South Africa) Bank, the Conference on Interaction and Confidence Building Measures in Asia (CICA), etc. (Haque, 2014).

ASEAN in China's Grand Strategy

Retrospective on China-ASEAN Relations

Relations between China and the Southeast Asian countries were fraught with difficulties after World War II due to complex reasons.¹² Relations were still difficult when ASEAN was established in 1967, but relations between China and ASEAN entered a new era when they decided to forge a dialogue partnership in 1991 against a background of an overall normalisation of China's relations with all ASEAN members.¹³ The relationship much improved when at the time of the Asian financial crisis of 1997 China insisted not to devalue the yuan and provided financial support to those countries most severely affected by the crisis, which made ASEAN countries feel China was a true partner extending a helpful hand at a difficult time. In the same year, China and ASEAN established a cooperative partnership for the 21st century based on mutual trust and good neighbourly relations. China also actively participated in the regional cooperative institutions led by ASEAN, such as ASEAN+1 (China), ASEAN+3 (China, Korea, and Japan), as well as the East Asia Summit.

Since 2000, the relations between China and ASEAN have been deepened and enhanced through institution building. China proposed to establish a FTA with ASEAN in 2000, to which ASEAN responded positively. A comprehensive economic cooperation framework was signed for the FTA negotiation in 2002, and in the same year China and ASEAN signed the Declaration on Conduct (DOC) in the South China Sea in which they committed to solving their disputes over the South China Sea in a peaceful manner. In 2003, China joined the Treaty of Amity in Southeast Asia (TAC), and a strategic partnership for peace and prosperity was established. Based on this strategic partnership, a comprehensive framework for dialogue and cooperation from top leaders to ministers, as well as various working institutions have been set up since the beginning of this century. China accredited an ambassador to ASEAN in 2008, demonstrating it acknowledges ASEAN as a regional entity and an important partner. This has been China's 'dual-track approach', i.e. while handling the relations with each member,

¹² For example, the Cold War confrontation, the involvement of the communist movement in Southeast Asia, the clash between China and Viet Nam against the background of the China-Soviet Union confrontation, etc., divided China and the Southeast Asian countries.

¹³ In May 1991, China's then Foreign Minister Qian Qishen wrote a letter to ASEAN to ask for opening the dialogue with ASEAN, which received a quick response from ASEAN. Qian Qishen attended the 24th ASEAN Foreign Ministers' meeting as a distinguished guest of ASEAN. And in 1996, ASEAN accepted China as its comprehensive dialogue partner.

ASEAN itself has become an important partner in developing the relations between China and Southeast Asia at the same time.¹⁴

In 2013, the new Chinese leader, Xi Jinping, put forward a series of new ideas and proposals for deepening China's relationship with ASEAN, including building a China-ASEAN community of common destiny, signing the treaty of good neighbourly relations and cooperation between China and ASEAN, and building a 21st Century Maritime Silk Road (one part of BRI). China believes that ASEAN understands and supports China's rise better than other countries.¹⁵

Over the last 25 years, China has always regarded and treated ASEAN as a special and close partner by initiating constructive agendas. China was the first dialogue partner to join the TAC,¹⁶ the first country to forge a strategic partnership with ASEAN, the first partner to sign ASEAN's Protocol to the Treaty on Southeast Asia Nuclear Weapon Free Zone and the first partner to propose and negotiate an FTA with ASEAN. China has firmly supported ASEAN's centrality in leading and coordinating the regional dialogue and cooperation frameworks (Zhang, 2008).

China and the ASEAN countries have built up a close economic interdependence over the last 25 years, which has become a safety belt both for their economic development and for their comprehensive bilateral relationship. Their economic interdependence was based mainly on them joining regional production networks, and this interdependence deepened after conclusion of the China-ASEAN FTA.¹⁷ From 1991 to 2015, China-ASEAN trade rocketed from about US\$8 billion to US\$472.2 billion, which made China the largest trading partner for ASEAN, and ASEAN the third largest one for China.¹⁸ Bilateral inward FDI stocks reached US\$160 billion, and China is becoming a major source of FDI for ASEAN (Li, 2016).

¹⁴ Wang Yi, China's foreign minister, mentioned the 'dual-track' approach when he talked about the South China Sea dispute. He said that China supports and advocates the 'dual-track' approach, i.e. for relevant disputes to be addressed by countries directly concerned through friendly consultations and negotiations and in a peaceful way, and for peace and stability in the South China Sea to be jointly maintained by China and ASEAN countries (Wang, 2014).

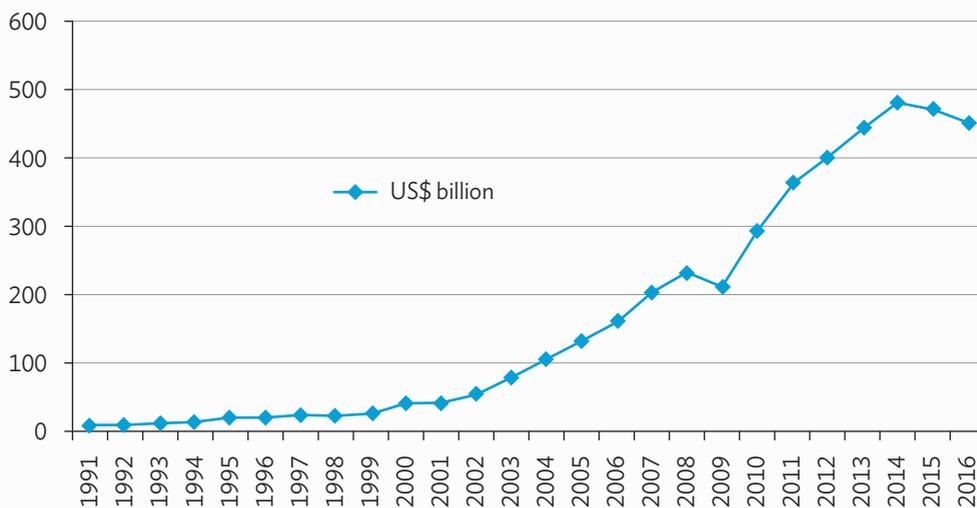
¹⁵ Former ASEAN Secretary General Rodolfo Severino, Jr. once said that ASEAN already accepted China as a rising power with satisfaction (Severino, 2008).

¹⁶ ASEAN agreed to accept non-ASEAN countries could join TAC in July 1998, and China signed the treaty in October 2003, thus becoming the first non-ASEAN country to join the treaty.

¹⁷ Although the negotiations on the China-ASEAN FTA started in 2002 and were completed in 2010, the implementation began simultaneously as the agreements on trade in goods, on services, and on investment had been concluded separately.

¹⁸ Bilateral trade reached a peak in 2015 and saw a decline in 2016 due to the slow economic recovery.

Figure 1: China-ASEAN Trade (1991-2016)



ASEAN = Association of Southeast Asian Nations.

Source: China Trade and External Economic Statistical Yearbook, 1992, 2000, 2016.

However, against the background of China's quick rise and the emergence of its South China Sea disputes with some ASEAN members, the mutual trust deficit seems larger. Some have likened China's assertive attitude towards the South China Sea issue to bullying of the ASEAN members concerned. A moderate opinion argued that China's South East Asia strategy was designed for China to become the dominant power of the region, and for this reason, ASEAN should be careful in dealing with a rising China to defend ASEAN centrality in regional affairs (Li, 2015). To some extent, it is understandable that ASEAN countries worry about a quickly rising neighbouring power. But on the other hand, ASEAN needs to recognise that China naturally looks after its national interests including in the South China Sea. Based on their common interest in a stable and cooperative regional order, China and ASEAN need to work hard together to handle the disputes and continue their comprehensive cooperation agendas.

ASEAN in China's Strategy Perspective

China recognises ASEAN as a special and reliable strategic partner. While it carefully manages its complex relationship with each member of ASEAN, China has given priority to developing its relationship with ASEAN. China made an important decision to establish its formal relationship with ASEAN in 1991 soon after the end of the Cold War with the strategic view of regarding ASEAN as a key player in regional affairs.

The economic relationship is key for China in terms of developing its comprehensive relations with ASEAN. In negotiating the FTA with ASEAN, it was China that firstly regarded ASEAN as a group, providing a model for others to follow. This close economic relationship becomes a foundation stone for deepening China's overall relations with ASEAN. Strong economic linkages and shared interests between China and ASEAN have played an essential role in helping to stabilise and improve their relations. Trade between China and ASEAN increased 60 times during 1991–2016, and there is huge potential for further development.¹⁹ After China's opening up, ASEAN members became the major source of FDI flows into China. In 2015, 1,154 new companies were established by ASEAN countries in China, and US\$7.86 billion was invested, which meant ASEAN surpassed the European Union (US\$ 7.11 billion) and became the second largest FDI source region/country. More recently, China's investment in ASEAN has also increased rapidly. In 2015, China's FDI in ASEAN reached US\$9.45 billion. According to ASEAN statistics, China became the fourth largest FDI source after the European Union, Japan, and the US. By 2015, the two-way accumulative direct investment stock between China and ASEAN had surpassed US\$160 billion, compared with US\$30.1 billion at the end of 2002. 'With the progress of the BRI, production capacity cooperation will be highlighted, and ASEAN is the main region for China to carry out production capacity cooperation' (Guo and Li, 2016: 21). At the same time, other forms of exchange and cooperation, ranging from culture and education to tourism, have also developed strongly. For example, China has become the largest source country of tourists in ASEAN, which has given ASEAN economic growth a new dynamism.²⁰

In terms of the future perspective, economic relations between China and ASEAN will be further strengthened by several new supporting agendas, such as the upgraded China–ASEAN FTA, implementation of the BRI, as well as the conclusion of the negotiation on the RCEP. Based on a more open market framework and more industrial capacity cooperation, it is expected that the economic integration of China and ASEAN will be significantly enhanced.

Southeast Asia used to be a region rife with confrontation and wars, but ASEAN has become an integrated regional organisation bringing all countries in the region together, step by step, for peace making and economic development. The principles of the 'ASEAN Way', especially those stipulated in the TAC, have provided the legal foundation for ASEAN members working together for common peace and prosperity.

¹⁹ They set the bilateral trade targeted as high as US\$1 trillion by 2020. See a report on signing the agreement for upgrading China–ASEAN FTA. <http://money.163.com/15/1122/20/B9288LML00252G50.html>

²⁰ See a report on China–ASEAN tourism, http://epaper.gmw.cn/gmrb/html/2016-01/25/nw.D110000gmrbr_20160125_6-12.htm?div=-1

It is clear that peace seeking and peace-building have become common goals for all members of ASEAN (Razak, 2015) and, through joint efforts, ASEAN has continued to make progress and move forward.

Community building helps ASEAN to be a stable and prosperous region and to play a more constructive role in networking with other partners, including China, outside the Southeast Asian region for cooperation. China believes that the ASEAN Communities (the Economic Community, Security Community, and Social and Cultural Community) will be beneficial. China strongly supports ASEAN to play a leading role in bringing together its partners from East Asia and the Asia-Pacific, and also the European Union, for dialogue and cooperation. Of China's 'two track approach' in developing its relations with ASEAN, the ASEAN track is considered by China to be essential for developing an integrated framework for economic cooperation, like the China-ASEAN FTA and the RCEP, and for overcoming differences and building stability and peace.

China trusts ASEAN as a strategic partner to play a strong role in the peaceful resolution of the South China Sea issue. Avoiding outside power intervention on this issue is critically important, because once the South China Sea issue becomes a part of the power game, there will be less room left for ASEAN to play a constructive role in managing the dispute. Completing a framework for a COC is a test case for China and ASEAN to build trust and work closely together for regional peace and cooperation in the future. The quick improvement of the China-Philippines relationship following a crisis due to an arbitration case brought by the Philippines against China concerning certain issues in the South China Sea, shows that confidence and trust are essential for the two sides in managing their differences.²¹

As ASEAN is the only regional organisation with rich experience of community building, it plays a special role in nurturing the community spirit in East Asia. The East Asian Vision Group (EAVG) set up by ASEAN in 2001 recommended building an East Asian community. Although realising the East Asian community still seems a distant prospect, the efforts at community building should be kept up, and the role of ASEAN as a hub for the process is crucial. China has called on the ASEAN countries to work together on building a regional community of common destiny, which would be a valuable contribution to regional community building as it is based on the idea of living together in peace and working together on shared interests. China also believes that ASEAN is a trustworthy partner to work with on realising this goal.

²¹ On 8 March 2017, China's new minister of commerce visited Manila and China and signed contracts worth a total of US\$3.7 billion for three projects while President Duterte promised to attend a summit to be held in Beijing in May 2017.

Meeting New Challenges

Since 1991, the China–ASEAN relation has been upgraded from a dialogue partnership to a comprehensive strategic partnership based on the belief that their cooperation will realise a ‘win–win’ result (Wang, 2011). However, the China–ASEAN relationship has entered a new stage and is facing new challenges.

New Trust Building

Trust, especially strategic trust, is the foundation for China and ASEAN to work smoothly towards community building. China has been on the rise and will continue to rise. How to deal with a rising power like China is crucial for ASEAN since it is a neighbouring country with increasing influence. China considers a united ASEAN to be good for its relationship with the countries in Southeast Asia and it sees ASEAN as a reliable partner to handle this relationship and the affairs of the region. ASEAN should not be suspicious about China’s rising power and believe that China is committed to a peaceful rise and that building a community with a common destiny is its real intention.²² China is concerned that the basis of strategic trust will be harmed if ASEAN adopts a balance of power strategy by inviting the US and other outside powers to engage in the South China Sea issue. The China–ASEAN strategic partnership needs to add more cooperative agendas for joint initiatives and actions (Li, 2015), which will help to reduce the trust gap between them.

Advancing Economic Cooperation

The Chinese economy has arrived at a ‘new normal phase’ – it moved from a high growth period to a moderate growth period due to restructuring and a change in its driving forces. The main driving force behind future Chinese economic growth is expected to be technology and product innovation, and domestic demand. The past production networks of both China and ASEAN were based on China as a manufacturing centre for exports to outside markets. With the Chinese economy moving to a higher stage based on a demand led model supported by innovation, China and ASEAN will have the opportunity to forge a new structure. China will invest more in ASEAN to establish the production networks and import more from ASEAN.

The BRI provides a new opportunity for China and ASEAN to deepen their economic cooperation. The BRI is considered a new type of development cooperation based on the principles of jointly consulting, designing, constructing, and sharing the benefits.

²² The Chinese leader proposed to sign the treaty of good-neighbourliness, friendship, and cooperation with ASEAN that shows the will of China to build a trustful relationship with ASEAN. See, Xinhua News (2013).

The priorities of the BRI will be: (1) Policy coordination through coordinating the economic development strategies and policies, working out plans and measures, and providing policy support for the implementation amongst partners; (2) Connectivity through building infrastructure networks by also integrating construction plans and technical standard systems; (3) Promotion of trade and investment through improving investment and trade facilitation, and removing investment and trade barriers for the creation of a sound business environment; (4) Financial cooperation through building a currency stability system, an investment and financing system, a credit information system, and a currency swap and settlement system, developing the bond market, establishing new financial institutions, such as the Asian Infrastructure Investment Bank and the Silk Road Fund; (5) People exchanges by promoting cultural and academic exchanges, personnel exchanges and cooperation, media cooperation, youth and women exchanges, and volunteer services, to win public support.²³ By working together, China and ASEAN will develop a new dynamic economic area.

Managing Disputes

Avoiding the occurrence of war in China's neighbourhood is a general strategic design as well as a major strategic target. War can never resolve disputes, including territorial disputes; it only deepens hatred. The traditional Chinese culture adores 'peace and harmony', commends 'defusing' contradictions, and pursues the goal of 'reconciliation'. With China's rising confidence, the time for China to display its 'culture of harmony' has come.

The dispute in the South China Sea carries great risks. Above all, China and ASEAN need to stabilise the overall situation, which means avoiding escalation and enhancing cooperation amongst the parties directly involved. As an organisation representing the interests of all of its 10 member countries, ASEAN should play a more active role in stabilising the overall situation. China calls for 'a dual track approach', i.e. negotiations between China and the partner in question bilaterally and cooperation on managing stability between China and ASEAN. The disputes in the South China Sea involve the problem of historical rights, the current status, and outside factors. There seem to be no easy and simple solutions. The challenge is how to maintain stability while at the same time making progress on improving the situation and reach a new consensus, like signing a COC and developing cooperation programmes ranging from maritime environmental protection, to resource development, to maritime security for navigation and fishing, etc.

²³ See, Ministry of Commerce, People's Republic of China (2015).

Championing Globalisation

Current trends of anti-globalisation and protectionism are harmful to the global economic recovery and the world market system. Both China and ASEAN have benefited from participating in globalisation, which is marked by open market structures and international production networks that are backed by multilateralism, open regionalism, and unilateral openness. The new US President Trump is adopting an 'American first' policy which means the US will take actions based on its own national interests by ignoring multilateral and regional rules and regulations. For example, President Trump announced the US withdrawal from the Trans-Pacific Partnership agreement without consultation with its partners, his intention to renegotiate the North American Free Trade Agreement, that he would not to abide by World Trade Organization resolutions, and that he would impose high tariffs on goods exported to the US. As the US played a key role in initiating and promoting multilateral institutions and has been a major force in support of globalisation, President Trump's rollback of the Obama administration's policies will have a significant impact. China and ASEAN, apart from jointly insisting on open regionalism in East Asia and the Asia-Pacific, like supporting APEC's role in promoting the Free Trade Area of the Asia-Pacific (FTAAP) agenda, should also work together closely to implement the World Trade Organization trade facilitation agreement and initiate new agendas for keeping multilateralism alive and effective. In East Asia, they should strengthen their efforts to conclude the negotiations on the RCEP by the end of 2017.

Conclusion

Overall, China and ASEAN have done well in developing their cooperative relationship (Xu and Yang, 2016). Knowing ASEAN is always important to China's grand strategy and China cherishes its relationship with ASEAN countries. China's perspective on ASEAN has not been affected by the South China Sea disputes, even though they have had some negative effects on mutual trust and the environment for close cooperation. In facing the challenges more efforts need to be made to build new trust and initiate new mutually beneficial actions. The BRI provides a new framework and opportunity for China and ASEAN to deepen their relations through close consultation and cooperation.

China and ASEAN as neighbours are linked together by geography and interests. For a better future, they need to frankly express their perspectives to each other and define their common goals and share their agendas in both bilateral and regional affairs (Zhang, 2017).

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Integrative Chapter for Volume Four: ASEAN's Socio-cultural Community

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The Association of Southeast Asia Nations (ASEAN) Socio-Cultural Community (ASCC) is by a wide measure the most adaptive, re-engineered, and reinvented pillar of the ASEAN Community. Often deemed to be the soft side of development or sectoral cooperation, conflated with technical cooperation among developing countries (TCDC)¹, and eclipsed by political–security and economic cooperation for the first 2 decades of ASEAN, socio-cultural cooperation grew out of ideas and concepts of functionalism, neo-functionalism, and was significantly influenced by globalisation. This dimension of regionalism was given the official name ‘functional cooperation’ in 1987. On the wave of the sustainable development movement, its scope of work was expanded and then labeled ‘socio-cultural cooperation’ by 2004. The coming of age for the ASCC was the elevation of its status as a legal ASEAN organ granted under the ASEAN Charter in 2007, and at once armed with a stronger sense of purpose by the ASCC Blueprint (2009–2015), and given responsibility for championing and defining the ASEAN Identity.

Former Prime Minister of Thailand Abhisit Vejjajiva in his essay, ‘The Critical Importance of Socio-Cultural Community for the Future of ASEAN’ (Volume 1), asserts there is no doubt that much attention and focus has been placed on the economic goals, building on the achievement of the ASEAN Free Trade Agreement (AFTA), the dominance of economic concerns, the desire to remain competitive and relevant in a region with the giant economies of China and India. However, he contends that expectations are misplaced that the ASEAN economic pillar alone would provide the main driving force towards ‘a true and single community in the region’. He asserts that to attain its vision ‘would require all of us to look beyond economic cooperation as the main driving force. On the contrary, even the AEC itself will find progress tough to achieve if the peoples of ASEAN are not brought closer socially and culturally’. He finds that aspiring to a

¹ Originating from the Buenos Aires Plan of Action (BAPA) for Promoting and Implementing Technical Cooperation among Developing Countries by the United Nations General Assembly in 1978 (resolution 33/134), which itself has been renamed South–South Cooperation.

greater notion of social integration will help transform the domestic political agenda and that building on the achievement of the ASCC should be a key force for doing so. Abhisit provides examples of revisiting and returning to the essence of the ‘ASEAN Way’ as a cooperation modality rooted in the region’s cultural roots. Compellingly, he believes that the ASCC pillar is of critical importance for refining and redefining the ASEAN Way in driving ASEAN forward.

Socio-cultural cooperation is a vital and highly complex constituency, poised in the post-2015 period to take a significantly greater role in the ASEAN Community project. Its strengths – and arguably its weaknesses – are its adaptiveness, eclectic nature, ability to mould its persona, and malleability to the political, economic, and social demands of the day. Will these characteristics enhance or constrain achievement of the ASCC Blueprint 2025 and the United Nations (UN) 2030 Agenda for Sustainable Development as it faces the challenges of the ASEAN Community in the next 10 to 15 years?

Governing the ASCC

The ASCC is managed by a ministerial council – the ASCC Council – which is supported by a body of senior officials that coordinates and monitors the work of some 20 sectors, each led at the ministerial level and in turn supported by sectoral senior officials who can form and call upon clusters and groupings of experts and subject-matter specialists, all of whom can in turn draw on an expanding pool of dialogue and external partners, non-governmental organisations, private sector organisations, civil society, and traditional and non-traditional partners. The ASEAN Member States have conferred coordination of the ASCC portfolio preponderantly to ministries that have purview over human development, social development, labour, and cultural sectors.² This is not a static configuration and it is a tribute to the ASCC’s inclusivity while keeping sight of achieving its goals under the ASCC blueprint. However, this is illustrative of the complexity and elusiveness of classifying and categorising ASEAN’s most dynamic and diverse community.

This volume explores recurring, persistent, and emerging themes that helped define the ASCC and frame the key challenges for the ASCC in the next 10 years: the role of

² ASCC Council Ministers: Ministry of Culture, Youth and Sports, Brunei Darussalam; Ministry of Labour and Vocational Training, Cambodia; Coordinating Ministry for Human Development and Culture, Indonesia; Ministry of Information, Culture and Tourism, Lao PDR; Ministry of Tourism and Culture, Malaysia; Ministry of Religious Affairs and Culture, Myanmar; Department of Social Welfare and Development, Philippines; Ministry of Social and Family Development, Singapore; Ministry of Social Development and Human Security, Thailand; Ministry of Labour, Invalids and Social Affairs, Viet Nam.

social media and networking in social integration; responsiveness of ASCC institutions to promote and protect human rights and instil good governance; consolidating regional integration through capacity development of non-state actors; the promise of education and health services as a source of innovation; designing and modelling a sustainable and resilient future for ASEAN; addressing the demographics of social protection and its impact on integration; the ongoing work in progress of shaping and sculpting an ASEAN Identity suited for the ASEAN Community Vision 2025; and the coordination conundrum in facing cross-cutting and cross-sectoral issues.

ASCC and Regional Integration: A Social Networking and Diversity Messaging Pathway

How can ASCC tap into this dynamism and diversity in a manner that nurtures and creates a pool of the region's future leaders and citizens that believe in the regional organisation's principles and promises of regional integration? What are the indicators of success that tell us whether the ASCC is on the right path to cultivating and passing on the awareness, sustaining interest in, and maintaining relevancy of ASEAN Centrality especially among youth? In their fascinating paper, 'Leveraging on Business, Art/Culture, Technology, and Networking in Building ASEAN's Young Generation in an Integrated ASEAN', Karndee Leopairote, Marisara Promyotin, and Spencer Giorgio investigate how the young generation's mindset towards integration is shaped by business, art/culture, networking, and technology. They find in the young generation of ASEAN a belief in the power of networking in implementing integration, and that religion, ethnicity, educational backgrounds, and languages, for example, are viewed as unique assets. 'Diversity of the region is not a problem; it is an opportunity to learn from one another and grow', they argue. Of the elements examined, ASEAN millennials see networking as having the strongest impact on integration. The paper recommends a more ASCC orientation in the way ASEAN studies are pursued with a focus on teaching students that diversity is an asset to better leverage future advantages.

Empowered People and Strengthened Institutions: Integrating Human Rights with Good Governance

The ASCC Blueprint 2025 is unequivocal in underscoring that 'the ASEAN Community shall be characterised as one that engages and benefits its peoples, upheld by the principles of good governance' (ASCC Blueprint 2025, Characteristic A). To this end, the ASCC Blueprint 2025 sees an important outcome as being an empowered people and strengthened institutions (ASCC Blueprint 2025, Key Result A.2). What will drive the next generation of ASEAN institutions and business processes to become responsive, and benefitting and engaging the people? Vitit Muntarbhorn's essay on 'Enlarging the

Space for the People: Whither Human Rights and Governance in ASEAN?' looks at the organisation's progress in human rights and good governance and poses important questions on the extent these are actually institutionalised as part of the regional order and the quality of their legitimisation in ASEAN declarations and frameworks, juxtaposed against its international commitments. As proxies and test cases for regional integration, Vitit looks closely at the integration of human rights and good governance, and of various regional human rights mechanisms, emanating from the ASEAN Charter, the ASEAN Intergovernmental Commission on Human Rights (AICHR), the ASEAN Commission on the Rights of Women and Children (ACWC), and the ASEAN Committee on the Rights of Migrant Workers (ACMW). Vitit asserts, 'when the pillar of people's participation and people-based centrality anchored on human rights and good governance, alias democracy, is truly embedded in the region can ASEAN claim to have founded a dynamic regional architecture beyond the pedestals of an inter-governmental framework'.

A Key to ASCC Stakeholder Partnership Intensity and Expansion: Engaging Non-State Actors

Engaged stakeholders in ASEAN processes is the first key result of the ASCC Blueprint (Key Result A.1) aiming at an ASCC that engages and benefits the people (ASCC Blueprint Characteristic A). What do Non-State Actors (NSAs) feel about the space afforded and opportunities available to them in the ASEAN Community? Do NSAs feel they are given the recognition and the latitude to play a meaningful role in community building? The role of non-state actors is examined in appreciable detail by Alexander C. Chandra, Rahimah Abdulrahim, and A. Ibrahim Almuttaqi in their piece, 'Non-state Actors' Engagement with ASEAN: Current State of Play and Way Forward'. They argue that interactions with NSAs – the business community, think tanks and academia, and civil society organisations – have taken place on an ad hoc, informal basis and have become institutionalised. To measure the effectiveness of ASEAN's engagement with non-state actors their paper analyses the results of an online survey by some 100 respondents that shared perspectives on seven questions around the influence of NSAs in the ASEAN's decision-making process. Among important findings, the survey highlighted perspectives on how ASEAN policies were reflective of NSA interests more so in the economic sphere, and less of peoples' needs and rights; the limitations of ASEAN-led engagement processes and engagements in involving NSAs; a relatively favourable view of ASEAN-led engagements by NSAs given the simplified structure, flexibility, and inclusiveness of such mechanisms; a perception that NSA advocacy efforts were not easily attributable in ASEAN policies; and the view by NSAs that ASEAN-led engagement processes were utilised to socialise ASEAN policies rather than as a means to gather stakeholder inputs. The authors end by framing a number of recommendations to enhance the process of engaging and increasing the diversity of

ASEAN NSAs: broadening, institutionalising, and regularising the formal engagement to the technical, ASEAN national secretariat and relevant national levels, with a transparent and simplified accreditation process, and a mutually agreed monitoring and evaluation mechanism; and encourage and structurally enhance Dialogue Partners programmes in NSA capacity development.

The ASEAN Identity and its Role in Building a Single ASEAN Community

There is intense regional discourse on the notion of an ASEAN identity, a concept enshrined in the ASEAN Charter (2007) albeit with an emphasis on promotion; and further supplemented by the ASEAN Declaration on Cultural Heritage (2000), which draws on the strength of the region's multiplicity of cultural and traditional identities. ASEAN Identity is defined as 'the basis of Southeast Asia's regional interests. It is our collective personality, norms, values and beliefs as well as aspirations as one ASEAN Community The strategic objective is .. to create a sense of belonging, consolidate unity in diversity and enhance deeper mutual understanding among ASEAN member countries about their culture, history, religion and civilization'. (ASEAN Secretariat, 2009) Interestingly, the ASCC's definition of ASEAN Identity is the most widely quoted and plausibly very compelling, with the ASCC Blueprint stating that the way to achieve this is 'to mainstream and promote greater awareness and common values in the spirit of unity in diversity at all levels of society'.

The ASEAN identity also informs ASEAN regionalism, which itself is closely tied to trade liberalisation, trade facilitation, and economic cooperation. As such, the quest for an ASEAN Identity is replete with tension as it adjusts through the various transitions of regionalism: from the influence of regional initiatives in the 1950s and 1960s that witnessed the establishment of the European Community to the so-called 'new regionalism', which paradoxically promoted closed regionalism in the 1980s and saw regional trade blocs, to the open regionalism championed in 1989 by the Asia-Pacific Economic Cooperation (APEC) forum to the challenges of East Asia regionalism in the 1990s, which led to the convening of the First East Asia Summit in 2005, to the more recent civil society-inspired movement on alternative regionalisms that seeks to promote global democracy.

Amitav Acharya (Acharya, 2000) makes an important clarification that ASEAN identity is a more recent notion and its contours dependent on political and strategic forces. And while it is a reflection of Southeast Asian identity, it is not identical to it.

More importantly, the two notions are not mutually exclusive: to understand one it is important to understand the other. ASEAN's identity-building project is challenged by inter-ASEAN tensions and externalities, notably the rise of China and India, economic globalisation, transnational threats, and renewed great power rivalry. Acharya argues for nurturing of identity through greater cohesion and purpose to preserve ASEAN's normative influence in regional and global affairs.

Indeed, outside of the ASCC Blueprint there is no other formal definition of what constitutes the ASEAN Identity. The definition offered equates the identity as embodying one ASEAN Community. And yet, the search for a regional identity can be ephemeral, bordering on a search for cosmic relevance or as Acharya puts it: 'a quest or 'identity in the making'. The search for regional identity is an amalgam of multiple identities spanning the individual and a person's relationship to the local and global community (Tafel and Turner, 1979). For ASEAN, developing a collective, shared identity increases the potential to be transformative, but it should not be left as a static exercise. Shaping shared identity is a continuous and ongoing process.

What can further inform and inspire the new generation of ASEAN citizens and further develop the ongoing formulation of the ASEAN Identity, brand, and common community language? And to what extent will pursuit of excellence in trade and commerce define the regional identity? Very few come as close to the core issues in examining the quintessential Southeast Asian identity as Farish Noor in his essay 'Where Do We Begin?'. He sounds a cautionary note about ASEAN's current talk of shared cultural identity and of ASEAN centrality, about learning the wrong pre-state/post-colonial historical lessons, oversimplification, and applying conventional so-called modernist analysis in returning to our complex past for symbols and emblems that would rationalise the concept of Asia and the place of South East Asia. Farish's essay helps to achieve a better perspective in examining the ASCC's championing of the ASEAN Identity and the challenges among political, economic, and social scientists. His essay argues for recognising our blind spots, our multiple realities, and calls for the promotion of new tools, vocabulary, and lexicon in the revival of a Southeast Asian historical root in defining the ASEAN identity.

ASEAN Community Vision 2025: Challenges and Responses

The ASCC faces multi-dimensional concerns and cross-sectoral issues that involve complex relationships to manage and comprehend, and are made more challenging by overlapping, contrasting, and intersecting national and regional interests.

Issues such as climate change, food security, energy security, and disaster management are multidimensional and multisectoral, and have claim holders as well as traditional, non-traditional entities and emerging stakeholders in the ASEAN Community. Under the ASEAN Community Vision 2025, there is a notable shift in the ASCC narrative and position in community building, which appears to adopt a Whole-of-Community, Whole-of-Society approach. With the declaration of the formal establishment of the ASEAN Community on 31 December 2015 (ASEAN Secretariat, 2015), the ASCC Blueprint 2025 focuses on defining higher outcomes of significance and relevance to the ASEAN peoples: an ASCC that engages and benefits the peoples, and is inclusive, sustainable, resilient, and dynamic. The terms were carefully chosen to be more relatable and easier to communicate to the general public (excerpted from the ASEAN Community Vision 2025) (ASEAN, 2015: 16):

- **Engages and Benefits:** A committed, participative and socially-responsible community through an accountable and inclusive mechanism for the benefit of our peoples, upheld by the principles of good governance
- **Inclusive:** An inclusive community that promotes high quality of life and equitable access to opportunities for all, and promotes and protects human rights of women, children, youth, the elderly/older persons, persons with disabilities, migrant workers, and vulnerable and marginalised groups
- **Sustainable:** A sustainable community that promotes social development and environmental protection through effective mechanisms to meet the current and future needs of our peoples
- **Resilient:** A resilient community with enhanced capacity and capability to adapt and respond to social and economic vulnerabilities, disasters, climate change, as well as emerging threats and challenges
- **Dynamic:** A dynamic and harmonious community that is aware and proud of its identity, culture, and heritage with the strengthened ability to innovate and proactively contribute to the global community

Innovation through Education and Health Services

Where will the next big idea come from and what can be done to tap into and expand the sources of ASEAN innovation? Does ASEAN have a conducive environment that incubates, nurtures, or incorporates disruptive technologies and disruptive innovation? In his paper, 'ASEAN in the Asia-Pacific Century: Innovating Education and Health Services Provision for Equity and Efficiency – The Role of the Private Sector, Technology, and Regulatory cooperation', Federico M. Macaranas notes how innovation is elevated in the ASCC Blueprint in the context of intended outcomes of 'Engages and Benefits', 'Dynamic', 'Inclusive', 'Sustainable', and 'Resilient'.

Macaranas adds that regional integration should be seen in its global community context for ‘both education and health collaboration at the level of people, enterprises and institutions’ that foresees these sectors to be ‘more open and adaptive, creative, innovative and entrepreneurial’ in striving for quality and competitive higher education institutions and contributing to global health platforms. Education’s soft-connectivity character is critical to the success of the Master Plan for ASEAN Connectivity (MPAC) 2025. Macaranas poses three questions that will challenge ASEAN’s open regionalism: who champions ASEAN for its people; how does ASEAN contribute to global public goods; and what are the unforeseen or chaotic situations (or VUCA: volatile, uncertain, complex, and ambiguous) ASEAN will face in the new millennium? Examining the factor vs. efficiency vs. innovation-driven growth trajectories among ASEAN members, Macaranas points to the need for rapid development of their human capital and workforce skills. In answer to Who, the author calls for reinventing partnerships across groups and countries (G2B – Government to Business, B2P – Business to Partner, G2P – Government to Partner) within ASEAN. These partnerships are deemed the way forward, which means that identifying the leaders in these reinvented partnerships will be critical. On How, he sees an answer in systems redesign as most important with technology disruption in learner-centred education systems, responsiveness to employment needs, and regional collaboration and health research cooperation. On What, Macaranas sees an answer in addressing chaos through learning how to redefine problems and relate past solutions. He concludes by suggesting that innovation for education and health must be a joint public-private undertaking, exploiting the potential of Big Data to help prevent disintegration and link small and large enterprises, and the process should be welcoming of like-minded global players to survive long-term challenges.

Modelling Regional Cooperation for Sustainability and Resilience

Under the ASCC Blueprint (2009–2015), environmental sustainability was seen as achieving sustainable development as well as promoting clean and green environment by protecting the natural resource base for economic and social development including the sustainable management and conservation of soil, water, mineral, energy, biodiversity, forest, and coastal and marine resources as well as the improvement in water and air quality for the ASEAN region. ASEAN aimed to actively participate in global efforts towards addressing global environmental challenges, including climate change and ozone layer protection, as well as developing and adapting environmentally sound technology for development needs and environmental sustainability. Whereas the period 2009–2015 saw environment goals and actions condensed into a single community characteristic of ‘Ensuring Environmental Sustainability’, the ASCC Community Blueprint 2025 extols community characteristics that achieve ‘Sustainability’ and

‘Resilience’ at the same time adhering to a service-oriented characteristic of ‘Engaging and Benefits the People’ in an ‘Inclusive’ and ‘Dynamic’ community.

How will these multi-characteristic qualities of the ASCC Blueprint 2025 help in achieving the goals of post-2015 environmental sustainability? In ‘Ensuring ASEAN’s Sustainable and Resilient Future’, Venkatachalam Anbumozhi looks at efforts in sustainable development, and argues for further adjustments that are nuanced, context dependent, and modulated. He notes that regional cooperation for sustainability differed from the European experience where legal and economic mechanisms were created and institutionalised at the intergovernmental and supranational levels, and where EU members voluntarily waived some of their sovereignty in areas such as water quality, air pollution, disaster responses, and climate change mitigation. ASEAN institutions on the other hand are strictly intergovernmental, and lack a central environmental bureaucracy, which emphasises trust and consensus in decision-making – an approach that has helped to build mutual trust and confidence – and setting a pace that is comfortable to all ASEAN members. ASEAN environmental governance will eventually require knitting together programmes across three community pillars and consciously co-opting the SDGs, the Paris Climate Agreement on NDCs, and the Sendai Framework for Disaster Risk Reduction. Sustainability concerns in ASEAN are increasing, particularly because economic growth in many of the ASEAN Member States remains fueled by energy-intensive, carbon emitting production and polluting industries. Anbumozhi calls for an integrated collaborative framework to maximise, prioritise, and sequence the actions that derive different benefits from a sustainable and resilient environment. While noting considerable governance innovations, the author maps out what he terms as being transformative pathways that can be achieved and championed by the ASCC through a series of policy adjustments, which in turn call for cooperation between ASEAN and the international community in information and reporting systems; capacity building, particularly in resolving open trade and environment conflicts; and in innovative financing to address specific actions such as climate change.

Percy E. Sajise’s essay on ‘Empowering Communities and Countries to Conserve Biodiversity at the National and ASEAN Levels: Status, Challenges, and Ways Forward’ asserts that loss of biodiversity could lead to lack of sustainability. Biodiversity’s significance in ASEAN and to the world is borne by the fact that the region occupies 3% of the earth’s surface – it contains over 20% of all known plant, animal, and marine species. Southeast Asia is also home to many of the world’s most important crops, such as rice, mango, banana, and coconut, as well as a wealth of crop-wild relatives. Food and nutrition security in ASEAN will not be attained if the present rate of biodiversity loss continues. The latest research indicates the biodiversity situation is dire. It will be difficult to achieve the ASEAN Vision 2020 if biodiversity is not conserved

and sustainably used at the community, country, and regional levels. However, as the term is value-laden and various stakeholders interpret biodiversity in many different ways, Sajise calls for an interpretation in terms of ‘functional biodiversity’, which is the least studied but is implicit while serving to provide options for social livelihoods and ecosystem services. In assessing the ASCC Blueprint 2025, Sajise notes that biodiversity will play a critical role in promoting resilience and the use of green technology, ‘through a people-oriented and people-centred process of empowerment and people-centred goals in biodiversity conservation and its sustainable use’. He enumerates various opportunities in biodiversity conservation and sustainable use in the region, among others, ranging from the presence of a Regional Biodiversity Institution, enhanced Public Awareness of the Value of Biodiversity, and Plant Genetic Resources for Food and Agriculture (PGRFA), the existing Research Consortia on Climate Change. Sajise then lays out a practical strategy for biodiversity conservation and sustainable use in the region, among others enhancing the ASEAN Agenda on the Characterisation of Protected Areas as food and nutrition baskets, supporting and monitoring the enhanced exchanges of biodiversity materials under the Nagoya Protocol and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) through existing ASEAN networks, strengthening capacities for biodiversity conservation and sustainable use in response to Climate Change, and developing an ASEAN Consortium on Research for Biodiversity and Climate Change (AC-BCC).

Addressing the Demographics of Social Protection and its Impact on Integration

The ASCC Blueprint (2009–2015) highlighted a commitment to enhance the wellbeing and livelihood of the peoples of ASEAN through multiple avenues including ensuring social welfare and protection. ASEAN has adopted two indicators (HDI Index and availability of legislations, policies, and programmes on social protection for women, children, the elderly, and persons with disabilities) to assess the strategic objective of ensuring that all ASEAN peoples are provided with social welfare and protection from possible negative impacts of globalisation and integration by improving the quality, coverage, and sustainability of social protection and increasing the capacity of social risk management. The ASCC Blueprint 2025 places social protection within the goal of an inclusive community that seeks a high quality of life, access to opportunities, and rights.

How can ASEAN build upon its human development gains in the past decade to realise future regional economic integration and balance these with its social protection needs to meet the challenges of ASEAN Community Vision 2025? Fauziah Zen, in her piece, ‘Whither Social Protection and Human Development in an Integrating ASEAN’, calls for turning ASEAN’s current demographic dividend potential to maximise productivity

growth into actual benefits and to pursue this before such dividends close in about 2 decades. Zen's projections have a bearing on the ASCC's Blueprint as ASEAN will face a rapidly ageing population when the majority of ASEAN Member States are still at relatively low income levels with a dearth of programmes for the elderly. This points to a need to balance expected productivity with proper support for the wellbeing of the population.

Fit for Purpose: A Post-2015 ASEAN Identity

The quest for an ASEAN Identity continues in the ASEAN Community Vision 2025 with the proviso that this is the shared responsibility of all pillars, not championed solely by the ASCC but with each pillar providing its own unique imprimatur. The ASCC Blueprint 2025 prioritises internationalisation and institutionalisation of the ASEAN Identity under the rubric of 'Engages and Benefits its People' and 'Dynamic'. Engages and Benefits its People focuses on multi-sectoral and multi-stakeholder engagements, including Dialogue and Development Partners; sub-regional organisations; academia; local governments in provinces, townships, municipalities, and cities; private-public partnerships; community engagement; tripartite engagement with the labour sector; social enterprises; government organisation, non-governmental organisation, and civil society organisation (GO-NGO/CSO) engagement; corporate social responsibility (CSR); and inter-faith and inter-cultural dialogue, with emphasis on raising and sustaining awareness and caring societies of ASEAN, as well as deepening the sense of ASEAN identity. In parallel, promoting the ASEAN Identity is to be accomplished by empowering people and strengthening institutions, particularly in promoting ASEAN awareness among government officials, students, children, youths, and all stakeholders as part of building ASEAN identity. Under 'Dynamic', the ASEAN Identity is instilled by developing an ASEAN that continuously innovates and is a proactive member of the global community. That identity would be nurtured under an enabling environment with policies and institutions that engender people and firms to be more open and adaptive, creative, innovative, and entrepreneurial. This is premised by the assumption that an ASEAN Identity would further evolve by developing an open and adaptive, creative, innovative, and responsive ASEAN, and a culture of entrepreneurship. In many respects, while vouchsafing that the ASEAN Identity is a collective responsibility of all three pillars, the many traits and personalities that will contribute to the ASEAN Identity through the ASCC Blueprint has made the goal even more challenging.

The Coordination Conundrum for Cross-Cutting and Cross-Sectoral Issues

The ASCC Blueprint 2025 presents unique challenges in addressing cross-cutting issues through a conceptual and strategic framework that focuses on people and institutions. This is in stark contrast to the earlier ASCC Blueprint (2009–2015), which adopted a more conventional approach aligned with normative international and regional development outcomes such as human development, social welfare, and protection; social justice and rights; environmental sustainability; ASEAN awareness; and narrowing the development gap. With an emphasis on achieving a symmetry between an empowered and informed people and more responsive and effective institutions, the ASCC Blueprint 2025 will need to develop specific metrics and tools that can measure awareness and promote the ASEAN identity within the ASCC, and can be attuned and contribute to the work of other pillars.

The Road Ahead: A Menu of High Expectations for ASCC

The menu of expectations for ASCC and its Blueprint 2025 is a long a complex one:

- **Crossing-cutting Issues:** There remains the unfinished business left from the ASCC Blueprint (2009–2015) to compellingly and comprehensively tackle cross-cutting issues such as Climate Change; Disaster Management; Energy and Food Security; Emerging Infectious Diseases; Poverty Alleviation; Financial Crises; etc. This will require an unprecedented level of involvement by relevant sectoral bodies within and across communities, to engage in focused discussion and planning of actions to ensure complementation of efforts, attain unity of purpose, and to efficiently measure and mobilise resources.
- **Governance through Inclusive Partnerships:** A review of the current ASCC governance mechanism is required to better manage expanding stakeholder partnerships that are increasingly multi-sectoral and which requires nurturing a multi-stakeholder base. This requires a capacity in internal control management and an accountability framework that clarifies roles and responsibilities of an increasingly wide stakeholder base that needs to deliver results and use resources efficiently. To promote collaboration and be responsive to emerging cross-cutting issues, an institutional vision has to adhere to the people-centred and inclusivity principles of the ASEAN Charter and the ASEAN Declaration on the ASEAN Community, which demand a conviction to engage with more elements of the society in the region, and the creation of innovative partnerships that leverage the region's network of civil society, scientists, think tanks, and the private sector.

- **Reaching out to the Global Community: SDGs and ‘Leaving No One Behind’ Pathways:** The United Nations 2030 Agenda for Sustainable Development is a framework that stands to strengthen each ASEAN Member State’s capacity gained from regional integration and community building, and narrow the development gap. This new universal agenda will require an integrated approach to sustainable development and collective action, at all levels, to address the challenges of our time, with an overarching imperative of ‘leaving no one behind’ and addressing inequalities and discrimination as the central defining feature. Some national governments, institutions, and organisations have already started to translate the new agenda into their development plans, strategies, and visions. To address some of the incompatibilities between the ASEAN Community Vision’s strategic measures with the targets of the UN 2050 Agenda for Sustainable Development, work is already underway nationally and by ASEAN sectoral bodies to align the ASEAN Community Vision 2025 with the SDGs in yearly or multi-year targets and indicators.
- **Monitoring by each Community Council with the support of the ASEAN Secretariat:** Expectations are that ASEAN underscores a need to go beyond a symbolic and rhetorical embrace of sustainable development and a focus on extending operating principles and a focus on results. Implementing the ASCC blueprint will not be confined to the SDGs, but needs to address outcomes of the international conferences, the Sendai Framework on Disaster Risk Reduction, the Addis Ababa Action Agenda, the Paris Climate Change Conference, the World Humanitarian Summit, and the New Urban Agenda. This points to the development of ASEAN-specific composite development indicators that would form the basis of ASEAN Development Goals.
- **Address the Policy Coherence–Results Gap:** ASCC will face the pervasive need for coordinating and aligning international and regional aspirations and goals, drawing clear policy linkages between the Initiative for ASEAN Integration, the Blueprints of the other pillars, and other cross-cutting issues. To address its reach to the global community, there will be a need to develop in-depth analysis of the blueprint achievements, based on indicators that measure progress of cross-sectoral programme and activities, and inform ASCC sectoral bodies in setting priorities, milestones, and targets for sectoral annual and multi-year work planning process, while linking national, regional, and global strategies.

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PART B

ASEAN Socio-Cultural Community

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Leveraging on Business, Art/Culture, Technology, and Networking in Building ASEAN's Young Generation in an Integrated ASEAN

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Overview

In this chapter we aim to demonstrate how business, culture, technology, and networking influence the views of the young generation – their mindsets and attitudes towards Association of Southeast Asian Nations (ASEAN) integration. The main objectives are as follows:

- To identify key trends and impacts regarding ASEAN's young generation by examining business, art and culture, technology, and networking;
- To identify what has changed in the young generation's mindsets and attitudes towards ASEAN integration;
- To identify the character and the skill set required for future ASEAN generation;
- To provide recommendations on how to aid integration throughout the region.

The research utilised primary data (electronic surveys distributed to the young generation and students throughout the 10 member countries), secondary data (previous studies, related literature pieces, the internet), and phenomenon data (obtained through interviews, focus groups, and events).

A Bird's-Eye View of 50 Years of ASEAN

'One Vision, One Identity, One Community' is the ASEAN vision. This vision represents 10 countries, populated by over 120 ethnic groups, who have been taught to communicate in many different languages and have been driven by a wide range of cultural values. But ASEAN, home to over 600 million people, is anything but one. Many economists, scholars, and ASEAN Member States, believe that this misperception of diversity and cross-cultural management are liabilities. Many believe that the disparity, not only in economic terms, is too great for successful collaboration between countries such as Myanmar and Singapore. For instance, examining the political systems in each country, one observes great diversity. In ASEAN, there are three constitutional monarchies, one absolute monarchy, two socialist republics, and four democracies.

In the 1960s, ASEAN was at war due to diplomatic tension being on the rise as conflicts between different factions were spreading throughout the region. During that time of instability, an attempt to create unity made a lot of sense. According to an essay by William James (1906) the first psychologist who investigated war at a social level, a war brings a sense of cohesion and communal goals. It also inspires individual civilians to seek the service of a greater good. Another way of saying this is that a war is a process of shaping conformity and getting rid of differences.

Once the Viet Nam war was over, it was time to think about the economy and move forward. ASEAN was then introduced to the new meaning of 'ONE': 'ONE' single market and production base; 'ONE' competitive economic region; 'ONE' equitable economic development; and finally, 'ONE' mindset integrated with the global economy.

Fast-forwarding to the year 2016, ASEAN is doing very well. The ASEAN Economic Community (AEC) has achieved implementation of two-thirds of the agreements for a unified economic community. The ASEAN Political-Security Community, APSC, will be a united, inclusive, and resilient community that assists in the region's development towards prosperity. The ASEAN Socio-Cultural Community (ASCC) will be one that engages and ascertains the cultural awareness of the people, as well as respecting sustainable ideas, shows resilience, and is dynamic in form.

Given the odds of diversity, what is the best way to move forward? Is conformity the essential key, or is diversity the key to ASEAN harmony? Also, who should ASEAN people trust to lead them towards a better future for the region? Will the young ASEAN people of today be the leaders of ASEAN tomorrow?

Key Movements in and Social Impacts of Business–Art/Culture–Technology–Networking

This section focuses on the current key movements and impacts that are shaping the future. These trends are articulated in each independent variable and the implications we found for ASEAN are presented.

Business: As more and more businesses and investors have a ‘shift east’ ideology built within their company, and as new and innovative products and methods emerge, ASEAN is the central hub for international trade, development, and economic activity.

- **The Millennial Workforce is changing the way businesses view them: as a workforce, but also a target market.** Millennials are reaching the spending age, which means they will contribute a large share of consumer spending and gross domestic product (GDP). With economic and technological advancements in place, Millennials are given the opportunity to shift away from the ‘normal work week’ and put into practice innovative business ideas, and change the way day-to-day business transactions are conducted. On average, a millennial stays in a job for 4.4 years, which represents a big shift in the job market (Singh, 2015).
- **Entrepreneurship, rise of start-ups, incubator programmes, and the spread of e-commerce are all formulating an ecosystem for smaller companies and ideas to grow and flourish.** Government economic stimulus plans in Southeast Asia, such as ‘Thailand 4.0’, are springing into action because of the spread of entrepreneurial driven businesses. Start-ups, as a whole, throughout ASEAN have a cumulative valuation exceeding US\$1 billion. Low taxes, entrepreneurial clubs and fora, committees, and co-working spaces allow and aid in the development of start-ups throughout the region.
- **Young social entrepreneurs – new hope for the region.** The concept of social enterprise has attracted much attention across the ASEAN countries and this can be a tool for ASEAN integration. The idea of social enterprise is described as the ‘people sector’ established to respond to the rising problems without waiting for government support, which can be very slow and very limited. The social enterprise model provides a community-based alternative to a state-based social sector by allowing civil society to independently pursue social innovation and address problems in new ways. Many governments have realised that social enterprise will be the key force to help solve social problems such as education, poverty, and inequality. And at the same time, the ASEAN young generation has grown the positive mindset of ‘making money with meaning’.

- **Productivity is at the forefront of millennial thinking; therefore, a shared economy is completely transforming the way day-to-day routines occur.** With the ability to work remotely, and anywhere, due to technological advancements, business employees can foster collaboration with one another on an array of products while sharing space and materials. For instance, with urbanisation allowing more workers to flock to cities, the sharing economy is expecting businesses to plan accordingly for the future. Sharing cars to and from work will become the normal daily activity. Fewer and fewer Millennials own cars, believing them to be expensive and unnecessary for city life. Sharing a car with someone, however, will allow for a price structure that benefits both parties and gets more cars off of the road. A reduction in traffic will allow for an increase in productivity in the years to come.

Culture: With roughly 600 million citizens living in ASEAN, culture is of the utmost importance when observing the region. Each country is very different from its neighbours and each ethnic group in a particular country is also very unique. Therefore, to achieve the diversification harmony, we need to start by accepting and respecting each other's culture.

- **Cross-cultural management allows employees and managers to implement and acknowledge techniques to create a functioning and diverse workplace.** As the movement of skilled labour and visa-free travel comes into play, more and more ASEAN citizens will move to other ASEAN countries and become expatriates. With this opportunity comes the daunting task of getting employees at companies to understand and respect other employees' cultures. Managers are expected to incorporate cross-cultural leadership techniques into their everyday business practices. The more diverse a workplace or learning environment, the greater the opportunity to adopt foreign and global ways of thinking.
- **As the young generation is introduced to international customs, foreign movies, and different cultures, their fundamental ideas shift with regards to how they express themselves.** With this change come more diverse opinions and more individualistic ideas. The exposure to global contents – in the forms of talks, movies, or performances – has shaped the young generation to be more vocal and more expressive of their thoughts in many different areas, such as local politics, the schooling system, social issues, etc. Educated students feel a responsibility to play active roles in their communities. Voicing their opinion is one of many ways of showing others that they are intellectually stimulated and not afraid to stand by their opinions on or disagreements with foreign or different ideas.

87% think technology can connect their community with other ASEAN communities effectively

- **International ASEAN students studying abroad are changing the classroom structure and system.** ASEAN has 10 countries that are completely different in terms of customs, public systems, languages, demographic factors, health ideas, living situations, and standards. Diversity learning is shifting how students perceive the world. For instance, a Burmese student being taught by an American teacher at a university in Thailand shapes that particular student's views, making him/her think differently and acquire more global ambitions. This ideological change will help to develop international citizens. Embracing diversity and having young generation students buy into the system will allow innovative ideas to blossom and an entrepreneurial mindset to develop.

Technology: Technology is changing the way people communicate, work, study, and live. From country to country, technological advances show a plethora of differences and discrepancies with regards to development. ASEAN is in the midst of reaping the benefits and opportunities of worldwide technological improvements and innovation.

- **A change in lifestyle and a sense of 'borderless source of knowledge' are both notions that foster the sharing of knowledge across the globe quickly, efficiently, and for free.** Today, in Southeast Asia, social media is shifting the way people interact, work, study, buy things online, and in hindsight, live. The Internet of Things and social media are changing everyday life and lifestyles in Southeast Asia. This shift is also occurring globally as the world becomes more accustomed to international learning and discussion through the web. Connectivity is key within ASEAN; therefore, the Internet of Things will establish a physical as well as an intangible connection between countries. This web of inter-connectivity throughout ASEAN exemplifies the ideology of a well connected ecosystem for everyone involved (McKinsey & Company, 2010).
- **Big Data has helped companies, governments, and worldwide organisations dissect numbers and information to improve the citizens and businesses they serve.** Big Data will only advance as other means of technological awareness and products reach maturity and become available. From a human resource's point of view, Big Data could result in a better understanding of how the future employees (the young generation) think, behave, and take decisions. Eventually this information will benefit the organisation in terms of their strategic moves.
- **Coined by the World Economic Forum, The Fourth Industrial Revolution discusses the shift from electronics, information technology, and automated production to cyber-physical systems with the aim of increasing productivity.** This revolution will completely change how supply chains are managed, how people interact and live, and how connected the global business ecosystem is. This revolution will also impact many lives in Southeast Asia as companies invest in

the region and change the way they operate. The young generation is required to be flexible to change. This interconnectedness, or the borderless connection between ASEAN and the world, will challenge the old ASEAN schools of thought and trigger resistance, but it will eventually be forced to adapt for change.

Networking: For people to connect with businesses, and businesses to connect with governments, a supportive system that shares information and services amongst individuals and groups with a common interest is imperative. Networking allows joint thinking and working together to take place across the globe to raise productivity, increase connectivity, and improve personal relationships.

- **Social media platforms like Facebook, Instagram, Twitter, and Snapchat are successful because they allow people to communicate, share their**

lifestyles with others, experience ecommerce and online shopping, and see their favourite celebrities' and friends' pictures. All of these examples are ways of social networking. Social media enables people to meet other people abroad, to connect on message boards and to in-group discussions, and help spread ideas and knowledge from one culture to another. With innovative upgrades to services such as mobile payments, entrepreneurs and small to medium enterprises are utilising social media as free advertising for their company, and are networking their pages to others throughout the ASEAN region. Networking and social media are currently and will continue to be megatrends in the years to come.

91% believe social media allows them to network around ASEAN more efficiently

- **Shared economy and co-working spaces are becoming more prevalent as millennials believe they need to own less.** Malaysia, Singapore, and Thailand are the region's leaders when it comes to setting up economic stimulus plans for start-ups, hosting events, and getting students and the young generation excited about and confident to develop a company. These pioneers are establishing tax benefits along with special economic zones aimed at gaining entrepreneurs' confidence to establish a

business. As a result, such co-working spaces are now prominent features of many cities in Southeast Asia. Co-working spaces are designed for entrepreneurs to meet, socialise, share ideas, and network in the expectation that ideas and knowledge will be exchanged amongst many people. These spaces are great opportunities for ASEAN's young generation of entrepreneurs to utilise and capitalise on cheap

93% of the respondents enjoy making new friends with foreign ASEAN citizens

working stations, vibrant atmospheres, and professional coaching to improve their products. Incubators go hand-in-hand with such places and add value to new companies, providing them with a better strategic fit in the economy.

- **The official language of ASEAN is English; those who can communicate well, therefore, will integrate faster.** Getting countries to improve their education standards while using the English language is a challenging yet rewarding task. The young generation needs to be well equipped to use English as a medium of exchange between neighbouring countries. Students have many ways to improve their English language skills through technology and learning in school. However, with regards to networking, as ASEAN becomes more and more integrated, it is crucial for students to continually work on their English skills to be confident in speaking in English to other students from international schools. Only less than one third of our target population surveyed, 31.76%, said that they ‘agree’ that they are comfortable networking with other ASEAN citizens in English. This shows that English is being adopted, but the teaching methods need to be reformed.

Young ASEAN Mindset

In this section we provide a synopsis of what and how Millennials think about overcoming stereotypes, who will run the world in 2025, and the power and persona of ASEAN youth.

The Faces of Young ASEAN

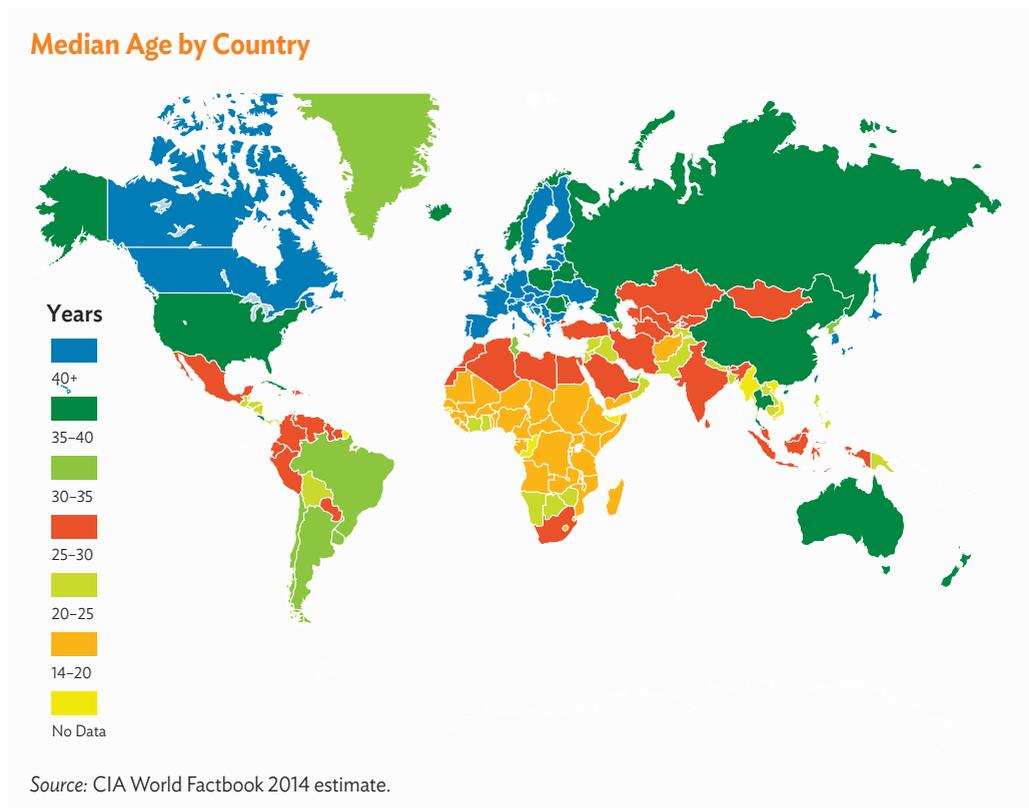
People in their 20s and early 30s in 2016 are affectionately called ‘Millennials’ or ‘Gen Y’ and the last generation of the ‘Gen X’. However, ignoring the fact that people are individuals, this young generation is perceived by the public as spoiled and entitled, lazy, and notable for their poor work ethic. They are also easily distracted by electronic gadgets, therefore antisocial and self-centred – their characteristics by default. Moreover, they have little respect for authority, switch jobs constantly, and have a minimal commitment to work.

Of course, this young generation have completely the opposite perception of themselves. Their priorities have seen a paradigm shift – instead of saving for a stable income and security for the future, they are more interested in social currencies and life experiences. Rather than being timid and shy, they are more expressive and assertive about what they want.

Who Will Run the World in 2025?

According to the definition of working age population from the Organisation for Economic Co-operation and Development (OECD), the employment ages are generally between 15 and 64. Moreover, according to a study performed by the Harvard Business Review of 17,000 leaders worldwide participating in a training programme, the average age of a first-time manager is 30 years while the average age of those in leadership training is 42. That means people in their early 20s and 30s in the year 2016 will be running the world in 2025. The age range is around the average age of the Southeast Asian Population.

To emphasise the importance of ASEAN and demonstrate the growth of its young population, note the comparison with the world population pyramid in 2016 and 2025. The potential future managers, aged 30–44 in 2025, make up around 21.3% of the forecast population, and were the same people aged 20–34 in 2016 that made up 23.8% of the world population. The global data of median age, listed by country, confirm ASEAN's position as a promising land for the future generation of leaders.



Perspectives of ASEAN Youth and Interpretation of ASEAN Motto

At this point, it is more interesting to hear what the young generation of ASEAN has got to say. And because of the new surroundings, our findings have confirmed that not only have the traditional values amongst these young citizens changed, they are also depending on various new channels to get their messages across.

The survey on attitudes and awareness towards ASEAN in 2008 indicated that 75% agreed with the statement 'I feel I am a citizen of ASEAN' (Thompson and Thianthai, 2008). This proportion has increased to more than 90% today, showing the positive direction of ASEAN awareness.

Through our survey research, we found a few keywords that aptly represent what the ASEAN Motto 'One Vision, One Identity, One Community' means for ASEAN youth and how the motto can be put into practice in their lives.

Meet Myanmar ASEAN Nations Positive Goal Kindness
Business Promote Live Idea Culture Words
Community Progress
ASEAN Countries Open Minded
Motto Language ASEAN Citizen
Southeast Asia Understand Meaning Respect
Status Able Nice Look

Obviously, there are optimists, pessimists, and those in between. But, on average, these young people are positive about new business opportunities, curious about the cultural differences, comfortable with technology, open to the world outside their communities, and most importantly, looking forward to deepening ASEAN integration.

87% strongly agree with the quote: 'because I am an ASEAN citizen, I have a strong chance of doing future business with other ASEAN citizens'

For the optimists, the motto gives them an incredible sense of possibility because of ASEAN integration. More than half of our respondents feel proud to be ASEAN; they believe that all the differences can be overcome by the willingness to understand one another.

‘This motto is really meaningful. By integrating ASEAN nations, we will be more united, and the support from one another will strengthen our power. ASEAN should help each other in whatever way possible and plausible. It should start from learning and understanding the culture of others.’
Quote from an optimistic respondent.

On the contrary, there were a few more negative comments that triggered the researchers’ curiosity – 19% of the respondents thought ASEAN integration will never happen because the differences in economic background, each country’s way of life, and core beliefs and values, are far too great to overcome.

87% want foreign ASEAN citizens to feel welcome in their home country

However, they did not completely dismiss the importance of ASEAN integration as a way to increase the competitiveness of the region. These young people accept that ASEAN is in fact a land of diversity and they would rather find a way for the very different people of the region to coexist.

‘ASEAN should be recognised as a land of diversity; I would rather have these amazing differences coexist than have ASEAN called One Identity.’
Quote from a pessimistic respondent.

‘The implementation of this motto should be expanded to the wider range of people, not consistently emphasised among the government offices, and policymakers.’ *Quote from an ‘in-between-opinion’ respondent.*

Finally, for the 28% of respondents whose opinions were in between, they were requesting to see the motto in action. Their suggestions revolved around welcoming, learning from, and networking with other ASEAN people to fully understand and accept ASEAN’s differences.

Key Findings and Recommendations

This section outlines the key findings, recommendations, and implications for further research.

Key Findings and Implications

The purpose of this research was to articulate the differences in the young generation's views of business, art/culture, technology, and networking with regards to ASEAN integration. We have examined the correlation and impacts of those factors on ASEAN integration in the future and found that the target population believes networking has the strongest impact on integration (see Appendix VII), culture comes second, technology third, and business and economic aspects are ranked last in terms of correlation with integration.

The findings presented in this chapter may be used as a benchmark and foundation for understanding the young generation.

The implications are that the future generation believes the most important factor for 'successful' integration amongst ASEAN member states is networking. The young generation has a different mindset from previous generations with regards to integration within ASEAN. Therefore, it is of the utmost importance to work on personal skills and people-to-people interaction so that networking may prosper. Students who gain networking, cultural awareness, as well as technological savviness will in turn integrate better than those who do not. Business interactions and success are a reaction to the development of the first three because the young generation has not had business experience so far. Therefore, business will be developed later on, which is why it ranked last in terms of correlation with integration.

Recommendations

Provided below are three recommendations based on the researchers' key findings from their quantitative, qualitative, and phenomena research.

- (1) **Reform the way students learn about ASEAN.** It is clear that the future generation wants to know more about the history, cultural aspects, livelihoods, and, in general, the way other ASEAN people live. Given that networking and culture rank highest in terms of correlation with integration, universities need to take this into account in their teaching. Educating students about ASEAN and introducing to them the neighbours of their country will help build a future

environment more conducive to collaboration between the 10 member countries. Highlighting the fact that there are many differences is key. Differences and diversity are major assets of a region that can offer the world its unique ideologies, mindsets, and ways of thinking.

- (2) **Focus more on ASEAN Socio-Cultural Community, ASCC.** It is important for students to think of diversity as an asset. The young generation needs to learn more about ethnic groups in their home countries, learn about ASEAN's rich history, and explore the diverse cultures that each country of the region has to offer. By focusing more on the ASCC sector, the AEC and APSC will flourish. As indicated above, we found that networking and culture are both at the forefront of integration and development of people throughout the region.
- (3) **Push ASEAN integration by means of spreading people's awareness.** We observed through qualitative measures that most students did not understand how ASEAN collaboration impacts their daily lives or why they should really care about it. Generally, the speed of government in terms of recognising and acting on business opportunities and collaboration is slower than in the private sector. However, in terms of the social aspect of ASEAN, the return on investment in socio-culture, although substantial in the long run, is quite intangible in the short run; therefore, governments need to take initiatives aimed at increasing people's awareness through cultural understanding and press on with implementation. Showing the younger generation how ASEAN connectedness can benefit their personal lives is of the utmost importance when discussing possible opportunities. Studying in other ASEAN countries should be made a priority given the new visa regulations. Pushing ASEAN integration through increasing people's awareness is key to the future success of the region's abundant and talented young generation.
- (4) **Learning English.** Our findings have shown an interesting relation between English proficiency and the perception of ASEAN integration across business, culture, technology, and networking. English-speaking ASEAN young people tend to have lower levels of self-defence mechanism against the unknown, so they tend to feel more comfortable about networking with other ASEAN people. English proficiency development should be given high priority until the point is reached where English-speaking ASEANs are the norm.

Further Research

Understanding the limitations of our study points to areas for further research. The main constraints were limitations of the English language capabilities of the target population, a less than complete understanding of the data, and insufficient time to conduct research and analyse the results. Further research may remove these hindrances with a view to moving on to the next phase of research.

The findings of this research have demonstrated the opinions of the young generation toward ASEAN integration. This could be the foundation for the next research to understand how to shape a stronger mindset of the ASEAN citizen and how to make ASEANs more open to integration of the region.

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The Critical Importance of Socio-cultural Community for the Future of ASEAN

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Half a century ago, when the founding fathers of five Southeast Asian nations signed the historic declaration creating the Association of Southeast Asian Nations (ASEAN), the region was mired in conflict and war. Peace and security were the motivations for the creation of the organisation. Its members were anxious that economic development in their respective countries was being threatened by the potential instability created by communism. Thus, regional cooperation and the mechanisms of it were deemed essential for the achievement of peace and prosperity.

Seen in this context, ASEAN can be judged to have been a success. Not only was peace and stability achieved, but the organisation has expanded to include 10 countries, with East Timor the only country in the region that has not joined the grouping.

The ‘success story’ did not stop there. The extent of regional integration has grown considerably. The setting up of a free trade area, the crafting of a new charter, and the establishment of the ASEAN Community with its three pillars reflect how far ASEAN has come. Moreover, with its engagement with dialogue partners; free trade agreements with Japan, China, the Republic of Korea, India, Australia, and New Zealand; and ASEAN centrality in key international forums such as the ASEAN Regional Forum and the East Asia Summit, one could argue that ASEAN now has a voice at the global level. Given that all this was achieved in the 5 decades that had seen much volatility (at least two major financial crises spring to mind), as well as threats in the forms of pandemics, natural disasters, and others, the progress ASEAN has made can seem remarkable.

Yet, there is always the other side of the coin. Five decades on, the world has also moved on. Compared with the integration or cooperation of other regions, it would be hard to make a convincing case that ASEAN has been more advanced than the other arrangements in other parts of the world. Given the degree of globalisation, the many

challenges we face today that do not respect borders, and problems that require at least a regional solution, ASEAN has yet to demonstrate its readiness to tackle such issues. Given the generally recognised economic success of its members, one can also make a strong case that ASEAN has been punching below its weight, so to speak.

Many explanations have been offered. The intrinsic diversity between ASEAN members and the modus operandi or the ‘ASEAN Way’ necessary to conform to the culture of the region meant that there are limitations to the speed at which ASEAN can progress.

Whatever the case, a balanced assessment of ASEAN achievements can provide important lessons as we seek a path forward for the organisation.

ASEAN’s Aspirations

In assessing ASEAN’s future as it moves forward, we must begin with the vision set out for the ASEAN Community, which aims to create a region that is outward looking and living in peace, stability, and prosperity. From this, we may broadly conclude that ASEAN aspires to be economically competitive, with a peaceful and stable environment, and actively engaged with the global community.

There is no doubt that much attention and focus have been placed on ASEAN’s economic goals. Building on the achievement of the ASEAN Free Trade Area (AFTA) and given the understandable dominance of economic concerns in all member countries, the ASEAN Economic Community (AEC) has almost become synonymous with the ASEAN Community itself. The desire to remain competitive and relevant as a market with giant economies to the north and west, in China and India, contributes to this emphasis on AEC.

Yet, expectations that the success of this pillar alone would provide the main driving force towards the creation of a true and single community in the region would be misplaced for the following reasons. Firstly, given the different stages of economic development amongst members, the blueprint for AEC will not lead to a rapid or high degree of integration. In the meantime, AEC’s importance is being undermined by two important trends. Member economies, particularly the more economically advanced, continue to seek bilateral trade agreements with outside partners, many of which are deemed to be of higher quality. On top of that, many members have also joined some bigger multilateral economic agreements – the Trans-Pacific Partnership, for instance – which are of greater impact. Therefore, the importance of AEC in creating a single market continues to be diminished.

Secondly, despite the progress made on economic integration in terms of trade agreements, and despite the growth of intra-ASEAN trade, such trade as a proportion of the region's total trade remains small, especially when compared to those of other economic groupings, notably the European Union (EU). Of equal concern is the fact that in many member countries the take-up rate of the benefits from AFTA and other ASEAN agreements remains low. This suggests that not enough effort has been made to encourage and facilitate intra-ASEAN engagements or that economic actors continue to look elsewhere for opportunities.

Thirdly, some pillars of AEC will require considerable changes in domestic laws that will be difficult to achieve unless strong political will is present at the national level. Some goals, such as equity, require much more than domestic policy and cross-border assistance to be attained.

Finally, there can be no escaping the fact that member countries will continue to have to compete in the economic realm.

Establishing a single community in the true sense of the word and attaining its vision, therefore, would require all of us to look beyond economic cooperation as the main driving force. At the same time, even AEC itself will find progress tough to achieve if the peoples of ASEAN are not brought closer socially and culturally. Issues such as foreign labour and common standards, to name but two, cannot be successfully tackled as part of a single market until greater social integration allows policymakers in member countries to place them high on their respective domestic political agendas.

The Role of the Socio-cultural Pillar

ASEAN therefore needs to work on social integration if it hopes to strengthen the organisation. The achievement of the ASEAN Socio-Cultural Community (ASSC), one of the three pillars of the Community, should be a key driving force for doing so. ASSC stipulates that its key elements are human development, welfare, rights and justice, environmental sustainability, narrowing the development gap, and building an ASEAN identity. The AEC Blueprint 2025 continues these themes with a vision encompassing participation and governance, inclusiveness, sustainability, resilience, and identity building. All these elements are clearly important goals for the Community to enhance its credibility and enable it to play a more global role. A review of their implementation would confirm that there has been steady and measurable progress on all fronts. Yet at least two aspects need to be addressed if the ASSC is to play a key role in strengthening ASEAN's future.

The first is that although much of the progress has surely been due to policies and progress at the domestic level of member countries, many regional problems remain unsolved. Two examples illustrate this. The annual haze issue has yet to lead to a concrete regional process dealing with the problem, let alone finding a solution to it. A true community would engage all member governments and multinational companies (many of them of ASEAN origin) to take responsibility and be held accountable for what is clearly a regional problem. Or take the issue of rights and justice. Despite the establishment of the ASEAN Intergovernmental Commission on Human Rights, its mandate remains limited and ordinary people have not seen its role whenever human rights in their respective countries are at stake, even in high-profile cases. The case of the Rohingyans, which caught the attention of the international community, as a regional problem did not produce an effective regional response from ASEAN. All this means that ASEAN is not seen to be helping countries attain the goals specified in the ASSC vision.

The second is that while a broad consensus supports the various goals set out in the vision, including the detailed initiatives and projects in the blueprint, ASSC lacks a clear underpinning principle that supports them. In other words, the blueprint itself has not set out in holistic term what kind of a community ASEAN wants to be. In short, it has not spelled out what the ASEAN identity is, or should be. This is the most important issue to which we must turn.

A true community must be a community of people, a concept that should be at the heart of the ASEAN Community. ASEAN must strive to bring its member countries together and create a sense of shared destiny of peace and prosperity for all ASEAN peoples based on common ASEAN values with an ASEAN identity. Otherwise, ASEAN will continue to be seen as a loose grouping struggling to find its voice on the global stage. Creating such an identity is possible despite the diversity in the region. But it must be done by looking back and by looking forward. For instance, raising awareness through education, particularly of the region's history, especially the affinities and close cultural ties amongst members, will contribute to building trust and a common sense of belonging. At the same time, we also need to look ahead and ask ourselves what kind of a community we would like to be. One natural starting point is revisiting the 'ASEAN Way'. But before we turn to that crucial issue, let us digress a bit to see what we might learn from the experience of the EU.

The EU, Grexit, Brexit, and Beyond: The Lessons

The progress and success of regional integration are often measured against the benchmark set by the EU, considered as the most successful and advanced integration arrangements, at least until very recently. With origins like ASEAN and motivated by the desire to avoid another war on the continent, European countries began their cooperation on coal and steel and subsequently established a free trade area, an economic community, a common currency, and an economic union. Membership was expanded to include countries that would lead to greater diversity. The organisation itself evolved into a system that would include a parliament, a commission on human rights, a central bank, and a large administrative unit (clearly much more advanced than ASEAN's comparable counterparts in the ASEAN Inter-Parliamentary Assembly, the ASEAN Intergovernmental Commission on Human Rights, the ASEAN+3 Macroeconomic Research Office, and the small ASEAN Secretariat). A tighter, even a full, political union is often seen as the logical next step for the EU, whereas ASEAN's institutions are better described as being intergovernmental.

There is no doubt that the EU has created a Europe with greater economic and political power and a bigger role on the global stage. In the context of our analysis of ASEAN integration, it is interesting to see the relative roles played by the economic dimension vis-à-vis the social one.

While much focus and attention are on the economic aspects, it becomes immediately clear that even economic integration needs social and political support. Once economic cooperation moves beyond the removal of tariffs, closer integration would require a strong political and social integration agenda to enable progress. For instance, a common currency requires the harmonisation of fiscal and monetary policies which, in turn, raises questions of economic and political sovereignty. With a single market requiring common standards and regulations, freedom of movement of labour and people becomes an important social challenge for all member countries. Even with all members having a well-established system of democracy and participatory politics, a system of elected representation at the EU level becomes necessary.

With the increasing pressures from the mounting requirements, real strain began to show on EU's member countries when the debt crisis struck a number of them, especially Greece, leading to speculations of 'Grexit'. The very severe austerity measures demanded of Greece and other debtor countries, on the one hand, and the financial burden on taxpayers in creditor countries in terms of bailout packages, on the other, were seen as a threat to the Union. Yet despite tension and some political and social turmoil, Grexit has not happened. Had a similar situation occurred in ASEAN,

it would be hard to imagine governments and people of member countries being willing to endure such a painful adjustment process to remain part of ASEAN.

What kept the EU together was not so much the desire for economic integration or competitiveness per se. Rather, Europeans have come to accept that they have established a union with agreed common values offering the best guarantee of peace and giving them a strong voice on the global stage. These include democracy, rights, justice, and environmental protection that have become part of the European identity. It is important to note that such an identity could not have been created in a vacuum as this was clearly deeply rooted in European tradition. Also, the Union would push the envelope to make them more progressive over time.

The opposite case of 'Brexit' can also be seen in this light. Even during the days of speculations about Grexit, this writer had always suggested that Britain was the more likely to withdraw from the Union. This is because Britain and the British people had always felt different from the rest of Europe in terms of philosophy, culture, legal traditions, to name but a few. Hence, it had always been a reluctant member of the EU, refusing to join the eurozone and the Schengen Area (an area comprising 26 European states that have officially abolished passport and all other types of border control at their mutual borders). It is, therefore, not surprising that the older generations voted 'Leave' the most. It is also worth noting that the sentiments mentioned, exacerbated by the migration problem, dominated economic factors in the referendum. Despite the threats and part realisation of massive capital flight, a falling stock market, and a weakening currency on a huge scale, the majority who voted felt that the price and/or risk of all these was worth paying to 'regain control' of their own destiny.

While outsiders may question the wisdom of the judgment of the Brexit supporters, it would also be hard to say they did not have a point. Even the British supporters of the EU owned up to the fact that the Brussels bureaucracy had become bloated, and EU processes and regulations were seen as cumbersome. The general complaint was the lack of enough accountability. People did not feel that the EU parliamentarians can truly represent their voice. Even with the benefits provided by the EU, the missing sense of ownership and belonging meant the people could not identify themselves with the Union.

The lessons are therefore clear. If ASEAN were to aspire to closer integration, the development of a widely accepted ASEAN identity (part of the ASSC vision), values, and principles is the most critically important factor. Of equal importance is that the process by which such an identity is developed needs to engage the peoples, not just political leaders and bureaucrats of member countries. Moreover, while such an identity

needs to be progressive and forward-looking to provide the Community with aspirations, it cannot be seen to be out of line with the realities of the members' past and present. These are huge challenges faced by ASEAN, to which we now turn.

Revisiting the ASEAN Way I: The ASCC Building Process

For many decades, the debate over ASEAN's success or non-success has revolved around the 'ASEAN Way' idea. Without an agreed definition and with the term carrying both positive and negative connotations, it at least demonstrates what appears to be a unique way in which the business of ASEAN has been conducted. For this reason, revisiting this process should provide us with some foundations on which to build the ASEAN identity central to the vision of ASSC, which, we have argued, must drive ASEAN's future.

On the positive side, the ASEAN Way claims to be a way of addressing the challenges of the region while conforming to its cultural roots. The general sense is that there is that emphasis on cooperation, consensus building, informality, and the avoidance of causing someone's loss of face. Carried to extremes, this interpretation can also mean non-interference in members' domestic affairs.

These traits have allowed ASEAN to achieve some of its objectives, contributing, for instance, to ASEAN's ability to play a role, often a central or pivotal one, in managing conflict even outside the region. The ASEAN Regional Forum and the East Asia Summit, amongst others, have been able to play their roles partly because the ASEAN Way makes it easier for participants, including those outside the region, to build trust in each other.

Myanmar's case is illustrative of this. Had ASEAN followed the Western way and decided to alienate Myanmar, it would be hard to imagine the country achieving its tremendous progress today. The Western powers had probably mistakenly thought that ASEAN did not take the issue seriously. In reality, ASEAN always took up the issue at its meetings, encouraging Myanmar to change from within through constructive engagement and by letting it know the concerns of the outside world. No condemnation, public statements, sanctions, etc. were used. That this approach can be productive could be seen clearly when cyclone Nargis hit Myanmar. With the rest of the world unable to get into the country to provide assistance, ASEAN was able to serve as a bridge and was only able to do so because the ASEAN Way had built up trust and respect. ASEAN should learn from this experience to guide its way through current and future challenges such as the conflict in the South China Sea.

On the other hand, critics point to the fact that the ASEAN Way has led ASEAN to become too slow and unambitious on many issues. They say that the grouping's informality, flexibility, and the requirement of consensus are not suited to all issues. Certainly, a case can be made of how member governments exploit the ASEAN Way to sidestep important issues or how the lack of political will hinders regional progress.

With this analysis in mind, we need to see how we can modify the ASEAN Way to drive ASSC and the future of ASEAN forward. Clearly, the goal is to make ASEAN meaningful to people's lives for them to truly care about ASEAN. This can be done by ensuring engagement from the people at large and using regional initiatives to realise the vision of the Community. Decisions and implementation of the various projects must no longer be exclusively in the hands of government leaders and bureaucrats, both at the national and regional levels. A concerted effort must be made to create a new process of running ASEAN.

Compared with the EU, there is clearly a democratic deficit in ASEAN at all levels and this makes this endeavour all the more important and urgent.

With its goals on rights, justice, and engagement, ASSC must, at the national level, do more to encourage the progress of democratisation and public participation in the whole region. While it would be unrealistic to expect quick progress on this front, a much more proactive role must be played by ASEAN to gain the ASEAN people's confidence and trust it as a mechanism that could address their concerns.

Within itself, ASEAN must improve the level of participation of stakeholders in its work. An attempt in the past to have representatives from parliamentarians, youth, and civil society meet with leaders at the ASEAN summits indicates how ASEAN might move in this direction. Yet, even that is far from sufficient. Much more can and needs to be done to build partnerships and networks with institutions such as the ASEAN Inter-Parliamentary Assembly, various business councils, and non-governmental organisations.

It is also time to think about the possibility of a body of elected representatives from member countries driving much of the work of the organisation. Decision-making in ASEAN might also need to veer away from strict consensus (which effectively grants every country veto power). Informality can be preserved without allowing it to lead to inaction. Of course, given the diverse current political systems in member countries, all this would have to be done in a gradual, pragmatic, and possibly informal way. Whatever the means, it must be emphasised that all this is necessary to make the word 'community' in ASSC and the ASEAN Community become concrete and to create a sense of belonging so that ASEAN becomes an integral part of people's lives.

In short, the Community building process must engage the people with trust and confidence earned by ASEAN using a modified ‘ASEAN Way’.

Revisiting the ASEAN Way II: Characteristics of the ASEAN Community

What about the underpinning principle that should drive the vision of the Community? What characteristics should the ASEAN Community have? We should begin by looking at the relationship between ASEAN and the global community for two reasons. First, ASEAN integration is based on a philosophy of open regionalism. The proof of this can be seen from the ever-increasing partnerships with countries outside the group, the free trade agreements with dialogue partners, and the ongoing negotiations on the Regional Comprehensive Economic Partnership (RCEP). Secondly, ASEAN aspires to be an important voice in global matters, as evident in its promotion of the idea of ASEAN Centrality in many international forums.

Clearly, for ASEAN to attain its goals, the world must see it not only as a united group of countries but also as an arrangement that stands for something in tune with global trends and values. This is why the goals of ASSC, from the issue of rights to the issue of the environment, very much reflect the global agenda.

Yet, ASEAN’s current characteristics do not identify with these goals. Moreover, in many member countries a degree of discomfort can be felt as a result of pressure to conform to values seen as Western. It is time for the region to reconcile this with the redefined ASEAN Way by partly using ASSC. This means the ASEAN Community must define itself by tapping into the region’s characteristics drawn from commonality amongst the members and by framing its traditions and goals to conform to today’s global challenges. The following provides initial thoughts and suggestions.

For instance, on the issues of rights, justice, and welfare, which are not easily identifiable with the region, ASEAN might want to begin with the idea that it is a caring or a giving community. Even in countries in the region that are not wealthy, the degree of their sharing and giving is highly recognised. From this starting point, much of the work on the issues mentioned above can be framed in this way. The phrase ‘We care to share...’ is even part of the official ASEAN Anthem (also named the ‘ASEAN Way’). A caring community will not allow its people’s rights to be violated. A giving community will provide for the needy and the poor. The objectives remain the same but the new frame lends them an ASEAN identity and character.

Moreover, the ASEAN Way might even contribute in achieving these goals. The role of institutions such as the family, traditional thought leaders in local communities, etc. would play a role in contributing to these causes through informal channels, in line with how the region is already perceived.

Or take the issue of the environment and at least two important facts related to it that should draw attention. First, the region is rich in biodiversity and thus has a genuine interest in ensuring that its ecosystem is well protected. Secondly, the region is also most prone to natural disasters, events likely to be exacerbated by global warming, and hence must work together on issues that range from prevention to a concerted response to such events. Again, this would infuse the issue into the identity of the region.

At the same time, the region should seek to be a leader on some global issues. As a region whose economic success was only disrupted by the 1997 financial crisis, ASEAN should take the lead to demand global financial and economic reforms, seeing that the West in particular has not made much progress in this area. It might even go further by creating alternative development models. His Majesty the King of Thailand's 'sufficiency economy' springs to mind. Predominantly Muslim member countries can also contribute much to the issue of risk sharing and management by applying the principle of Islamic financing.

In the area of security, the region can lead the way in building a coalition of moderates to fight religious extremism and terrorism. Even the region's diversity can be turned into opportunities to create an identity. Interfaith dialogue in a region with diverse religious traditions could show the world the way to peaceful coexistence amongst people with differing beliefs.

It is important to reemphasise that in enhancing ASEAN's reputation, the more ASEAN mechanisms are used to drive these values, the better. So, if, for instance, ASEAN sets a minimum standard of living for its people so that a caring community leaves no one behind or marginalised, it must have a mechanism to ensure members would achieve the goals that have been set.

Likewise, issues that require a regional response such as migration or the haze problem must get one through an ASEAN mechanism.

Only by operating in this new ASEAN Way will ASEAN's future matter not just to ASEAN people but also to the world.

Leadership and the Road Ahead

So far, we have seen how the goals of ASSC are of critical importance to the future strength of ASEAN. In particular, the most important aspects of ASSC are the goals of participation or engagement and the creation of an ASEAN identity. This paper has suggested an approach that could be applied in the future. It means moving away from a vast number of projects to the primary aim of conceptualising the agenda to give a big picture of what the Community is about and what it deserves or aspires to be.

More specifically, ASEAN community-building and the goals of ASSC must encompass:

- the recognition that ASEAN as a community needs to move on to the next level, beyond narrowly defined goals and individual projects in order to find its identity and to gain an effective voice on the global stage;
- the acceptance that the issue of governance, both at the national and regional levels, is essential to the evolution of the Community;
- the increased engagement of all stakeholders and the people at large as the only way to make the Community meaningful to the people and to make people care about the direction and progress of ASEAN; and
- the modification and redefinition of the ASEAN Way both as a process and as a reflection of ASEAN identity to guide the next stages of ASEAN integration.

This leaves one last issue. How can ASEAN reorient the work of community building to this approach? While different stakeholders must all contribute to this process, the answer to this is the all-important political leadership by ASEAN Leaders. This does not mean we are advocating a pure top-down process and many of the suggestions here will be well served by bottom-up initiatives.

Yet, if we reflect on the past, had there been no top-down political leadership, ASEAN would not be where and what it is today. Indeed, it might not even exist at all. It took visionary leadership from our predecessors who recognised security problems and economic challenges that enabled ASEAN to evolve and respond to the needs of the day. We are facing new and perhaps more complex challenges now. If we believe that to overcome the challenges of today we must move as a strong unified community with a clear purpose, then political leaders must provide the leadership. While technocrats and think tanks (ERIA included) can still make significant contributions, the hard part of the work is not of a technical nature. Political leaders, not bureaucrats, must take on the responsibilities to move things forward.

When we see the face of the EU reflecting the values it wants to project, we see political leaders. We might sometimes see the German chancellor or the French president or the political leaders in the European Commission or European Parliament. We do not see that face coming from the European bureaucracy. Indeed, even the most pro-EU people admit that the details, the bureaucracy, the regulations often bring out negative reactions against the EU.

ASEAN Leaders must therefore rise to the challenge. They must take the initiative, set out this vision, and give guidance. From there, we, the peoples of ASEAN, will create our identity and values that will steer ASEAN into the future. If there is to be a bottom-up support, it would be from a network of various stakeholders in all parts of our society who could pressure or encourage our respective governments and leaders to take up this important task. Success is more likely if leaders prioritise ASEAN matters in their domestic political agenda.

ASEAN has made considerable progress and achievements in its 5 decades of existence. But in this age of rapid global change, it cannot afford to be complacent. To remain relevant, to forge ahead and to be a true global player with a significant voice, and, indeed, to be a true community, ASEAN needs a big push now. And if the right approach is taken, ASSC can play a critical role.

Enlarging the Space for the People: Whither Human Rights and Governance in ASEAN?

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Formed in 1967, the Association of Southeast Asian Nations (ASEAN) now comprises 10 countries: Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic (henceforth, Lao PDR), Malaysia, Myanmar, Singapore, Thailand, the Philippines, and Viet Nam.¹ Until the 1990s, several of these countries were sworn enemies, engaged in wars against one another. Since then, ASEAN has helped resolve differences and brought peace to the region. The maxim 'Unity in Diversity' is thus apt to describe this regional organisation.

From the perspective of human rights and governance, the region is one of major contrasts. Several of its member countries are non-democratic while some democratic proponents walk a political tightrope. It hosts one of the world's biggest democracies with a majority Muslim population. Despite the tranquil haven found in this setting, violence and opacity still pervade parts of the region. How people are governed varies greatly, with centralisation still expansive in parts of the region. While civil society is allowed much space in some member countries, the space for participation in others is extremely limited and shrinking. Given the regional order now pervading through ASEAN, in the sense that peace between the member nations has come to the region, are human rights and governance actually institutionalised as part of that regional order? Even if these notions are accepted and legitimised in form by ASEAN, are they integrated substantively in practice, particularly from the angle of effective implementation and people-based centrality?

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¹ For background, see A. Broinowski (ed.) (1982), *Understanding ASEAN*. Hong Kong: Macmillan; V. Muntarbhorn (1997), *Legal Cooperation among ASEAN Countries*. Bangkok: Institute of Security and International Studies; S. Siddique and S. Kumar (compilers) (2003), *The 2nd ASEAN Reader*. Singapore: Institute of Southeast Asian Studies.

Legitimisation

In its origins, ASEAN was not a human rights organisation but a political entity. Neither human rights and democracy nor good governance (a possible euphemism for democracy and accountable exercise of power, aka lack of corruption) was mentioned in the 1967 Bangkok Declaration that established ASEAN.² Thus, from the outset, expectations for human rights and governance through ASEAN as a regional organisation have been modest. From the 1990s, the entity has burgeoned into a free trade area of extensive economic cooperation and has developed into an ASEAN community, consisting of three communities: the ASEAN Political–Security Community, the ASEAN Economic Community, and the ASEAN Socio-Cultural Community (ASEAN, 2009a; 2009b; 2009c) (See further: R. Severino, 2006).

On a salutary note, human rights, democracy, and good governance have become increasingly part and parcel of the ASEAN narrative. In form, these notions have become legitimised and, in a sense, institutionalised in the region. The ASEAN Charter 2007 refers explicitly to human rights, democracy, rule of law, and good governance as key principles of ASEAN, and calls for the establishment of an ASEAN human rights body (ASEAN, 2008, Article 14). This has been coupled with various blueprints and plans of action. The current projection is to direct the region with the ASEAN Economic Community Blueprint 2025 (ASEAN, 2015), after the realisation of the ASEAN Community in 2015, as underlined by the Kuala Lumpur Declaration on ASEAN 2025: Forging Ahead Together.³

The region as a whole agrees to abide by the Universal Declaration of Human Rights 1948, the Vienna Declaration and Programme of Action of the World Conference on Human Rights 1993, and the international human rights treaties to which ASEAN countries are parties.⁴ Currently, the three (out of nine) core human rights treaties to which all 10 countries are parties are the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. All 10 countries have participated in the United Nations (UN) Human Rights Council's Universal Periodic Review and have opened the door to a wide array of recommendations from other states on the

² Ibid.

³ www.asean.org (accessed 25 October 2016).

⁴ For the UN system of treaties and related matters, see: www.ohchr.org. See further Muntarbhorn (2013), *Unity in Connectivity? Evolving Human Rights Mechanisms in the ASEAN Region*. Leiden/Boston: Brill/Nijhoff.

needed human rights improvements, even in areas of the core human rights treaties they are not parties to.⁵ All are committed to the Sustainable Development Goals initiated by the UN.⁶

In addition to the ASEAN Charter, ASEAN has begun to adopt instruments that have direct bearing on human rights in the region. In 2007, ASEAN adopted the Declaration on the Rights of Migrant Workers. In 2012, it adopted the ASEAN Human Rights Declaration (AHRD) (ASEAN, 2014). AHRD provides a list of rights to be promoted and protected, ranging from civil and political rights to economic, social, and cultural rights, with additional emphases on the right to development, the right to peace, and cooperation on human rights matters.

In 2015, ASEAN finalised the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP).⁷ ACTIP is the first substantive treaty of ASEAN on a specific issue with human rights implications. While it is an anti-crime instrument, the elements of protection and recovery offered to victims invite a human-rights-oriented approach. The provisions of this regional convention parallel the multilateral UN Convention Against Transnational Organised Crime and its Protocol against human trafficking (The Palermo Protocol)⁸, underlining a broad definition of human trafficking based on ‘exploitation’, the need for criminalisation of trafficking, criminalisation of related money-laundering/obstruction of justice and corruption, possible universal jurisdiction, prevention measures, cross-border cooperation, protection of victims such as on victim identification, medical and other assistance, safety of return, effective law enforcement, confiscation of assets of culprits, and mutual legal assistance and cooperation. An action plan accompanies ACTIP and is complemented by a number of statements and declarations, especially the Kuala Lumpur Declaration on a People-Oriented, People-Centred ASEAN (2015), that highlight ASEAN as a rules-based, people-centred, people-oriented region.⁹ This declaration lays down a programmatic approach that sees ASEAN as people-oriented and people-centred, the former description implying a top-down approach and the latter implying a bottom-up one. Regarding the ASEAN Political–Security Community, it advocates promotion of democracy, rule of law, good governance, and human rights promotion and protection, together with support for the ASEAN Inter-governmental Human Rights Commission (AICHR), paralleled by enhancement of judicial systems, and integrity in the public

⁵ Ibid. See also UN (2014), *The Core International Human Rights Treaties*. New York, NY/Geneva, Switzerland: UN OHCHR.

⁶ www.un.org

⁷ www.asean.org (accessed 25 October 2016).

⁸ www.unodc.org (accessed 25 October 2016).

⁹ www.asean.org (accessed 25 October 2016).

sector. In regard to the ASEAN Economic Community is the call to support more small and medium-scale enterprises, reduce disaster risk, sustain development, and protect the environment. The ASEAN Socio-Cultural Community emphasises responding to the rights of women, children, youth, the elderly, migrant workers, indigenous peoples, persons with disabilities, and ethnic minorities, while narrowing the development gap. Concrete activities include people-to-people contacts from a young age, cooperation on disaster management, and regional student and academic exchange and mobility.

In 2016, the Chairman's Statement at the Vientiane Summit of ASEAN Heads of Government singled out some activities with implications for enlarging the space for the people in a variety of fields through these declarations: ASEAN Declaration on One ASEAN, One Response: ASEAN Responding to Disasters as One in the Region and Outside the Region; Vientiane Declaration on Transition from Informal Employment to Formal Employment Towards Decent Work Promotion in ASEAN; ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth; ASEAN Joint Statement on Climate Change to the Twenty Second Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change; and ASEAN Declaration of Commitment on HIV/AIDS: Fast Tracking and Sustaining HIV and AIDS Response to End the Epidemic by 2030 (ASEAN, 2016).

Yet, the legitimisation of human rights and good governance in the region are qualified. AHRD is a key example of human rights being instituted in the region in a limited manner. While it contains some innovative elements, such as the call to protect persons with HIV/AIDS, and advocacy of the right to development and peace, AHRD has been heavily criticised as not being congruent with international standards.¹⁰ The stumbling blocks include the appearance of regional particularities that have the effect of undermining universally recognised human rights. These include the overt mention of 'duties/obligations' (of persons) instead of paramount emphasis on human rights; reference to 'national and regional context' that might override universal standards, with components of cultural relativism; omission of various internationally guaranteed rights, particularly the right to freedom of association; broad limitations on human rights in the guise of 'morality'; emphasis on 'non-confrontation' that interplays with the ASEAN official attachment to national sovereignty and the claim that human rights-related action should not interfere in the internal affairs of states; and subjecting human rights, particularly the right to seek asylum, to national laws (bearing in mind that most ASEAN states are not parties to the international refugee agreements).

¹⁰ For a critique, see The Solidarity for Asian People's Advocacy Task Force on ASEAN and Human Rights (2014).

Problems concerning the text of AHRD are borne out by the fact that the ASEAN leaders had to issue the Phnom Penh Statement in 2012 to accompany AHRD, underlining that its implementation has to be in accordance with international standards and a reaffirmation of the Universal Declaration of Human Rights, the Vienna documents, and the human rights treaties (instruments) to which ASEAN countries are parties (ASEAN, 2014). Ironically, AHRD can never be cited alone – it must be coupled with the Phnom Penh Statement.

Behind AHRD lies a degree of ambivalence amongst some official circles that control the reins of power. First, while the notion of human rights is anchored internationally on the concept of human rights' universality, premised on universal/international standards as the minimum standards below which no country should stoop, the declaration implies that if there is a conflict between international standards and regional or national policies or practices, the latter should prevail.¹¹

Second, while internationally the principle that human rights are indivisible in the sense that civil, political, economic, social, and cultural rights should be promoted and protected in tandem (without selectivity), many ASEAN countries aim to promote and protect economic, social, and cultural rights, such as the right to an adequate standard of living and the right to education, rather than civil and political rights, such as freedom of expression and peaceful assembly that are at the heart of democracy and good governance.¹²

Third, there remains strong advocacy of state sovereignty, national security, and the principle of non-interference in the internal affairs of a state. Conservative quarters also claim that human rights advocacy (by others) is in breach of that principle. This contradicts the international position that human rights advocacy to protect victims is part of international jurisdiction and cannot be considered to be interference in the internal affairs of a state.¹³

¹¹ The difficulty is exemplified by the wording in AHRD: '7. All human rights are universal, indivisible, interdependent and interrelated. All human rights and fundamental freedoms in this Declaration must be treated in a fair and equal manner, on the same footing and with the same emphasis. At the same time, the realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds.'

¹² Human rights indivisibility is discussed in major human rights texts, such as Steiner, Alston, and Goodman (2008).

¹³ www.ohchr.org. See further: Muntarbhorn (2013), pp. 183–89.

Fourth, a preferred emphasis on a cooperative and non-confrontational approach in human rights and other matters, partly influenced by the consensus-based decision-making of ASEAN, permeates the actions on human rights.¹⁴ The tendency to look for a cooperative kind of programming avoids complaints and communications that might be linked with human rights violations and country situations. This also has bearing on (the lack of) participatory space, transparency, and accountability that are the backbone of good governance.

Fifth, in the march to draft more instruments in ASEAN, are cases of backtracking from international standards. For example, while ACTIP is welcome, it omits provisions on refugee protection found in international treaties on the issue, particularly safeguards for international refugee protection standards.¹⁵

Integration

To be fair, integrating human rights and good governance into the ASEAN setting is taking place to some extent, but it remains a step-by-step affair that is still distant from effective implementation and people-based centrality geared to substantive institutionalisation. This incrementalism is seen as follows.

One angle of integration is the establishment of various regional human rights mechanisms.¹⁶ AICHR, the offspring of the ASEAN Charter, has two siblings: the ASEAN Commission on the Rights of Women and Children and the ASEAN Committee on the Rights of Migrant Workers. The AICHR's mandate is to promote and protect human rights and fundamental freedoms to complement the building of the ASEAN Community.¹⁷ Many meetings and seminars have been held for this. A study on corporate social responsibility was completed under the auspices of AICHR in 2015, in addition to an earlier interest to study the right to peace. It has also agreed on a new thematic study on women affected by natural disasters. At its meeting in February 2016

¹⁴ On the consensus issue, see further Siddique and Kumar (compilers) (2003).

¹⁵ 'Saving clause

1. Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.
2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.'

¹⁶ For details, see Muntarbhorn (2013).

¹⁷ www.aichr.org

in Vientiane, AICHR singled out various issues on which to focus: right to health; right to education; right to employment for persons with disabilities; seminars on the promotion of corporate social responsibility; and annual consultation on a human rights-based approach in the implementation of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children and the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children, the ASEAN Forum on Media and Human Rights, and the ASEAN Youth Debates on human rights.¹⁸ A key transversal issue is how to mainstream human rights across all pillars of ASEAN. Its latest action plan (2016–2020) targets the following issues for study: migration, trafficking particularly of women and children, women and children in conflicts and disasters, juvenile justice, right to information in criminal justice, right to health, right to life, right to education, right to peace, legal aid, and freedom of religion and belief.¹⁹

In the meantime, the ASEAN Commission on the Rights of Women and Children’s mandate is to concentrate on the promotion and protection of the rights of women and children.²⁰ Its recent emphasis has been to counter violence against women and children, and it has evolved a plan of action on this front. It has also cooperated with the UN on this issue. The ASEAN Committee on the Rights of Migrant Workers’ mandate is even more modest.²¹ It is more of a bureaucratic committee represented by members from the labour ministries of the respective ASEAN states, principally to draft a new instrument on the rights of migrant workers. In reality, this is a difficult challenge since several countries are hesitant to guarantee rights for migrant workers and their families.

While these mechanisms help to some extent to integrate human rights into the ASEAN region, their mandates and functions are currently more geared to the promotion of human rights (e.g. seminars, education, and research studies) than the protection of human rights. These mechanisms do not have the power to receive complaints, address country situations, offer redress, and call for accountability. The 2015 review of their mandates delved into formal (bureaucratic) matters by setting up a human rights unit

¹⁸ www.asean.org (accessed 11 October 2016).

¹⁹ www.aichr.org

Its latest action plan 2016–2020 targets the following, amongst others:

1. Develop more ASEAN instruments after the AHRD adoption;
2. Enhance public awareness of human rights, such as via roadshows on AHRD and AICHR;
3. Promote capacity-building, such as through training programmes;
4. Promote implementation of ASEAN instruments on human rights, such as through conferencing and more educational access by children with disabilities;
5. Engage in dialogue and consultation with other ASEAN bodies and entities associated with ASEAN, including civil society organizations and other stakeholders, as provided for in Chapter V of the ASEAN Charter, such as in regard to the AHRD.

²⁰ asean.org (per email of Dr Pons, 6 May).

²¹ For details, see Muntarbhorn (2013).

to service AICHR at the ASEAN Secretariat in Jakarta and did not expand the mandates substantively to strengthen human rights protection. The trend of these mechanisms is to concentrate in cooperative programming on the promotion of rights pertaining to various groups, such as women, children, persons with disabilities, and victims of natural disasters (Muntarbhorn, 2016).

From the perspective of space for the people, while the groundwork is provided for to some extent by ASEAN instruments such as the Kuala Lumpur Declaration on a People-Oriented, People-Centred ASEAN, the reality as advocated by civil society suggests the contrary. Precisely because the latter felt that the space for the people in the region was/is shrinking, AICHR opted in 2016 to organise the annual ASEAN civil society forum in Timor-Leste rather than in an ASEAN country as done previously.²²

This interlinks appropriately with the issue of access by civil society to ASEAN itself in general and to the ASEAN human rights mechanisms more particularly. It should be noted that ASEAN already adopted in 2012 the Guidelines on Accreditation of Civil Society Organisations to accredit organisations confined to ASEAN nationals that would help promote the ‘development of a people-oriented ASEAN Community’ (ASEAN, 2016b). The accredited organisations now include the ASEAN Law Association and the ASEAN Law Students’ Association. While they could deal tangentially with human rights, they are not directly human rights organisations. In 2015, AICHR adopted the Guidelines on AICHR’s Relations with Civil Society Organisations for engagement with civil society organisations dealing with human rights and their accreditation.²³ In Article 4 of the guidelines, civil society organisation is defined as

... the association of persons, natural or juridical, that is non-profit and non-governmental in nature, which are organised voluntarily to promote, strengthen and help realize the aims and objectives of ASEAN activities and cooperation in the promotion and protection of human rights’.²⁴ The criteria for assessing eligibility are quite demanding, as per Article 8, including

- a. Abide by and respect the principles and purposes of the ASEAN Charter, ASEAN Human Rights Declaration (AHRD) and the Phnom Penh Statement on the Adoption of the AHRD and the Terms of Reference of the AICHR...;

²² ‘Expanding People’s Solidarity for a Just and Inclusive ASEAN Community: ASEAN Civil Society Conference (ACSC)/ ASEAN People’s Forum (APF) 2016 – CSO Statement’. <http://aseanpeople.org/> (accessed 11 October 2016).

²³ www.aichr.org (accessed 11 October 2016).

²⁴ Ibid.

- d. Have been in existence for at least two years with a legally established entity in one of the ASEAN Member States, appropriate mechanisms of accountability and democratic and transparent decision-making processes;
- e. Provide copies of their constitution/charter to the ASEAN Secretariat including a copy of their registration papers/proof of existence;
- f. Provide a list of members of the governing bodies and their nationalities;
- g. Provide a copy of the most recent financial statement and annual report, including a statement whether they receive financial support, direct or indirect from a Government...²⁵

The application will then be assessed by a screening panel of three members, which may consult the ASEAN sectoral bodies and the Committee of Permanent Representatives to ASEAN. Some civil society organisations, such as Maruah from Singapore, have now been accredited. This will perhaps open the door to more access by civil society organisations to AICHR, inviting some space for the voices of the general public. This should also pave the way for similar openings in regard to the other mechanisms. However, it remains to be seen whether the network of accredited organisations will have substantive impact on the work of AICHR, particularly with regard to more protection rather than promotion work. The preferred way is for the ASEAN mechanisms to provide at least one ‘open day’ annually to meet civil society organisations without the need for accreditation, to open up the space for civil society, particularly on protection issues.

As another stepping stone, the ASEAN mechanisms might be invited to introduce a Universal Period Review system for ASEAN to share experiences at the regional level while receiving inputs from civil society.²⁶ Yet, that entry point alone is not adequate. The real test of integration of human rights as well as good governance is through the quality of implementation measures, including human rights and governance sensitive laws, policies, practices, mechanisms, resources, information monitoring and data, education and capacity-building, provision of remedies and accountability measures, and an open process for public participation and reform. As the answer at the regional level at present is both nascent and incremental, the quest for channels of complaint,

²⁵ Ibid.

²⁶ The UPR is a multilateral system established by the UN Human Rights Council for peer review of states by other states in which all countries have participated (to date). However, the information shared comes from three sources: the state under review, the UN, and stakeholders (including civil society organisations or non-governmental organisations). The process leads to recommendations from the review process, which the state in question can accept or reject. The process provides some space for people to question the state under review through the information shared and the resultant recommendations. (See further: www.ohchr.org) It is open to debate whether a similar system should be adopted at the regional level.

investigations, remedies, and accountability has to be explored at the national level, and where there is no remedy yet at that level, the search has to reach higher to the international/multilateral level, such as the UN.

Importantly, in five ASEAN countries today (Indonesia, Malaysia, Myanmar, the Philippines, and Thailand) are mechanisms in the form of national human rights commissions that can receive complaints, undertake investigations, and call for remedies and accountability (Muntarbhorn, 2013, Chapter 2). Also, all ASEAN countries have courts and other channels for receiving grievances, although access and quality of decision-making vary per setting. Yet, there remains a degree of opacity that counters the quest for good governance, compounded by extensive corruption in some circles.

Therefore, where the national setting is unable or unwilling to protect human rights and ensure good governance, it is important to access also the international system available to fill in gaps.²⁷ This includes the human rights treaties referred to above, all of which have monitoring mechanisms in the form of human rights committees, Universal Period Review, and the variety of international monitors set up by the UN known as Special Procedures, such as the Special Rapporteurs on Myanmar and on Cambodia, together with UN presences in the region. In this context, intriguingly, the most challenging mechanism for good governance and human rights in the ASEAN region is possibly the Khmer Rouge tribunal, which establishes standards against the more egregious forms of human rights violations such as genocide and crimes against humanity.²⁸ Of course, its mandate is based on a compromise between the UN and Cambodia, and is limited to a single country and a particular period of history. However, its very presence impels others to at least ask the question: whether action against impunity if serious violations exist in the region, especially in the absence of a national remedy?

From the perspective of human rights and good governance, the challenge to the region is to identify and/or establish a variety of checks-and-balances against abuse of power as well as to promote good governance together with human rights protection at national, regional, and international levels. There is more room for human rights institutions and participatory processes at the national level (such as good courts, human rights commissions, and a vigilant civil society). The regional mechanisms need to have more proactive mandates that can receive complaints, address country situations, initiate investigations, and advocate remedies and accountability.

²⁷ www.ohchr.org

²⁸ <https://www.eccc.gov.kh/en> (accessed 25 October 2016).

What of an ASEAN Parliament and an ASEAN Court of Justice in the future?²⁹

Where there are protection gaps nationally and regionally, there needs to be recourse to the international setting. This can be improved by means of more ratification and implementation of the core human rights treaties, more access to the Statute of the International Criminal Court,³⁰ more leverage through Universal Period Review, and more access to the UN Special Procedures, related complaints mechanisms, and UN presences in the region and beyond.

Finally, it should not be forgotten that some of the preferred next steps are already laid out in the AEC Blueprint 2025 (ASEAN, 2015), and they invite effective implementation. These include human rights-sensitive domestic laws and related enforcement, more ratification of human right treaties, fuller use of Universal Period Review, strengthening of ASEAN's human rights mechanisms, and human rights education. To these can be added the need to reform substandard laws, policies, and practices such as the overuse of national security laws to curb dissent, and the presence of discrimination against various ethnic groups. Meanwhile, those blueprints also open the door to more actions on good governance, including education, skills development, corporate social responsibility, e-services to open up government, and the adoption of benchmarks for performance. These need to be coupled with the advent of more democracy in the region, together with free and fair elections, multi-party system, and respect for the totality of human rights, not least political rights such as freedom of expression and lawful assembly.

In conclusion, 50 years after its formation, ASEAN can be lauded for personifying a regional order based on peace amongst its member states. However, the challenge is to advance further as a caring community and a community of caring communities, less in form and more in substance. Only when the pillar of people's participation and people-based centrality anchored on human rights and good governance, alias democracy, is truly embedded in the region can ASEAN claim to have founded a dynamic regional architecture beyond the pedestals of an inter-governmental framework.

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³⁰ See further: www.icc-cpi.int/

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Non-state Actors' Engagement with ASEAN: Current State of Play and Way Forward

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Introduction

Gone are the days when the Association of Southeast Asian Nations (ASEAN) was the sole business of national leaders, high-level officials, and the intellectual elites of the region. ASEAN has come a long way from being an entirely elitist, 'top-bottom' Association to a regional organisation that is more accommodative – albeit slowly – towards a genuinely 'people-oriented', 'people-centred' and/or 'people-driven' regional community. Efforts to democratise ASEAN have, indeed, been a painstakingly long process. Following its interaction with the business community in the early 1970s, ASEAN began its engagement with the region's intellectuals and a handful of so-called 'ASEAN-affiliated non-governmental organisations' in subsequent decades. It was only in the late 1990s, however, that the Association began its engagement with the wider civil society organisations (CSOs). While initially showing a rather ambivalent attitude towards ASEAN for its ineffectiveness at addressing national and regional concerns that affect the common citizens in the region, attention towards the grouping amongst non-state actors (NSAs)¹ took off following the Association's 2003 ambitious plan to launch the ASEAN Community by the then deadline of 2020.²

¹ Non-state actors are generally referred to here as groups, movements, organisations, and individuals that are not part of the state structures (Teftedarija et al., 2013: 88), but are pursuing aims that affect vital interests of the state (Pearlman and Cunningham, 2011). While many of such actors are heroes, they can also be villains in different narratives of international politics (Josselin and Wallace, 2001: 1).

² The schedule of the launching of the ASEAN Community was then accelerated to 2015 during the ASEAN Economic Ministerial Meeting in 2006.

Indeed, interactions between ASEAN officials and NSAs have intensified since then. Although many such interactions have been taking place on a rather ad hoc, informal basis, many other forms of interactions have been carried out in a more institutionalised manner. For example, annual meetings have been organised between the ASEAN Business Advisory Council (ASEAN-BAC) – as representative of the business community in the region – and Senior Officials, Economic Ministers, and even the Heads of State/Government of ASEAN Member States (AMS) since 2003. Annual meetings between the ASEAN Leaders and CSOs and youth representatives have also taken place since the mid-2000s. Meanwhile, other platforms of engagement have also been initiated by NSAs. The ASEAN-BAC, for example, has been organising the so-called ASEAN Business and Investment Summit on an annual basis, while other prominent business networks, such as the ASEAN Business Club, have also been carrying out similar endeavours. Likewise, CSOs have been active in pushing their advocacy agenda vis-à-vis ASEAN with a degree of success. Platforms, such as the Solidarity for Asian Peoples' Advocacies (SAPA) – which used to have an active Working Group on ASEAN – has been playing a critical role in facilitating greater interaction both amongst the region's CSOs and between the CSOs and ASEAN, as well as in organising the ASEAN Civil Society Conference (ACSC) and/or the ASEAN Peoples' Forum (APF); both of which are the main civil society platforms to engage on ASEAN-related issues on an annual basis.

Despite the myriad of engagement platforms between ASEAN and NSAs, the relative effectiveness of such ASEAN-NSAs engagements remains hazy. Amongst other things, concerns over the effectiveness of platforms that facilitate engagements between the two actors have been commonly heard amongst NSAs. Aside from their ad hoc nature, many of such engagement forums, especially those that are ASEAN-led, are merely seen as a requirement amid increasing calls for the Association to move away from its traditional ASEAN Way of doing things, and democratise its policymaking process.

This chapter is an initial effort to assess the effectiveness of ASEAN-NSAs engagement, as well as existing mechanisms that facilitate interactions between the two parties. Using the outcome of an online survey carried out amongst the region's NSAs between April and June 2016, this chapter mainly argues that the ASEAN-NSAs engagement and the mechanisms that facilitate such interactions are still far from perfect. For ASEAN integration to move ahead effectively, ASEAN-NSAs engagement should not only be enhanced and deepened; they should also move beyond rhetoric to ensure that the benefits of regional integration could be directly felt by normal citizens of the region.

The Evolution of ASEAN–NSAs Interactions

While reputed to be an elitist regional organisation, ASEAN’s interaction with non-state actors (NSAs) is not new. Over the years, the grouping has pursued engagement with a diverse group of stakeholders, ranging from the business community, intellectuals, and, increasingly, the wider civil society. This section highlights the key evolution of such engagements.

Business Community

Early ASEAN engagement with NSAs was carried out with the business community. Set up in 1972 under the initiative of the ASEAN Foreign Ministers, the ASEAN Chamber of Commerce and Industry (ASEAN–CCI) serves as a platform in which the region’s private sector could channel their aspirations to relevant ASEAN decision-making bodies (Young, 1986: 690; Chng, 1992: 58; Yoshimatsu, 2007a: 232; Collins, 2008: 315). Having wanted to intensify economic relations with Western industrialised countries, ASEAN policymakers were of the opinion that the establishment of a business organisation modelled after those in Western countries could help enhance foreign investors’ confidence and spur integration in the region (Rüland, 2014). Although initial engagements between ASEAN and the Chamber were relatively limited – discussions were often conducted in ‘monologues rather than dialogues’ (Urgel, 1994: 41) – ASEAN–CCI eventually played a key role in introducing the implementation of the ASEAN Industrial Cooperation (AICO) scheme in the late 1970s (Cordenillo, 2011: 142) and the formation of the ASEAN Free Trade Area in 1993 (Bowles, 1997; Chandra, 2006: 73).

ASEAN–CCI’s influence, however, waned along with the deepening of economic integration in the region. Rather than serving as a partner in policy formulation, ASEAN’s preferred role for ASEAN–CCI was for it to play what Rüland (2015: 5) refers to as ‘transmission-belt functions’ to help drum up support for the Association’s economic policies amongst economic actors (Yoshimatsu, 2007b) and deflect criticisms from groups that might be adversely affected by AFTA (Bowles and MacLean, 1996: 339). Over time, however, ASEAN governments were unsatisfied with ASEAN–CCI’s lack of ability to help businesses exploit opportunities within the region. Aside from ASEAN–CCI’s weak relations with its constituents at the national level, internal politicking and the pursuit of vested, often protectionist and rent-seeking interests amongst its members also affected the cohesion of the Chamber badly (Rüland, 2015: 15).

The role of the ASEAN–CCI as the official private sector voice of the region’s private sector was eclipsed when ASEAN Leaders decided to set up the ASEAN Business

Advisory Council (ASEAN-BAC) in 2003. Composed of three business persons from each ASEAN Member State (AMS), ASEAN-BAC is mandated 'to provide private sector feedback and guidance to boost ASEAN's efforts towards economic integration' (ASEAN-BAC, n.d.). Although the members of the Council represent the corporate sector in the region, they are also business persons who already possess close ties with policymakers prior to their appointment (Rüland, 2015: 6). Despite having more frequent meetings with Senior Economic Officials, ASEAN Economic Ministers, and the ASEAN Leaders than its predecessor, many such meetings were initially focused on economic policies in rather general terms. It was only in 2009, under the chairmanship of Thailand, that the interactions between ASEAN-BAC and the ASEAN Economic Ministers became more pronounced when the latter decided that the membership of the former was to include representatives of specific economic sectors.³

ASEAN-BAC's role as the official private sector body of ASEAN became prominent following the launching of the ASEAN Economic Community (AEC) in January 2016. Through its new ASEAN Economic Community Blueprint 2025, which outlines the Association's economic priorities for the next 10 years, ASEAN governments want to see an enhanced role for the Council in the post-2015 ASEAN.⁴ ASEAN-BAC, however, is very likely to encounter major challenges in delivering these high expectations. Firstly, although the majority of its members are chief executive officers (CEOs) of large companies, the Council's resources are surprisingly limited. The infrastructure and activities of its Secretariat, which is based in the ASEAN Secretariat in Jakarta, for example, are largely determined by relatively meagre resources derived primarily from profits generated through ASEAN-BAC's main annual public event, the ASEAN Business and Investment Summit. Secondly, the membership of large companies' CEOs whose time is divided between their own businesses and their involvement in ASEAN-BAC – and sometimes in other business councils and/or associations – also means that the Council can be ineffective in delivering strategic policy inputs in a timely fashion. Thirdly, despite attempts to help businesses exploit the potentials of ASEAN's economic integration initiatives, ASEAN-BAC faces difficulties in reaching out to businesses at the grassroots level. The statutory requirement that one of the three appointed ASEAN-BAC members should represent small and medium-sized enterprises (SMEs), for example, is difficult to implement since many such economic actors are

³ See, for example, ASEAN Secretariat (2009).

⁴ In addition to coordinating policy inputs from 9 of the so-called ASEAN+1 business councils and 66 business entities that interact directly with various ASEAN sectoral groups, the 2025 Blueprint also calls for ASEAN-BAC membership to have stronger linkages with business stakeholders, build in a more structured engagement processes with business councils and/or entities, and establish an adequate structure to monitor progress of key initiatives, as well as more effective coordination with the ASEAN Secretariat and other relevant ASEAN bodies. For further details on the 2025 Blueprint, see ASEAN Secretariat (2015).

less inclined to devote their resources, time, and energy to the regional policymaking process, leaving representatives of large companies, usually those with relatively strong business linkages with SMEs, to take up the space instead (Rüland, 2015: 6).⁵

Think Tanks and Academia

Think tanks and the wider academic community occupy an important role in ASEAN's policymaking process. They have been known to articulate their own visions for an integrated Southeast Asia (Chandra, 2006: 73). Initiated in 1984, but formally established in 1988, the ASEAN Institute for Strategic and International Studies (ASEAN-ISIS) network of ASEAN-based research organisations is probably one of the most successful NSAs to engage with ASEAN (Stone, 2000; Lallana, 2012: 32).⁶ In addition to being a key actor that gave birth to the concept of Track 2 diplomacy,⁷ the extent to which the network has penetrated ASEAN's foreign and security policymaking bodies is also feasible through the institutionalisation of meetings between ASEAN-ISIS and the ASEAN Ministerial Meetings (AMM), as well as the acknowledgement given to the network in the Joint Communiqués of the AMM since 1991 and the occasional requests made by Senior Official Meetings (SOM) of the views of the ASEAN-ISIS on issues they wish to understand better prior to making official policy (e.g. South China Sea disputes, etc.) (Hernandez, 2006: 20). ASEAN-ISIS has also been credited in facilitating initial interactions between ASEAN and the wider civil society stakeholders through its ASEAN People's Assembly initiative, which will be discussed in the next sub-section.

⁵ The relative ineffectiveness of ASEAN-BAC in representing the voice of ASEAN businesses has also prompted other business – ASEAN engagement mechanisms. For example, set up in 2011, the ASEAN Business Club (ABC) has become a key rival of ASEAN-BAC. Unlike ASEAN-BAC that is an ASEAN-led initiative, ABC is a private sector-led initiative whose activities are funded by local ASEAN companies (Sim, 2011). Aside from being the Secretariat for the Club, the CIMB ASEAN Research Institute (CARI) also coordinates the daily activities of the ABC. Since its establishment, the Club has been advocating for the same consultative roles accorded to ASEAN-BAC. To date, however, it appears that ASEAN is more comfortable in dealing with a business council of its own design rather than one that is initiated by the private sector. In 2015, however, ASEAN-BAC leadership was held by Tan Sri Dato' Mohd Munir Abdul Majid, one of leading intellectuals behind the formation of ABC. During his chairmanship of ASEAN-BAC, policy inputs from the ABC, including the outcomes of studies carried out by its secretariat, or CARI, were quite pronounced in the official ASEAN-BAC Report to ASEAN Leaders 2015. For further details on the ABC, see its official website at: <http://www.aseanbusinessclub.org/> (accessed 2 May 2016).

⁶ Members of ASEAN-ISIS include Brunei Ministry of Foreign Affairs, the Cambodian Institute for Cooperation and Peace, the Indonesian Center for Strategic and International Studies, the Laos Institute for Foreign Affairs, the Malaysian Institute for Strategic and International Studies, the Philippines' Institute for Strategic and Development Studies, the Singapore Institute of International Affairs, Thailand's Institute for Security and International Studies (ISIS), and Viet Nam's Institute for International Relations.

⁷ Track 2 diplomacy is primarily the conduct of policy dialogue amongst government officials, think tanks, and other policy analysts and practitioners on various issues that range from economic, political-security, to the social (Hernandez, 2006: 19). Accordingly, the designation Track 2 is usually used to distinguish non-governmental or non-official meetings from official and formal diplomatic channels normally referred to as 'Track 1' activities (Kraft, 2000: 344).

Other regional think tanks have also been very influential in ASEAN's decision-making process. The Singapore-based Institute for Southeast Asian Studies, which was established in 1968, and later renamed as the ISEAS–Yusof Ishak Institute in 2015, is an independent research organisation that dedicates itself to the study of socio-political, security, and economic trends and developments in Southeast Asia.⁸ As in the case with the ASEAN–ISIS, ISEAS was very much involved in the process leading to the establishment of the ASEAN Economic Community in the early 2000s,⁹ as well as in the debate on the launching of the ASEAN Charter in 2009.¹⁰ Furthermore, although considered the brainchild of the Japanese government, the Jakarta-based Economic Research Institute for ASEAN and East Asia (ERIA) is increasingly playing a leading role in providing intellectual and analytical policy recommendations and capacity building initiatives to ASEAN and its AMSs, particularly in the area of economic integration (Kitano, 2014: 223). The contributions of ERIA towards ASEAN economic integration efforts are visible in, amongst others, the development of the Master Plan on ASEAN Connectivity (MPAC) in 2010 and, more recently, the AEC Blueprint 2025.

Civil Society Organisations

ASEAN's engagements with civil society organisations (CSOs),¹¹ often referred to as Track 3 or people-to-people diplomacy, are probably the most dynamic one amongst NSAs. Although traditionally indifferent towards ASEAN and its activities, there has been a steady increase of interest amongst CSOs to engage with ASEAN in recent years (Chandra, 2006; Lopa, 2012: 56). The region's CSOs are of increasing recognition that the need to influence ASEAN policymaking process, especially in light of the recent

⁸ Although both ASEAN–ISIS and ISEAS have similar research programmes, the two institutions differ in that the former is comprised of think tanks with regional interests at the national level while the latter is simply a regional think tank. ISEAS attended the formation of ASEAN–ISIS in Bali, Indonesia in 1984. However, since ISEAS considers itself a regional think tank, the Singapore Institute of International Affairs joined the ASEAN–ISIS to represent Singapore in the network (Chandra, 2006: 73). For further details on the ISEAS is available on its official website at (accessed 3 May 2016): <https://www.iseas.edu.sg/>

⁹ With regard to the AEC formation, ISEAS advocated for the so-called 'FTA-plus', which argued for an AEC that includes a zero-tariff FTA with some elements of a common market, such as free movement of capital and skilled labour added to the initiative (Hew, 2005: 4–5). ASEAN–ISIS, on the other hand, proposed that the AEC should entail the creation of a common market-minus approach, which, according to one of its notable economists, Soesastro (2005: 23), has its additional advantages than ISEAS's 'FTA-plus' proposal, including the explicit formulation of some kind of a 'negative list' that can be brought under the umbrella of the integration project.

¹⁰ For details on ISEAS's inputs on the issue of ASEAN Charter, see, for example, Severino (2005).

¹¹ The term 'civil society' generally refers to the sphere of public social life that excludes government activities (Meidinger, 2001), and has been used as the classification for persons, institutions, and organisations that have the goal of advancing or expressing a common purpose through ideas, actions, and demands on governments (Cohen and Arato, 1992). However, the concept of civil society continues to be contested (Connolly, 1983), particularly over the question of membership. While it is commonly assumed that membership of CSOs is 'diverse, ranging from individuals to religious and academic institutions to issue-focused groups[,] such as not-for-profit or non-governmental organizations' (Gemmill and Bamidele–Izu, 2002: 3), and the business community, some civil society activists acknowledge that certain societal groups that have close links with those in power, such as government-backed academic think tanks and large multinational corporations, should not be defined as civil society groups.

launching of the ASEAN Community, is becoming imperative. Aside from promoting the protection of human rights and human security in the area of political–security of ASEAN cooperation, CSOs are also keen to have a bigger say in the decision-making of the economic affairs of the association, an area where the influence of big businesses is significantly apparent. The scope of CSOs’ interests are even more diverse when it comes to the socio-cultural aspect of ASEAN cooperation, ranging from environment, women, youth, all the way to the question of the regional identity of ASEAN.

Contrary to popular belief, civil society’s engagement with ASEAN is not a new phenomenon. Indeed, as early as 1979, the association had adopted an accreditation system that allowed CSOs to become ASEAN-affiliated non-government organisations (NGOs), with official guidelines for relations between the official ASEAN structure and NGOs established 2 years earlier.¹² By 1984, the ASEAN Secretariat had reported the existence of 42 of such organisations (Anwar, 1990: 242), but the number expanded to 72 in 2004 (Chandra, 2008a: 205–206). These guidelines, however, were stringent, with more stress on responsibilities than rights, and this indicated the extent to which ASEAN governments wished to impose control on private groups that wanted to involve themselves in ASEAN-related activities on the one hand, and discouraged many important NGOs from associating themselves with ASEAN, on the other (Anwar, 1994: 243). Except for ASEAN-CCI, which at the time was considered as an ‘NGO’ by ASEAN, and was by far the most active ASEAN non-government entity, the activities of most other ASEAN-affiliated NGOs were in the form of visits to other ASEAN countries, meetings with ASEAN officials, and organising conferences involving citizens from the AMSs (Anwar, 1994: 246).¹³

It was the ASEAN-ISIS, or Track 2 network, however, that facilitated the initial engagement between ASEAN and non-ASEAN-affiliated CSOs. Following the proposal from Thailand for the establishment of a Congress of ASEAN People at the ASEAN Ministerial Meeting (AMM) in Brunei in 1995, ASEAN-ISIS responded with an idea to set up an Assembly of the Peoples of ASEAN (or APA for short) which transcended the idea of ASEAN officials at the time to set up a regional inter-parliamentary union (Caballero–Anthony, 2006: 63; Chandra, 2008b: 6–7). In its evolution, APA became a

¹² Although the ASEAN Tourism Association, which was established in 1971, was the first not-for-profit organisation bearing the name of ASEAN (Anwar, 1994: 242), it was the Federation of ASEAN Public Relations and the ASEAN Bankers Association that were certified as the first two ASEAN-affiliated NGOs (Gerard, 2015: 8).

¹³ Following the launching of the ASEAN Charter in 2007, which highlights the association’s intention to become a more ‘people-oriented’ regional organisation, ASEAN issued a revised CSO accreditation guidelines in 2012. Criteria for accreditation in the new guidelines, however, are still beyond the reach of many CSOs, many of which lack financial and decision-making reporting systems (Chong, 2011: 14). The new guidelines also favour middle-class organisations with established formalised and legalised systems of operation, as well as groups with links to the states and other national (but not external) financiers (Gerard, 2015: 8). For further details on the revised CSO accreditation guidelines, see ASEAN Secretariat (2012).

general meeting platform amongst diverse types of civic organisations that aim to serve as a channel for articulating and conveying people's views and interests outside the formal political channels (Hernandez, 2003: 1). Despite various setbacks, such as lack of funding and the reservation of ASEAN officials towards the idea (Caballero–Anthony, 2006: 65), the first APA was launched in Batam, Indonesia on 24 and 25 November 2000. Up to seven APAs were organised between 2000 and 2009. Although APA was relatively successful in building a bridge between ASEAN and CSOs, a broad consensus was reached amongst scholars and activists concerning the limitations of APA in advancing CSOs' interests and their agenda (Gerard, 2013: 1). APA, for instance, failed to facilitate actual interactions between CSOs and the ASEAN bureaucracy, while its agenda was very much driven by the ASEAN–ISIS. Although recognised as an official ASEAN–CSOs engagement forum, the organisation of APA had to be discontinued following a significant decline of CSOs' interests to participate in it.

CSOs' frustration towards APA led them to initiate their own advocacy platforms to engage with ASEAN. Under the initiative of several regional NGOs, such as Forum Asia, Southeast Asia Committee for Advocacy (SEACA), and the Asian Partnership for the Development of Human Resources in Rural Asia (Asidhrra), representatives of CSOs across the region got together in Bangkok in October 2005 to discuss ways in which CSOs could engage more effectively with ASEAN. The meeting that was attended by high-level officials of the ASEAN Secretariat and the then Secretary-General of the Association, Ong Keng Yong, was important as it gave a signal to CSOs for the possible deepening of engagement in the future. Furthermore, upon the invitation of Secretary-General Ong, representatives of CSOs agreed to participate in the first ASEAN Civil Society Conference (ACSC) about a month later, which ironically was organised under the initiative of the Malaysian government as the ASEAN Chair then (Lopa, 2012: 56). The organisation of the first ACSC was noteworthy for it marked the first time that CSOs were invited to present their deliberation to the heads of state/government of AMs (Collins, 2013: 66). The subsequent ACSCs, however, were organised by CSOs, and by 2008 during Thailand's chairmanship of ASEAN, a new name was added to the conference to reflect the desire of grassroots-level organisations to have a bigger say in the initiative: the ASEAN People's Forum (APF).¹⁴

¹⁴ On average, ACSC attracts about 300 or so CSO delegations. During the first APF or fourth ACSC in 2009 in Thailand, the event drew participation of about 1,000 CSOs delegation. The number of participants, however, has been fluctuating, much of which depends on the level of the democratisation in the host country, as well as available resources to organise such public events.

Another important CSOs-led initiative to engage with ASEAN is the establishment of a network known as the Solidarity for Asian People's Advocacy (SAPA). Initially set up to serve as a networking platform for South and East Asian civil society groups, the activities of the network have always been dominated by its Working Group on ASEAN. Conceived at the Strategic Action Planning for Advocacy Meeting that took place in Bangkok in February 2006, SAPA was created to serve as a platform where information and resources could be shared amongst like-minded CSOs to enhance the effectiveness of their engagement with various intergovernmental processes at the global and regional levels (Chandra, 2006: 76). The role of SAPA in CSOs' engagements with ASEAN is particularly crucial not only in coordinating the organisation of the initial ACSCs/APFs, but also in consolidating CSOs' inputs and policy recommendations in the process leading to the making of the ASEAN Charter.¹⁵

While there exist diverse venues for ASEAN-CSOs engagements, the effectiveness of such engagements remain far from ideal for both parties. Many non-democratic ASEAN governments, for example, remain frustrated at the grouping's inability to fully control CSOs, especially those vocal in criticising their own governments. CSOs are equally frustrated over ASEAN's continued insistence to exercise control over their activities. Annual direct interfaces between ASEAN Leaders and representatives of CSOs, for instance, were often clouded by uneasiness between the two parties. One such interface had to be disrupted in 2009 during Thailand's chairmanship of ASEAN, when a Myanmar CSO representative, Khin Ohmar – known to be a vocal critic of the then military junta in the country – and Pen Somony – a Cambodian who was then unknown to the government – sat amongst the 10 CSO representatives in the interface with ASEAN Leaders. The refusal of both the Myanmar and Cambodian governments to accept the presence of these two activists led other CSO representatives to withdraw from the interface (Chongkittavorn, 2009; Collin, 2013: 74). Elsewhere, ASEAN officials were also adamant that CSOs' voices are too diverse, and they have insisted for the latter to come up with a single, united voice each time they engage ASEAN. This is, of course, impossible given the extremely diverse views amongst community groups in the region.

¹⁵ For further assessments on SAPA Working Group on ASEAN's engagement with the so-called Eminent Persons Group and, subsequently, High-Level Task Force on the ASEAN Charter, see, inter alia, Chandra (2006; 2008b) and Collins (2013).

Measuring the Effectiveness of ASEAN's Engagement with NSAs

This section examines the effectiveness of ASEAN–NSAs engagements, as well as various mechanisms that facilitate the interactions between the two actors. Our assessment in this section is based on a simple online survey that was carried out between April and June 2016 amongst NSAs in the region. Although the survey gave attention to NSAs with experience in pursuing direct engagements with ASEAN, it was also open to others wishing to express their views on the subject. The survey involved 100 respondents, representing diverse types of NSAs (e.g. business community, academia, NGOs, trade unions, youth groups, and so on) from nine AMSs.¹⁶

The majority of respondents were from Indonesia and the Philippines, who together made up 60% of respondents; on the other hand, no responses were received from Brunei Darussalam. Indeed, it was interesting to note the significant gap between responses from the original ASEAN–6 countries¹⁷ and the CLMV countries.¹⁸ Whereas the former group represented 81% of respondents, the latter group only represented 12% of respondents.¹⁹ While this may be the result of the location in which the authors are based, i.e. in Indonesia – and consequently greater ties with NSAs located in the original ASEAN–6 countries – it may also reflect the view that ASEAN holds more meaning for the original ASEAN–6 countries having had more time to establish its presence in those countries.

In terms of the type of organisations represented by respondents, the online survey drew a largely balanced spread with no single category dominating. The majority of respondents (32%) identified themselves as ‘research institute/think tank/university’, while 19% were from NGOs and 16% from the private sector. The healthy response from the private sector in particular suggests that ASEAN is moving away from its image as an elitist regional organisation and the sole business of leaders, high-level officials, and intellectual elites of the region. Interestingly, in terms of the issues being advocated by respondents, 33% answered economic issues, 31% answered socio-cultural issues, and only 10% answered political–security issues. This is somewhat surprising given that political–security issues usually attract the most attention within ASEAN and given that socio-cultural issues are traditionally seen as the ‘unsexy’ pillar of ASEAN.

¹⁶ It should be noted that the survey was open to respondents from all 10 AMSs.

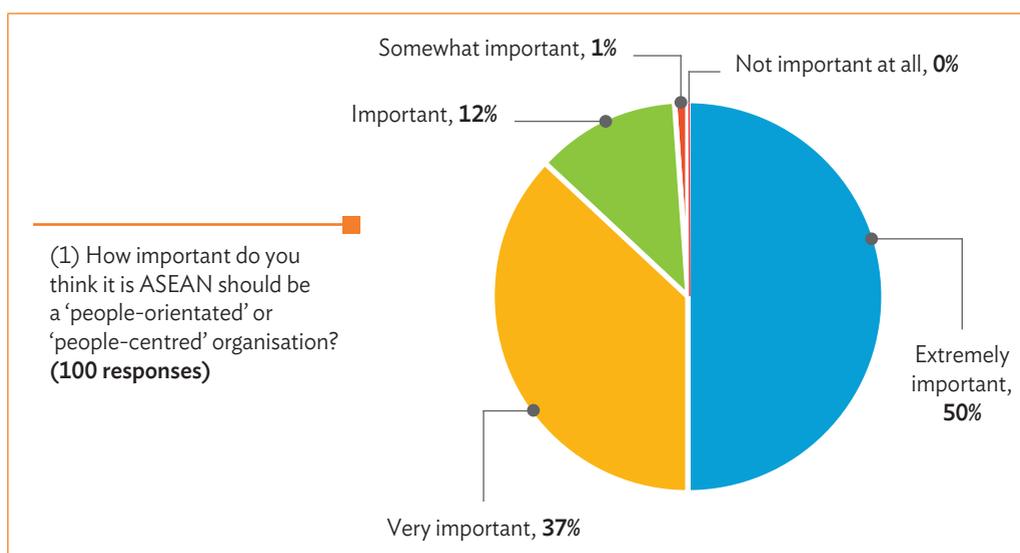
¹⁷ ASEAN-6 is made up of Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore, and Thailand.

¹⁸ CLMV is made up of Cambodia, the Lao PDR, Myanmar, and Viet Nam.

¹⁹ The remaining 7% represented respondents who identified themselves as regionally based or from outside the ASEAN region (including Bangladesh, India, and Nepal).

Respondents were asked seven questions, all of which are listed below. In some questions, a complementary open-ended space was also provided to respondents to elaborate further their views on the questions asked.

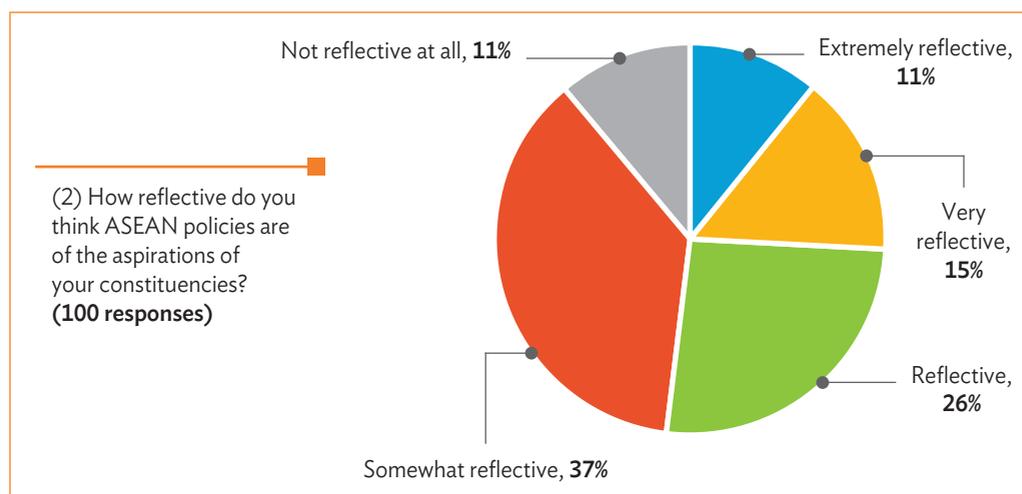
Question 1 asked respondents how important they felt it is that ASEAN should be a ‘people-oriented’ and ‘people-centred’ organisation, as well as the reasons for their answer. Half of the respondents answered that it was ‘extremely important’ that ASEAN should be a ‘people-oriented’ and ‘people-centred’ organisation, while a further 37% answered that it was ‘very important’ and 12% answered ‘important’. Only one respondent answered it was ‘somewhat important’ and no respondents answered it was ‘not important at all’. As such, respondents overwhelmingly felt that it is important for ASEAN to be ‘people-oriented’ and ‘people-centred’.



The reasons given for their answer were varied, but a number of key issues are worth highlighting. Several respondents underlined the importance of people in any community building/regional integration process. The people were described as an ‘asset’ to the region, and seen as the ‘drivers’ or ‘engine’ in the ASEAN Community process. The youth sector, in particular, was highlighted for their potential contribution to the development of ASEAN. At the same time, focusing on people was seen as a possible means to address the diversity and inequality found in the region. It was suggested that the people of ASEAN shared some identical socio-cultural factors, and that this should be utilised to bridge the political, economic, and social divides that could undermine the ASEAN Community. There was also an expectation amongst respondents that ASEAN should

work towards benefiting the people and that the ultimate beneficiaries of ASEAN are the people rather than the member states of the association. For example, one respondent suggested that ‘if ASEAN is to be a meaningful entity, it has to be people-centred’, while another respondent stated that ‘without the people, there is no community’. Such remarks suggest an evolution in ASEAN’s *raison d’être* from serving the states that make up the regional organisation to serving the people that call the region their home. Lastly, it is interesting to note that some respondents answered it was important for ASEAN to be ‘people-oriented’ and ‘people-centred’ simply because it was stated in ASEAN documents such as the community blueprints. In this sense, respondents felt it was important for ASEAN to be ‘people-oriented’ and ‘people-centred’ because it was what the regional organisation had committed and obliged itself to become.

Question 2 asked respondents on how reflective they felt ASEAN policies were of the aspirations of their constituencies as well as the reasons for their answer. The majority of respondents replied that ASEAN policies were ‘somewhat reflective’ at 37%, with the next largest answer being ‘reflective’ at 26%, and ‘very reflective’ at 15%. Interestingly, if those who answered ‘somewhat reflective’ and ‘not reflective at all’ were combined, this group constituted 48% of respondents. And if those who answered ‘extremely reflective’ and ‘very reflective’ were combined, this group only constituted 26%. As such, almost half of respondents felt that ASEAN policies were ‘not at all reflective’ or ‘only somewhat reflective’ of the aspirations of their constituencies.

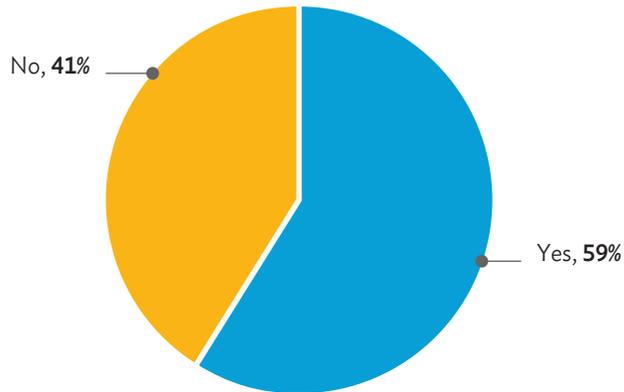


The reasons given for their answers raised a number of interesting points. For those who felt that ASEAN policies were reflective of the aspirations of their constituencies, it was argued that ASEAN was still in the preliminary stages of consolidation, and that the association needed more time before it could be truly reflective. Respondents acknowledged that while there was consultation, more could be done to improve the 'reflectiveness' of ASEAN policies. Nevertheless, one respondent stated that the ASEAN Economic Community is very reflective of the aspirations of business persons as it aims to grow business markets and opportunities. Interestingly, the focus on economic issues was also cited as a reason for those that felt ASEAN policies are not reflective of the aspirations of their constituencies. For example, some respondents argued that ASEAN policies prioritised markets and profits at the expense of the needs and rights of people, including labourers and trade unions. Whereas respondents had in the earlier question identified the people as ideally the main drivers and beneficiaries of ASEAN, they felt that in reality big businesses and transnational corporations were the main drivers and beneficiaries of ASEAN policies. Respondents suggested that ASEAN and its member-state governments were tilted towards business interests and cited the so-called powerful lobbying influence from business groups.

Respondents also felt that the ASEAN policymaking process remained a state-centric one and reflected national priorities. While respondents acknowledged that ASEAN did provide space and opportunities for consultation on ASEAN policies, they nevertheless felt that such exercises lacked formalisation/institutionalisation and that their recommendations were ultimately largely ignored and not taken seriously. For example, it was suggested that ASEAN Leaders did not read the statements produced by the ASEAN Civil Society Conference (ACSC)/ASEAN People's Forum (APF). For the most part, ASEAN policies were still seen as the exclusive realm of certain government institutions and think tanks, and so not inclusive enough of other NSAs. One respondent pointed out that while youths represented 65% of the region's population, ASEAN did not pay any specific attention towards youth development. Others highlighted the view that certain groups and their issues were 'invisible' in ASEAN. These include indigenous peoples, irregular migrants, stateless persons, and lesbian, gay, bisexual, and transgender (LGBT) people, who instead found their issues repressed by AMSs. Respondents also expressed frustration with the pace of ASEAN policies. ASEAN was criticised as a 'relic of the 1970s' and seen as too bureaucratic whereas respondents wanted a 'democracy of thought, engagement and **action**' [emphasis added].

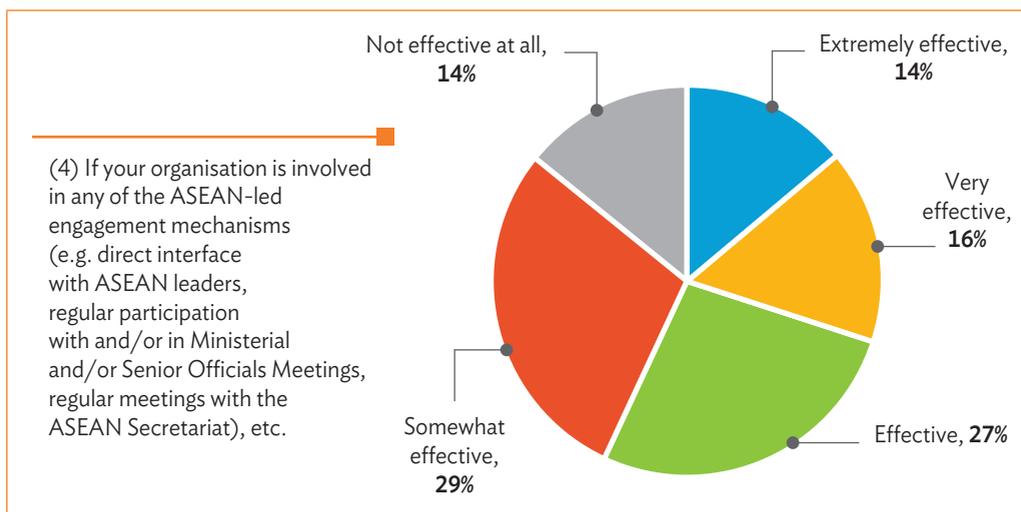
Question 3 asked respondents if their organisation was involved in any of the existing people-ASEAN engagement mechanisms, including both ASEAN and non-state actors-led initiatives. In response, 59% answered positively, while another 41% said that they were not involved.

(3) Is your organisation involved in any of the existing people-ASEAN engagement mechanisms, including both ASEAN- and non-state actors-led initiatives?
(100 responses)



Of those that were involved in existing people-ASEAN engagement mechanisms, respondents were asked to state the name of those engagement mechanisms. Amongst those cited were the Regional Tripartite Social Dialogue Conference (RTSDC), the ASEAN Intergovernmental Commission on Human Rights (AICHR), the ASEAN University Network (AUN), the Southeast Asian Ministers of Education Organization Centre for History and Tradition (SEAMEO-CHAT), the ASEAN People Forum/ ASEAN Civil Society Conference (APF/ACSC), the Network of East Asia Think Tanks (NEAT), ASEAN Business Advisory Council (ASEAN-BAC), Human Rights Task Force, ASEAN Forum on Migrant Labour, the Network of ASEAN Studies Centres, the ASEAN Social Forestry Forum, the ASEAN Occupational Safety and Health Network (ASEAN-OSHNET), and the ASEAN Seafood Association. Interestingly, in stating a people-ASEAN engagement mechanism, one respondent felt the need to include 'if invited' in his answer, suggesting that such engagement mechanisms were still ad hoc rather than sustainable and still lacked formalisation/institutionalisation.

Question 4 went on to ask respondents that were involved in any of the ASEAN-led engagement mechanisms (including direct interface with ASEAN Leaders, regular participation with and/or in Ministerial and/or Senior Officials Meetings, regular meetings with the ASEAN Secretariat, etc.) if they felt such mechanisms had been effective. The highest number of respondents (28.8%) answered ASEAN-led mechanisms were 'somewhat effective', with 27.4% replying such mechanisms were 'effective'. If grouped together, 57.5% of respondents felt ASEAN-led engagement mechanisms were 'extremely effective', 'very effective', or 'effective' compared with 42.5% of respondents who felt that such engagement mechanisms were either only 'somewhat effective' or 'not effective at all'.

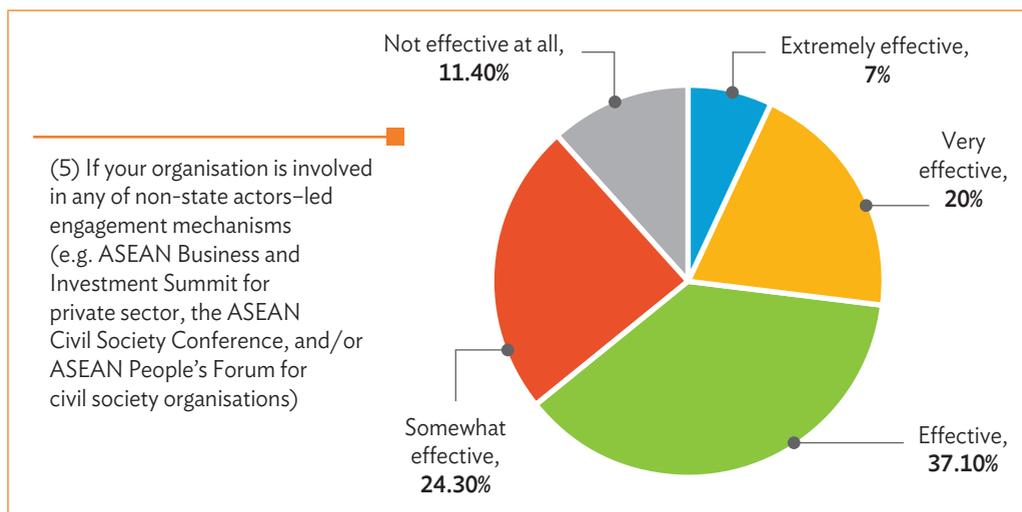


In stating the reasons for their answers, respondents pointed out that ASEAN-led engagement mechanisms allowed for inputs and criticisms to be directly conveyed to ASEAN officials. They also stated that ASEAN-led engagement mechanisms were effective in providing some space or opportunities to work with ASEAN. For example, one respondent argued that ‘regular interface with the governments and the ASEAN Secretariat will bridge the gap of understanding on issues and challenges’. But other respondents contested that ASEAN was not always sincere in its engagement with NSAs. ASEAN officials were criticised for only ‘sitting politely and listening’ to recommendations, and there were suggestions that ASEAN’s engagement with NSAs was merely ceremonial and amounted to paying minimal lip service. As one respondent noted, ‘most times, civil society is consulted just to tick a box’.

Respondents pointed out that people–ASEAN engagements were mostly ad hoc and irregular in nature. At the same time, ASEAN Leaders were criticised for ‘behaving like members of an exclusive club ... lacking confidence in going out of their comfort zone’. For example, one issue raised by respondents was the different views of the governments of AMSs as opposed to that of NSAs over the selection of CSO representatives to participate in the APF/ACSC. Governments asserted their right to nominate/approve CSO representatives while NSAs maintained that they should be able to freely select their representatives without state interference. This disagreement led respondents to argue that the APF/ACSC was merely a symbolic window-dressing exercise rather than a meaningful example of people–ASEAN engagement. Another issue raised by respondents to demonstrate the ASEAN Leaders’ ‘lack of confidence to move out of their comfort zone’ was the problem of proceeding at a pace comfortable to all AMSs. Respondents stated that this slow pace of working meant ASEAN was not able to

make progress on urgent or important matters. The lack of follow-up action, uncertain time frames, and no legally binding implementation were also cited as reasons for the lack of effectiveness of ASEAN-led engagement mechanisms. Lastly, respondents also highlighted that any decisions that resulted from ASEAN-led engagement mechanisms remained ultimately with the governments of AMSs.

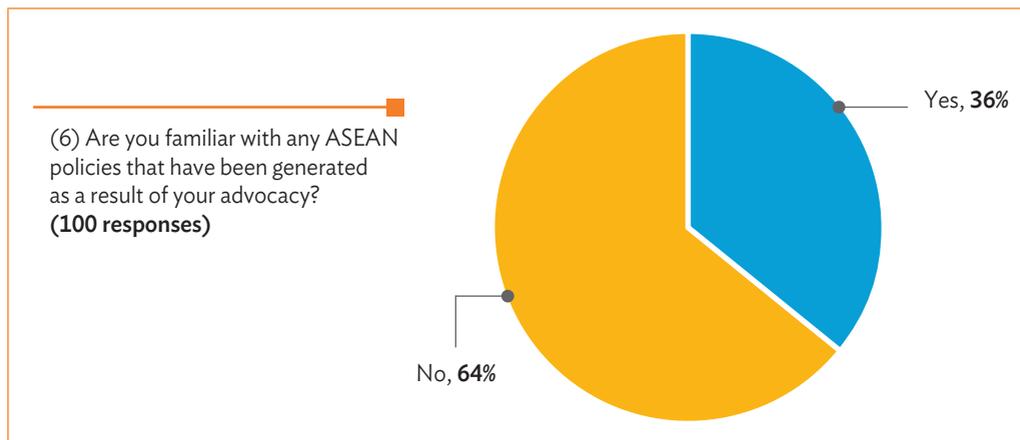
Question 5 was similar to Question 4 but focused on respondents' views on non-state actors-led engagement mechanisms (including the ASEAN Business and Investment Summit for the private sector, the ASEAN Civil Society Conference, and/or ASEAN Peoples' Forum for CSOs). Since a number of respondents had previously cited the APF/ACSC in their responses to Question 4, there was clearly some misunderstanding about which engagement mechanisms were ASEAN-led and which were NSAs-led. Nevertheless, the majority of respondents answered that NSAs-led mechanisms were 'effective' at 37.1%, with 24.3% answering 'somewhat effective' and 20.0% answering 'effective'. If grouped together, 64.3% of respondents felt NSAs-led engagement mechanisms were 'extremely effective', 'very effective', or 'effective' compared with 35.7% of respondents who felt that such engagement mechanisms were either only 'somewhat effective' or 'not effective at all'. Interestingly, these results meant that more respondents felt that NSAs-led engagement mechanisms were more effective than ASEAN-led engagement mechanisms. At the same time, fewer respondents felt that NSAs-led engagement mechanisms were only 'somewhat effective' or 'not effective at all' when compared with ASEAN-led mechanisms.



In explaining the reasons for their answers, respondents highlighted the relative ease of following up and implementing policies at the business-to-business or people-to-people level when compared with the government-to-government level. Respondents cited the simpler structures involved in NSAs-led engagement mechanisms, as well as the greater flexibility and larger inclusiveness found in such engagement mechanisms. These were seen to be more effective in fostering commonalities amongst stakeholders. On the other hand, other respondents argued that the absence of state actors in these engagement mechanisms limited their effectiveness. In their view, decisions remained the reserve of governments of AMSs and, at best, NSAs-led engagement mechanisms were a consultative exercise. In this sense, the ‘outsider’ status of NSAs-led engagement mechanisms meant they could not get directly involved in the decision-making process.

In contrast to the argument that NSAs-led engagement mechanism was more conducive to finding commonalities amongst stakeholders, some respondents argued that the nature of such engagement mechanisms in fact made it difficult to find a common agenda. This was due to the large numbers and diverse range of NSAs found in the ASEAN region. Respondents explained that as a result of this, it was difficult to focus on current/topical challenges and concerns affecting ASEAN and that they could only address sweeping ‘big picture’ themes. This admission is worth underlining as it has often been cited by ASEAN officials as the reason they find it difficult to work with NSAs. Similar to criticisms of ASEAN-led engagement mechanisms, respondents also questioned the sincerity of governments of AMSs to listen to recommendations produced from NSAs-led engagement mechanisms. One respondent felt AMSs had no interest in the outcome of NSAs-led engagement mechanisms, making the process ‘virtually useless’. Meanwhile, another respondent argued that ASEAN was only interested in the recommendations of big businesses and multinational corporations, underlining the view that engagement mechanisms were only effective for business groups. Lastly, respondents also highlighted cases of state intervention that resulted in NSAs-led engagement mechanisms being far from reflective or effective. One respondent argued that in the selection of NGO representatives for some NSAs-led engagement mechanisms, ‘many are selected by the government’. The presence of the so-called ‘government-organised NGOs’, especially from the Lao PDR and Viet Nam, was seen to prevent truly independent NGOs from participating effectively at NSAs-led engagement mechanisms.

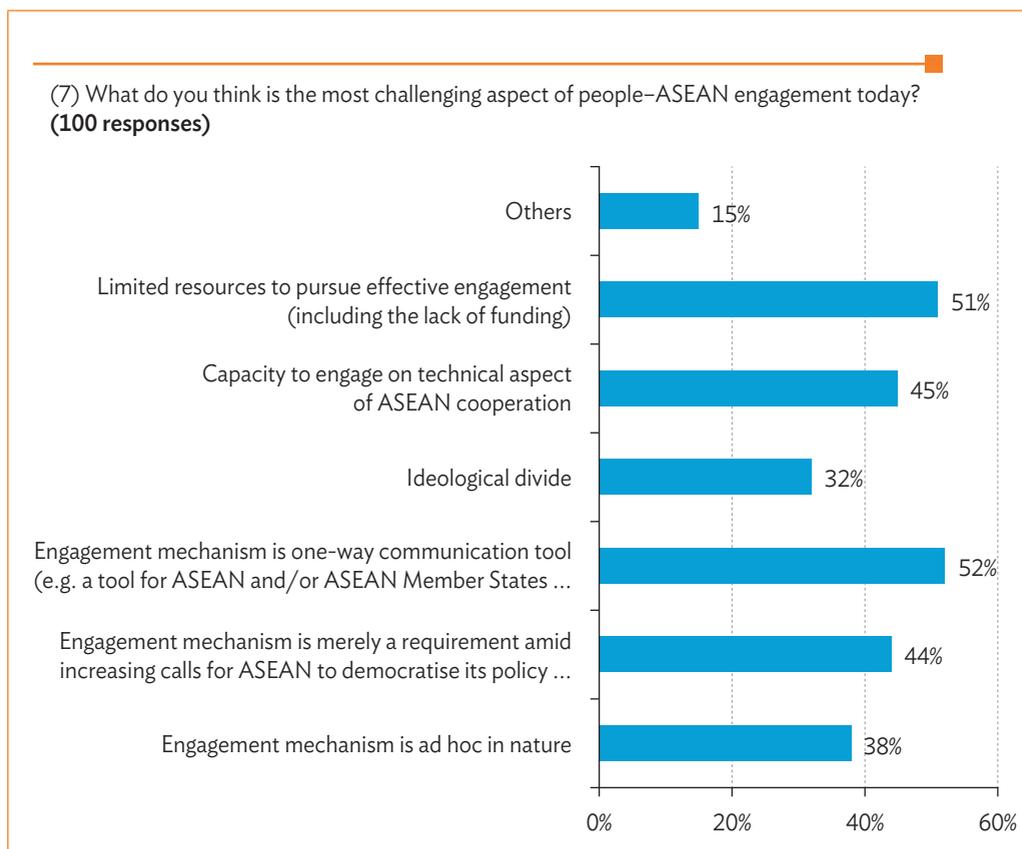
Question 6 asked respondents if they were familiar with any ASEAN policies that had been generated as a result of their advocacy as well as to state the policy in question. Thirty-six percent of respondents answered that they were familiar with an ASEAN policy that had been produced as a result of their advocacy, while the majority of respondents, or sixty-four percent, answered that they were not familiar.



Of those who answered positively, the most prominent ASEAN policies to have emerged from respondents’ advocacy related to labour rights. One respondent pointed out that ASEAN Leaders’ Statements had acknowledged the importance of decent work and that the AEC Blueprint 2025 had noted the relationship between economic integration with changes in the labour market. It was pointed out that ASEAN had tasked relevant officials to ‘manage labour adjustments’. Another respondent highlighted ASEAN’s call for meaningful and constructive social dialogues between trade unions and employers to work towards raising labourers’ standards of living, create decent jobs, and generate better employment terms and conditions for all workers. Other respondents cited the inclusion of corporate social responsibility as part of the new ASEAN 2025 agenda, as well as the adoption at the 27th ASEAN Summit of a regional framework and action plan to implement the ASEAN Declaration on Strengthening Social Protection – including the call for more social dialogues with workers’ organisations. Thus, while respondents had earlier criticised ASEAN for focusing only on the interest of business groups, it was interesting to observe how respondents cited labour rights–related ASEAN policies. Other examples of ASEAN policies that had been generated as a result of NSAs advocacy was the recognition of the synergy between the economic and socio-cultural pillars in the ASEAN Vision 2025, as well as the efforts of AICHR in addressing human rights issues.

Question 7, the last question in the online survey, asked respondents what they felt was the most challenging aspect of people–ASEAN engagement today. Respondents were given a choice of six answers as well as the option to give their own answer. At the same time respondents were allowed to select more than one answer. The most popular answer at 52% was the view that the engagement mechanisms are merely a one-way communication tool of ASEAN and/or its member states to socialise ASEAN policies to stakeholders, rather than as a venue to gather inputs from stakeholders.

Certainly, throughout the online survey, respondents had earlier questioned the sincerity of ASEAN officials to listen to their recommendations and follow up on them.



The second most popular answer at 51% was the limited resources to pursue effective engagement, including the lack of funding. Some respondents had highlighted the myriad of meetings that ASEAN officials had to attend and had suggested that, consequently, the limited human resources available to ASEAN meant they were unable to pay as much attention to people-ASEAN engagement. At the same time, respondents also highlighted the lack of policy implementation monitoring, which may also be related to limited resources.

The third most popular answer at 45% was the capacity to engage on technical aspect of ASEAN cooperation, closely followed by the fourth most popular answer at 44%, which was the view that the engagement mechanism is merely a requirement amid increasing calls for ASEAN to democratise its policymaking process. A number of respondents had earlier mentioned that people-ASEAN engagement was simply a window-dressing

exercise to tick certain boxes and provide minimal lip service. More interesting were the respondents who decided to give their own answers. Amongst the chief challenge cited by these respondents was the lack of trust between ASEAN officials and NSAs, which makes genuine cooperation difficult. One respondent also highlighted some of the shortcomings of NSAs, namely their lack of organisation and coordination, which made it difficult for ASEAN to engage with them.

NSAs–ASEAN Engagement: The Way Forward

ASEAN has, indeed, come a long way from being an elitist, ‘top-bottom’ association to a more ‘people-oriented’, ‘people-centred’, and ‘people-driven’ regional organisation. Despite the myriad of engagement platforms, the engagement between ASEAN and NSAs remains complex and far from perfect. Overall, our research findings reveal the following key points:

- Despite overwhelming aspiration amongst NSAs for ASEAN to become a ‘people-centred/oriented/driven’ organisation’, ASEAN policies are far from being reflective of the interests of NSAs’ constituents. Aside from being state-centric, ASEAN policies were perceived by NSAs to be prioritised towards markets and profits at the expense of people’s needs and rights.
- While allowing inputs and criticisms to be directly conveyed to ASEAN officials, ASEAN-led engagement processes and mechanisms were seen to be organised rather irregularly, usually involving only a select few NSAs, and lacking follow-ups in their implementation.
- Most NSAs-led engagement processes and mechanisms are seen more favourably amongst NSAs compared with ASEAN-led ones as they are easier to follow up, follow simpler structures, and allow greater flexibility and inclusiveness. Having said that, the extreme diversity of NSAs in the region also means that it is more difficult for these actors to determine a common agenda amongst themselves. In addition, ASEAN was also perceived to be lacking interest in the outcome of an engagement processes that it does not sanction.
- The majority of NSAs was also unable to determine any ASEAN policies that had been generated as a result of their advocacies. Those that responded positively towards this question highlighted labour rights, corporate social responsibility, and social protection issues as good case examples where NSAs were able to exert some level of influence on ASEAN.

- As far as the most challenging aspect of ASEAN–NSAs engagement to date is concerned, most NSAs still view existing engagement processes and mechanisms as being a one-way communication tool for ASEAN to socialise its policies to, rather than gather inputs from, its stakeholders. Furthermore, the lack of resources and the lack of capacity to engage on technical aspects of ASEAN cooperation are also seen as a key stumbling block in ASEAN–NSAs engagement today.

In view of these findings, the authors propose the following recommendations:

- The institutionalisation of engagement process between ASEAN and its stakeholders, as well as the mechanisms that facilitate such engagements, must be enhanced. While many ASEAN-led engagement processes and mechanisms (e.g. annual meetings between ASEAN organs and selective NSAs) are already formalised, they are not only heavily influenced by the agenda and interests of ASEAN and its member states but also lack inclusivity to allow the diverse NSAs in the region to participate in these activities.
- Engagement between ASEAN and NSAs should not be confined within the existing formal mechanisms and processes. While it is certainly beneficial for NSAs to engage the highest decision-makers in the association, formal engagement between the two sides should be fully institutionalised and conducted on a regular basis at the technical (e.g. working group, task force, etc.) and national (ASEAN national secretariats and other relevant national agencies) levels.
- Rather than be used as a one-way communication tool and a way to defend ASEAN's policies to the public, engagement processes and mechanisms should instead be used to genuinely gather inputs from NSAs. There are too many challenges in the region that cannot be solved by ASEAN and its member states alone. ASEAN needs NSAs to solve these problems and should pay attention to creative proposals and recommendations generated from NSAs-led engagement processes and mechanisms.
- Given expanding interest amongst NSAs of all types to engage with ASEAN, the latter should consider easing its engagement procedure with the former. Criteria attached to existing Guidelines on Accreditation of Entities Association with ASEAN, for example, remain too complex and out of reach for many NSAs in the region. In addition to improving public awareness towards the association, such a policy move could help inculcate a real sense of belonging towards ASEAN amongst the region's citizens.
- Engagement processes and mechanisms should be accompanied by robust monitoring and evaluation mechanisms that would allow ASEAN and NSAs to track the progress of recommendations submitted by the latter to the former. The ASEAN Secretariat and the ASEAN–BAC have been pursuing such an approach for the

last couple of years now and this could perhaps be emulated in the engagement between ASEAN and other NSAs.

- Despite the presence and participation of officials and/or representatives from ASEAN organs and member states in NSAs-led engagement processes and mechanisms, the association could give these initiatives greater recognition. As indicated above, NSAs-led engagement processes and mechanisms can be the source of unconventional and out-of-the-box inputs and recommendations that are often too difficult to attain as a result of its own complex and lengthy bureaucracy.
- Our survey suggests that ASEAN is not entirely closed to engagement with NSAs, with the latter being able to exert some level of influence towards the association's policies over the years. ASEAN should highlight such good case examples in its public outreach activities to encourage more NSAs to engage constructively with it.
- In addition to its own resources, ASEAN should also encourage its dialogue partners to engage, contribute, and support NSAs-led engagement processes and mechanisms. Aside from better communicating ASEAN's development cooperation with its dialogue partners, it should also ease the resource burden carried by the majority of NSAs to engage effectively with ASEAN.
- As for NSAs themselves, given the increasing complexity and expanding scope of ASEAN cooperation these days, knowledge building regarding the technical aspects of the association's cooperation is needed if they wish to be able to engage more effectively with ASEAN in the future. For this to happen, however, the role of ASEAN's dialogue partners and the wider international donor community needs to be better structured to ensure that the assistance they provide to ASEAN-related institutions trickles down to relevant NSAs in the region.

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Where Do We Begin? Reclaiming and Reviving Southeast Asia's Shared Histories and Geographies

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Accepting our Cluttered and Constructed Past

'Men make history, and the leading members of the revolutionary generation realised that they were doing so, but they could never have known the history they were making ... What in retrospect has the look of a foreordained unfolding of God's will was in reality an improvisational affair in which sheer chance, pure luck – both good and bad – and specific decisions made in the crucible of political crises determined the outcome ... If hindsight enhances our appreciation for the solidity and stability of the (historical) legacy, it also blinds us to the stunning improbability of the achievement itself.' (Ellis, 2002: 4–5)

Joseph J. Ellis, *Founding Brothers: The Revolutionary Generation*

Today, as the Association of Southeast Asian Nations (ASEAN) region once again comes within the ambit of larger geopolitical contestations for hegemony and dominance by greater powers, there is much talk of Southeast Asia's shared cultural identity and of ASEAN centrality. But talk of the recovery and reclaiming of Southeast Asia's complex past – replete as it was/is with overlapping multiple histories, geographies, and epistemologies (Andaya, 2010) – is neither new nor unique to our part of the world. There have been many attempts to recover such a complex past before, in many parts of the world, and it has come in a myriad of forms as well – from the philosophy of Africanism or Negritude that was proposed by the likes of Aime Cesaire and Leopold Seghor, to the effort to allow the historical subaltern to speak, or at least regain a voice in history.

Yet as far as our efforts are concerned, we remain beleaguered by the historical bugbear of neat compartmentalisation, casual definition/nomination, and the problem of historical essentialism – where attempts to return to the past are often understood and configured along the lines of a return to a past – one that is singularly identifiable, whose historical coordinates are known (and can be plotted, so to speak, on a historical map), and one that is ontologically given, fixed, and already defined.

Should our efforts proceed along these clearly appointed lines, I would argue that we are destined to failure, for all we have done is backdated the ontological thing called Southeast Asia to a time when the term was not even in use; and by doing so made the fatal mistake of historical post-rationalisation. Beginning from the singular standpoint of the immediate present, with the present all around us, we would simply be walking backwards and bringing the present with us as we attempt to revisit the past. As such, we would never leave the present, and would only see the present around us all the time.

One of the reasons why we have been making this mistake time and again is due to the equally simple fact that we ourselves are trapped in a modernity that we can glibly escape from; and this is a modernity that is instrumentalist, economical, rationalist, and which shapes our worldview and perspective as the modern simple-minded people that we really are. To return to a complex past, we would need to jettison much of the conceptual baggage that we carry today, and this is a baggage – philosophical, epistemic, and linguistic – that we have inherited from the colonial era to the modern present.

It would also require a frank admission of the fact that what we today regard as Asia or Southeast Asia is in fact a discursive construct; one that was discursively invented and built upon by countless scholars who imagined Asia as an ontologically given thing that had an identity and presence as if it was an object to behold, study, and speak of. From the moment that Asia was seen as Asia, its invention had begun; and it is that historical process of inventing that also reveals to us to what extent Southeast Asia – as we know it today – was and is a construct that was discursively assembled and thus rendered knowable.

It might, therefore, be useful for us to return to the beginning, and look at how that singular notion of Southeast Asia came about, and how a thing as complex, multifarious, and fluid as that could be brought within the arresting gaze of scholarship. And like many foundational myths, the etymological roots of ‘Asia’ – as it was seen and defined by Western scholars – was likewise rooted in myths as well.

In 1520, Johannes Boemus published his *Omnium Gentium Mores, Leges et Ritus*, which is regarded as the first work of ethnography produced in the Western world.¹ Translated into other major European languages and re-published throughout the 16th and 17th centuries, the work was considered an authoritative account of societies beyond Europe at the time. Having advanced from classical Hellenic sources, Boemus' account of Asia extended it beyond the limits that had been set by Herodotus, for whom Asia had stopped at Anatolia and the Persian empire. That 'Asia' emerges from within the corpus of classical Western mythology is telling, for it means that Asia – though cast and framed as the Other beyond the pale of Europe – was never radically outside the discursive economy of Western mythology. And because the Other is always an 'internal Other' that is bound within the oppositional dialectics of identity and difference, there is never a radically exterior Other that can be known/spoken of. From the outset, Asia is framed in dialectical terms as Europe's constitutive Other, and can only be known thus, in dialectical terms.

As a discursive nominal construct, 'Asia' had meaning to those who began to speak and write of it. In the centuries that followed, Asia's importance and meaningfulness was amplified even further in the writings of Europeans who came to see it as a place that was distinct from Europe, a mirror-inversion and constitutive Other to what Europe was, could be, and was meant to be. This process of defining Asia continued up to the colonial era, when Asia and Asians were reinterpreted and redefined again, to meet the ends of militarised colonial capitalism. Looking at the region of Southeast Asia, we can see that not only was Southeast Asia identified, located, placed, and defined, but so were its constituent parts: Raffles (1817) framed Java and the Javanese as a land of antiquity trapped in a past that had to be conquered in order to be curated and brought into the order of Western historiography; Crawfurd (1829) had framed Burma and the Burmese as a land and people oppressed by Asiatic tyranny and who needed to be rescued by the forces of the British navy and the army of the East India Company; Anderson (1826) in turn presented Sumatra as a land of boundless natural wealth that could be liberated by colonial capitalism; while Borneo was seen and cast as the den of pirates and headhunters, whose potential would only be realised after the arrival of the gunboat. In all these cases, Asia was known and made knowable; but through every act of knowing-naming, the Other was disabled as well.

¹ So influential was Boemus' work that many other editions were produced, translated into other European languages. In 1555, William Waterman translated the work and had it published under the title *The Fardle of Facions*, and, in 1611, Edward Aston issued a second version under the title *The Manners, Lawes and Customs of all Nations*.

It was during the 19th century that ‘Southeast Asia’ came into its own, as a distinct unit of analysis; and it cannot be denied that the discursive construction of Southeast Asia as a regional block was part and parcel of the process of colonial capitalism at work. (Noor, 2016) The net result was the creation of a Southeast Asia that was made up of distinct colonies and protectorates that had borders that were fixed and territories that were ostensibly definable (Fifield, 1976). And in the wake of decolonisation in the 1940s–1960s, the Southeast Asia that we know today is made up of postcolonial nation-states whose foundations were laid during the era of Empire.

The dilemma of the modern historian today is trying to find some means through which the complex past can be conjured up and rendered knowable by those who live in the present, without distorting that past and reconfiguring it in terms of the present. Like archeologists who were unable to decipher the writings of the ancient Egyptians before they discovered the Rosetta stone, we are unable to truly and completely understand our past, and appreciate how complex things were, without the benefit of some key that unlocks the mystery of interpretation. But how can we ever do this, if the only tools that we have at our disposal happen to be the tools of Modernity? Or can we only hope to catch glimpses of our complex past, and at best try to imagine the complex world of Southeast Asia that is no longer with us? Pepinsky’s question – of how did Southeast Asia become a social fact? – remains as relevant today as it was when it was first raised by earlier scholars (Pepinsky, 2016).

Beginning from the Modern Present

‘Without a convenient epiphany, historians are left forever chasing shadows, painfully aware of their inability ever to reconstruct a dead world in its completeness, however thorough or revealing their documentation ... We are doomed forever, hailing someone who has just gone around the corner and out of earshot.’ (Schama, 1991: 320)

Simon Schama, *Dead Certainties*

Let us admit that we are – all of us – modern individuals, who live in a thoroughly modern setting that is in turn shaped and informed by epistemologies and vocabularies that are also modern. Notwithstanding the manner in which we try to celebrate our Southeast Asian identities in terms that are often reductivist, we nonetheless cannot touch that distant world of the premodern past for we can only think of it in such dialectical terms, with the prefix ‘pre’, ‘other’, or ‘non’ attached to it. **The past is always the Other to our present.**

Our modernity makes itself most evident in the way through which we write our modern histories today – almost all of which begin from the starting point of the modern Southeast Asian nation-state, which confirms the fact that we are all inheritors of that epistemology that dates back to Westphalia, modern Europe, and of course colonialism. The ways in which we have internalised the vocabulary and epistemology of Empire is also self-evident in the manner that we accept our boundaries as given, as fixed, and as non-negotiable. In terms of our understanding of who and what we are – as nation-states – we stand on the foundations of the colonial enterprise and are, in so many blatant ways, the inheritors of colonial knowledge and power. It is not a surprise, therefore, that our national histories begin with the foundation of our modern states that themselves emerged from the womb of Empire; that our borders are colonial borders; that our national cultures are pastiches of the tropes and symbols that were in currency in colonial Orientalist discourse (when we were ‘studied’), and that our national cultures are derived from the works of colonial authors of the past.

One of the best examples of our own modern-centric approach can be found in the official historical narratives that we weave about ourselves and our respective nations. In the course of my own work as a historian, I have always had an interest in the teaching of history at primary and secondary school level. Yet in the historical curricula that I have looked at – particularly in Malaysia, Indonesia, Singapore, and also the Philippines and Thailand – I have always been struck by a common trait: To recount the history of the nation and its people from the moment of independence, with the nation-state occupying the centre stage in the drama of history (Noor, 2012).

Almost all of the schoolbooks that we use to tell the story of ourselves begin with the postcolonial nation-state as the primary actor, and the story of that actor is then backdated to the past. Such national histories, nationalistic as they are, are also populated by heroes and villains, who likewise assume the form of nations readily constituted and presentable as unitary, atomistic entities. And so schoolchildren in Viet Nam may learn of the incursions by China (though to what extent China was an entity that is singular as we understand it today may be disputed). Similarly, the conflicts between the polities and kingdoms of both mainland and maritime Southeast Asia are represented in solid, bold, dualistic terms, marshalling the names of modern present-day states like Burma vs. Thailand, Cambodia vs. Thailand, in an effort to frame neat and simple dichotomies.

In all these cases, we assume that these entities were as solid, distinct, and particular in the past as they may seem to us today. Yet we forget that these instances of conflict, migration, settlement, and movement took place at a time when Southeast Asians did not see or know themselves as ‘Malaysians’, ‘Indonesians’, ‘Filipinos’, or even as

‘Southeast Asians’; and that they occurred at a time when the passport and the modern boundary were distant concepts that had yet to make their appearance in the world. And yet the state is now accepted as inevitable, as argued by Steinberg (1985) and Taylor (1987), and it would be futile to deny the fact that Southeast Asian politics and statecraft today is managed primarily by the state, which is the only actor on the stage of regional politics (Steinberg, 1987). And so how can we ever reactivate a memory of a Southeast Asia that exceeds the epistemic confines of the nation-state, and can we ever hope to reconnect with a premodern pre-state Southeast Asia where identities were more fluid and shared?

That the vocabularies and epistemologies of Modernity and modern governance continue to inform us, and continue to frame Southeast Asia and Southeast Asians in terms that are definitive and fixed, can be seen everywhere: Their workings can be seen in our political economies, our statecraft, our modes of governance, and the ways through which we understand, present, and represent ourselves. Traces of this vocabulary are found all around us, from our tourist ads – where invariably Southeast Asia can only be presented in terms exotic – to our history books – where the postcolonial nation-state takes centre stage as the primary (and often only) actor on the stage of history, and our histories are invariably national histories cast and written in a distinctly Westphalian mould.

One of the reasons why we have not been able to escape this modern vocabulary is because the very tools of analysis and description that we use are themselves **modern**. And the way that our histories, sociological and anthropological research, cultural studies, etc. today tell the history of Asia is often a modern recounting of the tale. Our research – much of it analytically and methodologically sound and bona fide – is nonetheless **modern** research, and consequently reveals the workings of modernity at work. This is true of some of the best works on Asia we have seen since the post-war era, and works like Steinberg’s (ed.) (1987) *In Search of Southeast Asia: A Modern History* come to mind. Thorough though the scholars of that edited work were recounting the history of Southeast Asia, they were nevertheless working within the parameters of nation-states as ontologically given entities that were/are clear and distinct. The history of Southeast Asia that we find in Steinberg’s edited work is one that traces the development of Southeast Asia to the era of nation-states, but one that also compartmentalises the criss-crossing histories, geographies, and cosmologies of the peoples of the region within set political borders; and as a result – driven as it was by a teleology – the work leads us ‘naturally’ to the modern era of nation-states while inadvertently relegating to the silenced margins the communities that straddled borders, communities without borders, and those communities that might have been.

In fields such as International Relations and Political Theory (both of which impacted upon Area Studies and Asian Studies in so many ways), states, borders, and territories (both terrestrial and maritime) were, and remain, ontologically given things that are deemed valid objects of analysis. And it is in those domains that we see 'Asia' well and truly fixed as an ontological object that is identifiable and locatable, notwithstanding the discursive construction that went into the idea of Asia itself.

At the same time, scholars who reside in other domains of the humanities have grown increasingly concerned and critical about the manner through which Asia has been nominated, labelled, and categorised, and historians in particular have gone to great lengths to show how Asia's location (as a discursive construct) has never been an accidental or innocent one. Awareness of the fact that the framing and labelling of Asia in terms that are exotic, strange, alluring, etc. has always been part and parcel of the dialectics of naming where Asia was named by others, we have also seen attempts by scholars to reverse or overturn the violent hierarchies that have located Asia and Asians in a negative position, as the constitutive Other to the West/universal norm. Some of these attempts, however, have led to a mere overturning of violent hierarchies without ending those hierarchies instead; and have come in the forms of nativist-essentialist scholarship that extols Asian identities as positive (such as the 'Asian values' debate of the 1980s) while keeping the logic of binary oppositions intact. On a personal note, I would like to state clearly that in my opinion such strategies do not work, and in fact do a disservice to scholarship in the long run; for such projects have often led to the production of self-serving and self-referential nationalist narratives that are reductivist in nature, and where everything Asian is seen as positive and everything Western is cast in a negative light. It is not an external Other that Southeast Asia needs in order to know and define itself, but rather a recognition of the Others within, and the acceptance of the fact that these Others are always **our** Others – the constitutive Other that makes us what we are.

Looking for the Blind Spots in our Regional History

Granted that we cannot simply step out of the discursive economy of modernity, we can still interrogate it from within and perhaps even try to upset some of forms of binary logic we see at work there. Understanding and appreciating the fact that what constitutes our identities (ethnic, national, regional) are **processes** – rather than things – is the first step to accepting the constructed character of our region's identity, which was imagined and discursively assembled, as Anderson (1983) had so eloquently argued. It entails also having to understand that while Southeast Asia – even as a political construct – undoubtedly exists, there are also other ways to imagine our region and understand how other individuals feel a sense of belonging to it.

That we in ASEAN need to do this today is apparent in the way that we are urgently trying to revive a sense of common Southeast Asian identity, and to emphasise the concept of ASEAN centrality and neutrality. But this can only happen, I would argue, when we take into account that within this vast network of nation-states that spans a geographical region larger than Western Europe there are millions of ASEAN citizens for whom ASEAN remains a distant concept, floating aloft on the higher register of interstate, intergovernmental discourse.

Meanwhile, on the ground level there are millions of citizens across ASEAN who do in fact have a sense of loyalty, attachment, and belonging to their respective corners of ASEAN, but whose life experiences have never entered into the discussions that are held on a government-to-government level. Connecting these two zones of cultural-economic life and discursive activity is the task of both states and non-state actors, and there are some steps that we can take to remedy this sense of disconnect now:

Firstly, when trying to make sense of a fluid, overlapping ASEAN region we need to give more emphasis on the areas where such overlaps actually take place: the border zones that happen to be the grey zones between states. So far some substantial work has been done in this area, with several governments in ASEAN laying emphasis on cross-border prosperity zones and zones of development. But these efforts have often been directed by the powers-that-be that happen to be based in the political capitals of the respective states themselves. Scholars who work on and along these fluid grey zones, on the other hand, would testify to the extraordinary levels of cross-cultural understanding, empathy, and ease of engagement that is evident in the life and work cycles of the people who live there. For it is along the border that the 'foreign Other' is most real, and where people have to make cross-border contact on a regular basis in order to live and prosper. In the course of my own fieldwork in many border zones in the ASEAN region, I have noted the high instance of cross-border marriages, cross-border extended families, modes of kinship that go beyond national identities, and a corresponding decline in nationalist fervour. For it is the border communities who see the foreign Other close up, on a daily basis, and who recognise the Other as the same. At a time when some parts of the region are experiencing the phenomenon of growing ethno-hyper-nationalism that seeks to identify the Other (any Other for that matter) as the enemy, the experience of borderland communities whose sense of identity is not always predicated on oppositional dialectics is not only instructive, but may be crucial to temper the nationalist rhetoric of violent populist groups.

This form of empathy across borders is something that I have seen myself, close-up, in the course of fieldwork along the Cambodia–Thai, Myanmar–Bangladesh, and Cambodia–China border zones. Contrary to the manner in which Thai–Cambodian

relations were depicted by the media at the height of the crisis involving contesting claims on the Preah Vihear temple along the border, the mood along the border zone itself was calm, and I encountered Thais and Cambodians on both sides of the border who did not regard their neighbours as the enemy. By contrast, much of the anti-foreign rhetoric of the time was engineered in the political capitals of both countries, by nationalist-populist groups that did not live along the borders themselves.

Secondly, there is a need for scholars who work in such areas to work closer with policymakers (and to be engaged by policymakers in turn) so that the impact of their research can and will have relevance in the domain of policymaking as well. Thus far there have been many scholars who have studied such liminal domains and made it their primary areas of research, but sadly the impact of their work and findings have been confined mainly to the humanities and social sciences in academia. Yet the insights gained from such research – when looking at how narrow sectarian nationalism has less appeal to communities who reside by the fringes for example – can have many important implications for how modern states see and conduct themselves in the area of interstate relations.

Thirdly, when looking at how borderland communities challenge the notion of solid state boundaries it is equally important to look at how nations can exist across states, and to examine the important role that transnational diasporas play in the process of nation building. In our region there are many communities that can be identified as mobile nations that cross boundaries: The Hmong who straddle the boundaries of modern-day Viet Nam and Cambodia; the Dayaks communities that straddle the border between Malaysia and Kalimantan Indonesia, etc. There are in fact ‘nations within nations’ and though within the context of the respective nation-states that they belong to they are often subsumed under the category of sub-groups and ethnic minorities, their ground level lived experiences on a daily basis point to the enduring ability of peoples and communities in Southeast Asia today to maintain multiple identities and loyalties (both ethnic-communal and state citizenship) at the same time, without the loss of identity. In the manner in which these communities straddle borders that are political-national, they also remind us of how territoriality is not always seen in exclusive terms by the communities who reside and work in such areas.

My own research on and amongst the Dayak communities in both Sarawak (Malaysia) and Kalimantan (Indonesia) has shown me that these communities continue to have a strong sense of collective cultural-linguistic identity, despite the fact that they may belong to two different nation-states. In the course of my fieldwork interviews, I have never personally encountered any Dayak interviewees who expressed any sense of uneasiness or inability to reconcile their cultural-linguistic identity with their national identities.

Fourthly, while speaking of the need to understand different notions of terrestrial territory we should also not forget Southeast Asia's maritime past and give equal attention to the mobile maritime diasporas that remain on the region's maritime seascape. The lived experiences of itinerant maritime communities such as the Orang Laut, Bajo Laut, Suluks, Illanuns, and other maritime communities further complexify our understanding of what constitutes maritime territory and national waters, and their lived experiences at sea level provide us with an alternative way of understanding what makes a body of water part of a nation's identity and territory too.

In the course of my research on and amongst the seafaring communities who live in the maritime grey zone between Southern Philippines, Sabah (East Malaysia), East Kalimantan, and Sulawesi, I was struck by how communities like the Bajao Laut have multiple accounts of their origins, and regard the sea as their common home. Such communities may be divided along political boundaries, and members of such communities may belong to different nation-states, but once again they demonstrate the ability of ASEAN citizens to have a sense of common belonging and shared territory that is not exclusive to others. Surely these are lessons that can be taught to other land bound communities in ASEAN, and lessons that can show us how to cope with the fluid global world we live in today.

And finally, it is also about time that we in ASEAN take stock of the achievements of ASEAN thus far and take note of one significant (but under-reported and under-studied) aspect of ASEAN identity today, which is the phenomenon of inter-ASEAN marriages and families. As ASEAN integration proceeds along its own appointed route and pace, it cannot be denied that one of the drivers of ASEAN integration – at the ground level, again – has been the communicative infrastructure that has been put in place. This means that via cheap flights, better road and rail transport, and better maritime communication, there are more ASEAN citizens travelling across the region, which has contributed to more and more marriages between ASEAN citizens. The phenomenon of the 'ASEAN couple/family' is a development that needs to be studied systematically and in more analytical details, for these are the forerunners to any sense of ASEAN community that we can imagine in the future. The fact that such families bring together citizens of different ASEAN states means that in time a generation of younger ASEAN citizens will emerge, who have grown up in the context of 'ASEAN families' and for whom questions of multiple cultural-linguistic backgrounds, different nationalities, etc. are non-issues which seem mundane and ordinary.

The phenomenon of ASEAN families today reminds us of an earlier era in Asian history where the rulers of different polities would seal their alliances via marriage between royals and nobles. Today the same is happening but on a much bigger scale than ever thought imaginable. The fact that inter-ASEAN marriages are a reality today also means that a sense of ASEAN belonging is being planted in a very organic manner, where ASEAN is no longer a distant concept but a reality that one encounters at home, in the living room, and at the dinner table. The potential that this has to bring about genuine, organic inter-communal understanding and as a means of conflict prevention surely cannot be underestimated.

By way of concluding, allow me to restate the premise of this paper, which is that any attempt to valorise and/or revisit the premodern past of Southeast Asia can only be done through the lens of the present and contemporary; and that as a result we should not fall into the multiple traps of an unreconstructed nostalgia, simplistic essentialism, or the notion that the past can somehow be brought back to life in its original form. We exist in the present, in a modern-day Southeast Asia where ASEAN is a reality, as are the states that comprise it. However, being located as we are in the modern present, and cognisant of the modernity of our political vocabularies and epistemologies, we should also be aware of the blind spots in our modern, state-centric understanding of the world – which often renders marginal and silent other alternative world views, lived socio-economic-cultural realities, and modes of identity and belonging, for millions of Southeast Asians to whom ASEAN may be a distant, or even irrelevant concept. Appreciating the fact that we live in a complex Southeast Asian socio-cultural-economic world where there are other ways of living, trading, moving, and interacting is crucial for us to fully appreciate the fact that Southeast Asia means many different things to many different people. As such, if ASEAN is to retain its relevance well into the future, it would also be necessary for ASEAN policymakers, planners, and technocrats to be aware of these multiple realities, which have been studied and brought to life by those whose work has been in the humanities and social sciences. Accepting the plurality, hybridity, and fluidity of ASEAN is not merely the task of the historian, for these instances of complexity are not confined to the past, but remain with us today. And as we study and recognise these instances of fluidity and hybridity in the present, we are reminded that the complex world of Southeast Asia long ago may have receded into the background of history, but complexity remains with us still, pregnant with meaning and productive potential.

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ASEAN in the Asia–Pacific Century: Innovating Education and Health Services Provision for Equity and Efficiency – The Role of the Private Sector, Technology, and Regulatory Cooperation

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Perspectives

Global context of innovation in ASEAN: Innovation¹ is elevated in the Association of Southeast Asian Nations (ASEAN) Socio-Cultural Community Blueprint (ASEAN, 2016a) in the context of **dynamism**, as well as engagement and benefits for all – inclusivity, sustainability, and resiliency. However, the regional integration effort is very much in a global community context for both education and health collaboration at the level of people, enterprises, and institutions. ASEAN directs them to be ‘more open and adaptive, creative, innovative and entrepreneurial’ in striving for quality and competitive higher education institutions and contributing to global health platforms.

Education is one of four areas identified in the Master Plan for ASEAN Connectivity (MPAC) 2025 (ASEAN, 2016b) where ASEAN ‘could be at the forefront of change as opposed to simply utilizing existing technologies’. The other three are e-commerce, payments solutions, and cloud-based technologies, which are clearly private sector-driven. As the ultimate soft connectivity (WEF, 2014), education can serve as a foundation for deeper and more expansive regional integration – the very spirit of the European Union (EU) Bologna education initiative.

¹ Innovation is defined to incorporate new inputs, processes, and outputs resulting from better or more effective technologies or ideas, processes, products, and services that are readily available to markets, governments, and societies. Any new education and health sector inputs, processes, and outputs unique to one country/region may count as innovation from that area’s perspective, but not another that has previously dealt with them (Mytelka, 2007). This is drastically different from purely disruptive changes that are impacting on broader global markets for the first time. Both types of innovation are considered in this essay.

Within the global and education contexts, the interest of the ASEAN Economic Community Blueprint (ASEAN, 2016a) in regulatory frameworks can be appreciated.

Three key issues: The open regionalism of ASEAN raises the need for an understanding of the role of ASEAN in the 21st Asia–Pacific Century, in and out of the region: **who** champions ASEAN for its people (how officials, business people, and other groups in society behave), **how** ASEAN contributes to global public goods (through coordination with dialogue partners, beyond them, or internally on some issues), and **what** chaotic situations face ASEAN in the new millennium with its own value-adding contributions. The theme of the 2017 ASEAN Meetings hosted by the Philippines combines these three issues in **Partnering for Change, Engaging the World**.²

These questions strike at the heart of the early 21st century scenarios for regional integration in the face of chaotic globalisation forces and rapid technological change. ASEAN can leave its indelible mark on contemporary international relations **through open regionalism** as it pursues innovation in two sectors where equity concerns interface with traditional economic efficiency concerns.

The ASEAN Situation

Environment for innovation: Innovation climates in developing countries are characterised by efficiency issues of poor business and governance conditions, low educational levels, and mediocre infrastructure (ASEAN–NDI, 2013). Yet innovation is now widely accepted to require a broader set of ecosystem participants, including social entrepreneurs in new business models as the four leaders in education and health fields in a section below show.

However, there is not one unique approach or entity that can meet the growing demands of poor and under-served populations throughout the developing world. Equity concerns cannot be discussed in the same framework as productivity-driven efficiency issues;

² This essay probes into ASEAN's future role for its own constituencies, not just in G2G (inter-governmental) or B2B (across businesses) but also in P2P (people-to-people) transactions, eventually across countries and sectors. The three ASEAN communities naturally blend in any programme or project discussion, hence integrating political into the economic and sociocultural dimensions of innovation in education and health provision – the systems approach needed in the 21st century. For example, strengthening (of) related regulatory frameworks and overall regulatory practice and coherence at the regional level as well as bolstering intellectual property rights registration in specific areas like food safety, medicines, traditional cultural assets, and bio-diversity-based products, relates to both liberalisation of trade in education and health services but also to equity issues in growth and development that feed into 'Brexit'-type issues critical to ASEAN today (ASEAN, 2025).

the public goods and externalities frameworks are suitable for the former. Of course, the two are related: the World Bank emphasises that more equal countries result in healthier and more efficient economies.³

Most of ASEAN's members are classified as lower-middle-income to low-income countries, although many are rapidly developing (Global Innovation Index, Appendix B), with the CLMV countries – Cambodia, the Lao PDR, Myanmar, and Viet Nam – projected to have higher growth rates (Intal et al., 2014), and others expected to be scientifically proficient within the decade in some areas. This provides room for a co-competition strategy – simultaneous competition and cooperation (Macaranas, 2012) – which requires recognition of the chaotic conditions of the 21st century (the **what** issues in the trilemma in Appendix A), the shared leadership across sectors within member states as well as dialogue partners (**who** issues), especially on regional public goods that have global implications (**how** issues).

ASEAN Member States are spread across the three stages of economic development identified by the WEF (2015–16) (see Figure 1); they strive for a common vision in the face of the vast income and wealth gaps compared with other regional groupings like the EU (Apotheker, 2014) now faced with the 'Brexit' issue. Indeed, social concerns will be ever more present in the 21st century. Differing levels of economic development and openness to collaboration in the areas of education and health can hasten progress towards ASEAN 2025 as market competition is harnessed.

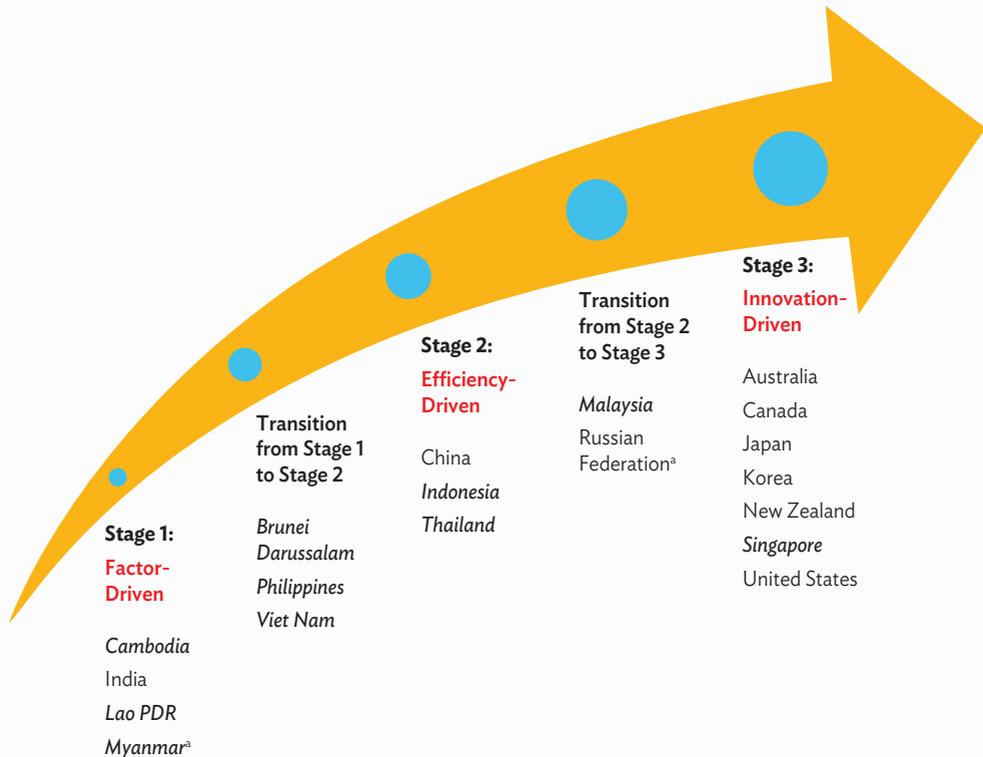
Efficiency vs. equity issues: Singapore is classified as the only **innovation-driven** ASEAN member by the World Economic Forum (WEF). Malaysia is at the transition stage from the lower **efficiency-driven** level where Indonesia and Thailand are.⁴

³ The World Bank Institute (WBI) has taken it upon itself to assume the role of catalyst for development in this regard. By leveraging the global reach of new and innovative technologies, it is creating tools, methods, and online platforms to facilitate an open and collaborative development process between governments, citizens, etc. (The World Bank Institute [n.d.]. Retrieved from <http://wbi.worldbank.org/wbi/about/innovation-for-development>. See also, Aubert [2004]).

In a separate publication, *Poverty and Shared Prosperity 2016: Taking on Inequality*, the World Bank reports that 'more equal countries tend to have healthier people and [are] more economically efficient than highly unequal countries. And countries that have invest(ed) smartly in reducing inequality today are likely to see more prolonged economic growth than those that don't.'

⁴ Singapore (7th) and Malaysia (32nd) are the only ASEAN countries within the top 50 of the Global Innovation Index 2015 based on the number of patent applications per million of the population as an indicator of innovation (Cornell University, INSEAD, and World Intellectual Property Office) (See Appendix B).

Figure 1: ASEAN and Dialogue Partners at Various Stages of Development, 2015



ASEAN = Association of Southeast Asian Nations; Lao PDR = Lao People's Democratic Republic.

^a based on WEF World Competitiveness Report 2015–2016.

Source of basic data: WEF World Competitiveness Report 2016–2017.

Similarly, Brunei Darussalam, the Philippines, and Viet Nam are at the transition stage from the lowest **factor-driven** level of Cambodia, the Lao PDR, and Myanmar.⁵ Overall, it is the combination of strong institutions, human resource talent, and innovation capacity that makes any economy successful as it pursues productivity, social development, and environmental stewardship (WEF, 2015); interestingly, WEF health and primary education factors are separated from tertiary education and advanced training for classifying development stages that Social Progress Index social outcomes clarify in greater detail.

⁵ The innovation rankings decline as one moves down the stages of development. Can countries leapfrog to catch up with more advanced ones in certain sectors like education and health, through alternative systems mediated by new apps? Cambodia and the Lao PDR leapfrogged to mobile telephony over fixed landlines with the legacy problems of old technologies; this will however require more open policies. Many fortunes in the ASEAN telecoms industry, amongst others, were built from diaspora funds, technology transfer, and foreign investment partnerships with local firms and even with governments in innovative variants of build-operate-transfer schemes.

The Social Progress Index (SPI) of Porter et al. (2016) (Table 1)⁶ outcomes reveal vastly divergent situations in the three major groupings of equity indicators, especially regarding opportunity measures (columns 1–3 in Table 1). However, as a group, ASEAN members perform well in general on **Access to Basic Knowledge** (column 2-a), but fare divergently in **Access to Advanced Education** (column 3-d) with CLMV countries once again at the lower end. Similarly, broader indicators for **Nutrition and Basic Medical Care** (column 1-a) fall within a relatively narrow band, but **Health and Wellness** (column 2-c) indicators are more dispersed. The poor scores on advanced education (column 4-d) of CLMV result from the **inadequate education of the workforce**; the latter is also impacted by the quality of primary and secondary school preparation for vocational or academic/professional learning tracks, identified as amongst the other top four problematic factors for doing business in 2015 of this group (WEF, 2015).

Table 1: ASEAN Social Progress Indicators, 2015–2016

Country	GDP PPP per capita	Social Progress Index	1	2	3	1-a	1-b	1-c
			Basic Human Needs	Foundations of Well-being	Opportunity	Nutrition and Basic Medical Care	Water and Sanitation	Shelter
Singapore	78,958	ND	ND	ND	67.10	ND	100.00	92.31
Malaysia	24,460	70.08	88.45	73.31	48.48	97.24	94.48	87.06
Thailand	15,012	67.43	80.46	73.11	48.72	94.78	84.89	82.49
Indonesia	10,033	62.27	72.68	69.72	44.41	91.49	56.34	72.81
Philippines	6,649	65.92	69.94	72.02	55.81	87.52	71.43	63.71
Viet Nam	5,370	ND	78.15	ND	36.50	91.55	71.45	74.36
Lao PDR	5,076	52.54	65.84	56.93	34.85	78.61	56.74	51.93
Cambodia	3,113	54.28	59.14	64.23	39.46	86.48	45.44	44.26
Brunei*	-	-	-	-	-	-	-	-
Myanmar	-	49.84	63.11	55.94	30.47	82.89	56.36	47.04

continued next page

⁶ Singapore and Viet Nam have data for at least nine components of the 10 SPI indicators but do not have sufficient data to calculate an overall Social Progress Index score. Brunei Darussalam lacks sufficient data to meet this threshold needed for partial inclusion in the Index (Porter et al., 2016). As the Social Progress Network built around the SPI data continues to grow and capture attention, new opportunities arise. Amongst others, sub-national competitiveness indices in Malaysia, Indonesia, and the Philippines can be enriched with social equity information (SPI 2016 cities-based data of Malaysia's Scope Group; Tan et al. [2014] has Indonesian provincial data; National Competitiveness Council Philippines 2015 reports various city sizes and municipalities).

Table 1: Continued

Country	1-d	2-a	2-b	2-c	2-d	3-a	3-b	3-c	3-d
	Personal Safety	Access to Basic Knowledge	Access to Information and Communications	Health and Wellness	Environmental Quality	Personal Rights	Personal Freedom and Choice	Tolerance and Inclusion	Access to Advanced Education
Singapore	89.21	ND	77.69	78.14	82.90	49.07	82.59	66.33	70.43
Malaysia	75.02	88.39	75.00	63.14	66.71	32.52	60.84	45.72	54.84
Thailand	59.67	91.50	67.95	67.23	65.78	31.87	72.04	40.24	50.74
Indonesia	70.09	88.65	63.17	65.02	62.03	48.60	61.80	29.57	37.67
Philippines	57.10	89.94	68.74	60.53	68.85	53.74	67.14	54.53	47.83
Viet Nam	75.23	ND	58.78	76.28	58.20	8.24	65.09	44.25	28.42
Lao PDR	76.07	76.20	38.80	57.36	55.35	13.07	58.15	50.87	17.30
Cambodia	60.39	69.90	61.01	72.76	53.26	38.49	63.52	38.44	17.38
Brunei ^a	-	-	-	-	-	-	-	-	-
Myanmar	66.14	77.87	42.33	61.39	42.16	5.73	60.47	29.11	26.56

^a No data for Brunei for all indicators.

ASEAN = Association of Southeast Asian Nations; GDP = gross domestic product; ND = no sufficient data for a particular indicator; PPP = purchasing power parity.

Source: Social Progress Index 2016.

Coopetition in basic vs. advanced levels: The types of coopetition in basic vs. advanced levels of education/training and health will differ according to the degrees of competition or cooperation inherent in a given project or situation – alienators or partners for basic levels vs. contenders or coopetitors for advanced levels (explained further in Luo, 2004).⁷ Homegrown or ex-ASEAN multinationals using Southeast Asia as production base opt for the latter for global market positioning; they compete in early stages by engaging their own people sometimes in their own corporate universities or training institutes in concept/R&D, branding, and design, while cooperating in manufacturing/assembly production, and some distribution part of the value chain. Later they compete again in marketing and sales/after sales service (Macaranas et al., 2015).

⁷ In the spirit of behavioural approaches in economics and management, Luo (2004) created categories of high or low levels of competition (CM) or cooperation (CO). These result in **alienators** (low CM–low CO: compliance and circumvention strategies), **partners** (low CM–high CO: accommodation, co-optation, adaptation strategies), **contenders** (high CM–low CO: bargain, challenge, appeasement strategies), and **coopetitors** (high CM–high CO: compromise and influence strategies). The relevant economic concern is on transactions costs in innovative Asian business systems (Redding et al., 2014).

The SPI details interesting information on **basic** human needs. Singapore's status in water and sanitation (column 1-b) is attributed to huge public investment in new technologies in rainwater harvesting, desalination (reverse osmosis for seawater, and electro dialysis and multi-flash stage distillation for brackish water), water use and re-use (through advanced purification and membrane technologies); these result in two-way (fresh for treated) water trade with Malaysia (Segal, 2004); as it became an independent state, its water-dependence on Malaysia led to competition strategies.

The 100% score of Singapore in this one key determinant of basic needs (column 1 as a composite of columns 1-1 thru 1-d) was addressed well before climate change issues prompted more extensive research in other fields and areas. (See Box 1 on efforts of three research institutions with public-private collaboration, noting that public goods paid for by governments in the last century for early research stages are now also funded by private groups [Macaranas, 2012]).

Education as a driver of regional integration: The factor vs. efficiency vs. innovation-driven growth amongst ASEAN members points to the need for rapid development of their human capital and workforce skills – which is at the heart of the Bologna process in the EU.⁸

The Bologna process in the EU initiated in 1999 serves as a model for ASEAN integration through the educational system, as do Latin America and Africa, driving closer socio-cultural ties that make for more effective long-term integration (WES, 2016; Loades, 2005). When 29 European countries signed the Bologna Declaration, it was simply to reform higher education a decade later, however, ET 2020 (Education and Training 2020) expanded beyond education by setting four common EU objectives, echoed in many meetings of education ministers in ASEAN on essentially the political, economic, and social foundations of the ASEAN community, e.g. active citizenship, social cohesion, enhanced creativity, and innovation including entrepreneurship.⁹

⁸ In fact, 11% of ASEAN's population have no education, roughly 60% have only primary education or lower, and around 30% of the workforce, or some 92 million, live on less than US\$2 a day. By 2030, Indonesia and Myanmar will have combined projected undersupply of 9 million skilled and 13 million semi-skilled workers; by 2025, highly skilled workers will fill up only half of such required quality employment in six members (Cambodia, Indonesia, the Lao PDR, the Philippines, Thailand, and Viet Nam) (ASEAN, 2016b).

⁹ EU 2020 also added two other objectives: lifelong learning and mobility, and improved quality and efficiency of education and training. Most striking is the concern for people **creating jobs as entrepreneurs** rather than **looking for** them for productive participation in any economy; this is a major objective of outcomes-based education, which relies on competencies that regional groupings want to harmonise. However, a framework for cooperation like the EU's ET 2020 will have to be designed and practiced more widely in ASEAN for sharing best practices, evidence-based workable models, and policy reform options.

ASEAN has yet to adopt **numerical** target benchmarks for education similar to that of ET 2020. Indicators such as participation in early childhood education, lifelong learning, study/training abroad for the vocationally qualified, and employment of those with secondary education (EU 2020) are not yet reported by ASEAN on a cross-country basis.

Box 1: Innovation on Basic Needs Provision

Climate change has belatedly focused innovation efforts on basic needs in the ASEAN region. For example, it is only in the last 10 years that some 44 weather-resilient rice varieties by the International Rice Research Institute (IRRI) in the Philippines have been released out of around a thousand improved rice varieties since its founding in 1960. Research is now advancing on the 3-in-1 variety that is resistant to drought, saltiness, and floods; the private sector is active in some areas, e.g. research on golden rice with beta carotene for improving nutrition of impoverished groups funded by the Bill and Melinda Gates Foundation at IRRI, with its final distribution subject to national rules on genetically modified organisms (Interaksyon, 2014).

In view of climate change-induced diseases, access to basic medical needs through the lowering of prices of drugs, vaccines, traditional medicine, and diagnostics via an ASEAN innovation network was targeted only at the end of the first decade of the millennium. Tropical diseases still considerably burden many of the poor in the region. As a result of wet and tropical climate conducive to vector and water-borne diseases, 25% of the global burden of infectious and parasitic diseases, mainly malaria, dengue, and tuberculosis, is in Southeast Asia, which accounts for only 9% of the global population. This ASEAN hub-and-spokes innovation network is now pursuing networked intelligence across R&D stages through communities of practice (ASEAN-NDI, 2008; see also leadership story of Krisana Kraissintu of Thailand in a section further below).

Similarly, the Coral Triangle in Southeast Asia has not been as much researched recently, especially for food and medicinal drugs. The region has been known for quite some time to possess the richest marine biodiversity (corals and reef fish) on the planet; it took a group from ASEAN under the leadership of Indonesia to create the collaboration with other Pacific Island economies in 2009 to address dwindling resources due to destructive practices amidst climate change, resorting amongst others to eco-tourism for livelihood alternatives. (<http://www.coraltriangleinitiative.org/>)

These are the key areas for promoting equity in ASEAN through closer cooperation for basic human needs in the 21st century as the private sector responds to the rice, fish, and medicine needs for its marginalised segments. Most of the cooperation strategies (cooperate in early stage R&D and standards setting, compete in later commercial product development and marketing) rely on public institutions, private firms/associations, and university linkages; since their implementation receives funding from multiple sources, issues of IPR sharing, technology transfer laws, and implementation rules are raised.

ASEAN = Association of Southeast Asian Nations, IPR = Intellectual Property Right, R&D = research and development.
Source: Author.

The goal of an integrated area of higher education similar to Europe, or Latin America and the Caribbean, is under discussion in some ASEAN fora, but is likely to follow the slower steps of Africa, which has a harmonisation project; a similar effort was instituted

in ASEAN through the SEAMEO RIHED harmonisation roadmap for higher education in its 2008 meeting, followed by the ASEAN Quality Assurance Framework of 2014 (Bautista, 2016).

ASEAN has programmes on student mobility, credit transfer systems, and university networking. The connection to the whole economy in terms of a qualifications reference framework (endorsed by the economic, labour, and education ministers in 2015, and now with guidance on governance and structure adopted in 2016), must be more broadly linked to mutual recognition arrangements (MRAs). Eight of these exist for professional services that have competency-based occupational standards (accountancy, dentistry, medicine, engineering, nursing, surveying, architecture, and tourism).¹⁰ Indeed, it is the jobs–education–training nexus that various ministers and private sector leaders across ASEAN need to jointly address.

Open regionalism: Under the General Agreement on Trade in Services (GATS) modes for trade in services, education and health service providers from outside ASEAN must be able to enter markets in each member state.¹¹ Various domestic regulations from visa restrictions, professional qualifications, to training of locals and other non-tariff barriers, however, challenge ASEAN even as the ASEAN Economic Community (AEC) was supposed to have opened up markets by December 2015 (Basu Das et al., 2013). Labour mobility issues are the most contentious in global affairs at this point of the globalisation debate.¹²

It is obvious from the pace of work of ASEAN education and health ministers that more liberal policies will take time to implement in many member states as constitutions are amended, national laws are legislated and executed along varying sentiments through the business cycle and trend factors in economic growth; the latter include education and health sector-specific governance issues, e.g. procurement practices and public workforce assignment across districts, states, or provinces (ADB, 2015).

¹⁰ Education and training are part of the ongoing implementation activities of MRAs. These also include comparison of policies and regulations, registration, temporary licensing or registration for limited practice, expert visits, humanitarian missions, and research (Bautista, 2016).

¹¹ The World Economic Forum finds that ASEAN is a more open market than the EU or the United States in its Global Trade Enabling Report 2016.

¹² Indeed, Stage 3 Innovation-driven Singapore, rated as the world's best on basic indicators, second most efficient, and 11th most innovative, is faced with skilled labour mobility issues; the push and pull factors are unique to individual ASEAN Member States (Macaranas, 2016). In fact, Singapore's **restrictive labour regulation** is a major concern of WEF survey respondents, reflecting the tight link between worker productivity and macro/monetary goals of the small open economy (Desai and Veblen, 2004). Nevertheless, Singapore is most open to various programmes and providers mobility in education in part due to the network effects of highly skilled workers, e.g. in biomedical sciences and the financial sector, which replaced different industry priorities in earlier national plans.

For education, open regionalism means **provider mobility** (more foreign branch campuses, independent institutions setting up local facilities, study centres/teaching sites, mergers/acquisitions, affiliations/networks) as well as **programme mobility** (franchising, twinning, double or joint degree, articulation, validation, and e-learning/distance learning). ASEAN is in the Asia–Pacific region that is acknowledged as the major global player for cross-border education, but has limited resources and political will for more relaxed restrictions under all four GATS modes compared with its developed dialogue partners (Findlay and Tierney, 2010).

Similarly, open regionalism must allow foreign players in the construction and management of health facilities including various **build-operate-transfer schemes** (Zen, 2012); this also calls for review of the corresponding **financing issues** on national health insurance systems and health maintenance organisations. Although there are fewer restrictions on foreign ownership in the healthcare sector in Cambodia, the Lao PDR, Viet Nam, and Singapore than in the rest of ASEAN, the region in general suffers from lack of physicians and nurses, which constrains efficient delivery of hospital services. The exceptions on the **shortage of medical professionals** are Singapore, the Philippines, and Brunei (Nikomborirak and Jitdumrong, 2013). These impact the national health issues for all ASEAN countries – system coverage, financing (including out-of-pocket costs), and structure to improve health status and delivery/access, as well as customer satisfaction and risk reduction (ASEAN–NDI, 2012; Roberts et al., 2004).

Leadership Issues

Who will champion ASEAN for its own peoples? The leadership challenge of ASEAN in the 21st century, as the trilemma (Appendix A) suggests, is for its original inter-governmental focus to be supplemented by cross-business and cross-people approaches. In providing regional public goods, the inclusion of dialogue partners later may, however, weaken the role of ASEAN governments in shaping the rest of the dynamic 21st century. Reinventing partnerships across groups and countries (G2B, B2P, G2P) within ASEAN thus seems to be the way forward; identifying the leaders in these issues will be critical.

Innovative regional leaders need to surface or be developed to promote ASEAN's existence beyond the present generation, given the ominous message of populism and the emergence of supra-nationalism in the age of globalisation (Ramos, 2013; Almonte, 2004). What can the private sector do that the public sector cannot? The usual argument is that directions from the latter guide the former in crafting actual programmes that implement the vision of a country, a region, or an industry. This may come in the form of ASEAN-affiliated organisations as well as G2G and B2B forms.

But it is stories of people with greatness of spirit that will catch the attention of the world today and shape the views of survey respondents. Beyond creativity and competence, the ASEAN context in the next decades requires an essence of leadership that is service-oriented, transformative, and even heroic, as demonstrated by many successful examples in Box 2.

Box 2: Three Leadership Stories

A Thai pharmaceutical researcher, Krisana Kraisintu, successfully reduced the cost of branded antiretroviral drug (ARV) for HIV/AIDS by four times with the world's first generic version of AZT (zidovudine), cutting the risk of mother-to-child transmission. She faced tremendous challenges – lack of support (working 'in solitary toil with toxic materials in a windowless lab'), scepticism of colleagues, and lawsuits from drug firms while in government service. Her persistence paid off with a second generic ARV drug ddl (didanosine) and eventually 'GPO-VIR' that decreased by 18 times the cost of multiple pills/cocktail drugs for HIV/AIDS. Leaving her government post, she extended her research and cheaper medicines crusade to sub-Saharan Africa.^a She returned to Thailand and heads the Oriental Medicine research at Rangsit University from where she continues to extend her work to other ASEAN countries and beyond.

A Karen refugee fleeing the civil war in Myanmar, Dr Cynthia Maung established a makeshift clinic in Mae Sot at the Thai border, improvised rudimentary equipment, trained refugees to lend their hands in the clinic and become 'backpack' medics working in the areas across the border. She eventually grew the one-room facility into one providing comprehensive health services to more than 30,000 people annually, with the help of international doctors and scores of health workers she trained.

Chris and Marivic Bernido, both holders of doctoral degrees in physics from the United States, gave up jobs abroad and in urban Manila, to turn around a small private high school in rural Visayas of the Philippines to address the shortage of qualified physics teachers in the country. They also initiated the innovative Dynamic Learning Program (DLP), which revolves around student-driven activities 70% of the time, but is supported by skilfully crafted learning plans and performance tracking systems; an expert teacher on one subject is able to handle three simultaneous classes with the assistance of facilitators. Based on its success in vastly improving scores in national exams and top university admissions, the DLP has been copied by many countries around the world, including private universities owned and managed by Phinma, a Philippine education enterprise.

The greatness of spirit in these three leadership stories demonstrate ASEAN's blending of innovation and concern for people at the heart of development.

ASEAN = Association of Southeast Asian Nations.

^a She moved to sub-Saharan Africa in 2002 where she worked in armed conflict zones, travelled great distances, and even more substandard facilities than in Thailand, to produce similar ARV drugs from local raw materials; she then redirected her R&D efforts to anti-malarial research and affordable drugs production in 13 other African countries. In 2009, she won the Ramon Magsaysay Award, Asia's Nobel Prize equivalent (Ramon Magsaysay Awards Foundation, 2009 – citation for Krisana Kraisintu). Retrieved from: <http://www.rmaf.org.ph/Awardees/Citation/CitationKraisintuKri.htm>. The next two stories are also Magsaysay Award winners.

Redesigning Systems

How will ASEAN contribute to the promising albeit chaotic Asia–Pacific Century for its peoples and the rest of the world? Systems redesign is most important with technology disruption evident even in the way the financial sector is shaping up after the Asian financial crisis and the financial technology (fintech) developments around the Great Recession a decade later (Dietz et al., 2016).

Learner-centred education systems: In this light, education must be redesigned away from the industrial model of the last century into a network and ecosystem model that focuses on student-centred, collaborative, and ‘construction’ learning (Tapscott and Williams, 2010) similar to what corporate universities and company training programmes do (Findlay and Tierney, 2010).

The eight areas of the ASEAN Work Plan on Education 2016–2020 can be redesigned to accommodate student-centred education across ASEAN in the new millennium. They eventually lead to national qualifications frameworks about learning outcomes, not knowledge as inputs; to institutional effectiveness rather than efficiency; to student outcomes measured by competency-based standards; and to ASEAN-wide acceptance through mutual recognition agreements (Bautista, 2016).

In the context of ASEAN 2025, the major goal should be **significant re-skilling** in many job families where value added is expected to be higher for both advanced and emerging economies; the WEF singles this out as the foremost requirement for the modern workforce facing the fourth industrial revolution (WEF, 2016). This goes beyond the call of education ministers.

Responding to employment needs: The WEF Jobs Study 2016 recounts that 65% of children in primary school today will end up in completely new job types whose descriptions are not even known.¹³ Broadly, ASEAN’s job growth areas are in transport and logistics; sales and related areas; management; and business, legal, and financial services. Indeed by 2020, recruitment in the region will be harder in consumer and professional services, particularly financial analysts, and even in mass employment areas of assembly and factory workers; it is less so in new and emerging areas of business services and administration managers (WEF, 2016).

¹³ World Economic Forum, January 2016, notes that agriculture, fisheries, and forestry still account for the largest share of employment in many countries, including those in ASEAN. The report also noted that transnational corporations locate mass vs. specialist jobs in different groupings, like ASEAN and the Gulf Cooperation Countries, rather than individual countries.

Areas of skilled talent migration in many ASEAN countries to the advanced economies matter. Globally, by 2020 recruitment will be harder in professional services (especially business and financial operations) where training in **social skills** is required more than in cognitive and complex problem solving skills. The same is true of computer science and mathematics (especially data analysts, software applications developers and analysts) where **complex problem solving skills** are specifically needed for information security analysts, while **programming skills** are needed for database and network professionals.¹⁴

For the healthcare sector, the study stresses the business and financial operations area of this sector where different job skills will be required for 2020: **problem sensitivity** for regulatory and government occupations, **active learning** for associate professionals, **and critical thinking and management of financial resources** for sales and marketing professionals. Technological innovations will lead to increased automation of diagnosis, personalised treatments, and redefined roles of health practitioners as they translate and communicate data to patients (WEF, 2016).¹⁵

Other redesign issues: These are covered in Tables 2 and 3 on regional collaboration and health research cooperation in ASEAN respectively. The first covers ASEAN University Network (AUN) championing student-centred learning, specialised higher education institutions promoting participative learning models including the case method, and intellectual property (IP) asset creation and commercialisation through stronger national offices and a regional infrastructure and ecosystem. The second zeroes in on R&D matters for which the ASEAN Network for Drugs, Diagnostics, Vaccines, and Traditional Medicines Innovation (ASEAN-NDI) is responsible.

¹⁴ Unlike Brunei and Singapore, which allocate specific time for information and communications technology (ICT) subjects in basic education, the Philippines has inadequate preparation for ICT as a 21st century competency learning skill. In general, as a latecomer to K-12 education, the Philippines has to ‘cope with “Digital Age” literacy, inventive thinking and effective communication skills, high productivity, and essential values,’ especially through significant reform in the secondary education curriculum. In 2015, the country transitioned to added Grades 11–12, which should strengthen the ‘Net Generation’ knowledge base of students. (Philippines Department of Education and SEAMEO Innotech, K-12 Education in Southeast Asia: Regional Comparison of the Structure, Content, Organization and Adequacy of Basic Education).

¹⁵ Nearly two-thirds of ASEAN respondents to the WEF survey for Jobs Report 2016 believe that future **workforce planning** is a leadership priority; however, many perceived barriers exist – 40% see these as arising from short-term profitability views of private shareholders and resource constraints. Other reasons include insufficient understanding of disruptive change, and workforce strategy not aligned with innovation strategy.

For the **global healthcare sector**, WEF, *ibid.*, reports that 80% of respondents believe future workforce planning is a leadership priority with 70% believing the barriers arise from resource constraints.

**Table 2: Regional Collaboration Issues for Re-skilling
21st Century ASEAN Workforce**

1. ASEAN University Network should champion student-centred and collaborative learning in comprehensive university systems.
2. Specialised higher education institutions in management, medical sciences, technology, etc. should promote the case method, participative and dynamic learning systems, and academic–university linkages.
3. Intellectual property offices in ASEAN must be strengthened at national levels to support a dynamic regional infrastructure and robust ecosystem.
4. Intellectual property creation and commercialisation, especially geographic indications and traditional knowledge, should be fostered with inclusivity in mind.

Source: Author.

Table 3: Health Research Collaboration Concerns in ASEAN

1. R&D shift from communicable to lifestyle diseases should not neglect the potential pandemics in the region, noting ASEAN’s success in combating severe acute respiratory syndrome (SARS) through Dialogue Partner collaboration.
2. Lowering the costs of drugs, vaccines, traditional medicine, and diagnostics in ASEAN should be conducted with global communities of practice but with more funding at various phases of R&D.
3. ASEAN–NDI business plan must implement value chain in a hub-and-spoke system framework from basic to translational research, with various stages of testing through commercial development.
4. Continued global collaboration must involve public and private sector participants for particular priority diseases.

ASEAN = Association of Southeast Asian Nations; ASEAN–NDI = ASEAN Network for Drugs, Diagnostics, Vaccines and Traditional Medicines Innovation; R&D = research and development.

Source: Author.

Preparing for a More Chaotic Environment

What surprises will keep ASEAN together/apart in more volatile, uncertain, complex, and ambiguous (VUCA) times so that it can better help shape the Asia–Pacific Century? This chaos typology results from combinations of (a) the extent to which information is known to decision-makers, and (b) the degree to which actions predict outcomes (Bennett and Lemoine, 2014).

Learning how to re-define problems and how to relate past solutions to dramatically changing conditions is the major contribution of the VUCA paradigm, e.g. when ASEAN has to lead in explaining to its own people issues like the brain drain, pandemics, climate change, drug abuse, etc.; while dialogue partners may have more dominant voices on these in global fora, it is the coalition building for global public goods that becomes the new problem for ASEAN leaders (see Appendix A trilemma framework).

Specifically, resources may not be available for all member states for public goods in addressing the **global war for talent**, including health services and other professions where cyclical and cobweb-type demand models prevail. In cooperation programmes, ASEAN labour exporters' positions may be weakened because some immigration policies skim the best and the brightest human resources attached to international educational programmes. At the global level, the larger problem is sharing of human resources to address local education or health services shortages, but at the local level the short-term solution should factor in long-term sustainability of talent pool developers through faculty retention programmes in countries that are sources of the skilled workers, e.g. engineering, information technology, medical, marine officers, etc. Movements of overseas talents are not yet properly monitored across member states, although the age of big data may change this with proper ASEAN leadership.

Box 3 shows examples of innovative regulations (public sector) and innovative management (private sector) that respond to various VUCA environments; eventually, these lead to problem redefinition and accompanying new solutions.

Box 3: Examples of Innovative Regulations and Rationale

1. Governments regulate for quality assurance: privatisation, instead of government provision, encourages dynamic and competitive education and health services.
2. Governments promote industries through reverse regulation and deregulation: focus on growth in relevant geographic footprints of contestable markets in the single ASEAN production base.
3. Regulators focus on specific regions, provinces, cities, and towns: transport mobility and liberal policies promoting processing zones and eco-tourism enable certain places to innovate faster
4. Regulators adopt co-competition strategies: cooperation is needed for complex systems to survive (Ormerod, 2005).
5. Policymakers include equity factors in competition policy: long-term business (especially small and medium-sized enterprises) interests depend on raising the purchasing power of final consumers.

Examples of Innovative Management and Rationale

1. Systems thinking is adopted to respond to VUCA activities: various forms of chaos must be addressed by different problem statements and innovative solutions based on fast-changing conditions.
2. R&D is based on new innovation ecosystems: macro and micro policies for bricks and mortars, human resources, and knowledge management should be networked for effective delivery of services.
3. Target markets/communities are selected in South-South arrangements and for particular groups like women and youth: unique group characteristics cannot be approached with cookie cutter policies and production methods where approtech is accepted alongside 21st century technology innovations.

Source: Author.

Conclusion

Innovation for education and health in ASEAN through 2025 must be a joint public-private undertaking (not just G2G, B2B, or P2P); guidance by the first, implementation by the others. Sometimes even in terms of funding, such jointness is called for – e.g. in areas where government alone used to bear the financial burden of pure public goods and services, like basic research and basic education – because of the massive financing required in today’s chaotic world re-shaping them. Even the costs of re-skilling for jobs yet to be defined in the 21st century could not be charged to the corporate world alone – because the spillover effects of higher education go beyond their specific industries.

Lagging sectors within and across ASEAN must be accommodated as they adapt to multi-track/multi-speed growth and development paths in a VUCA world. ASEAN’s private sector leaders can help the world with lessons from the collaboration within their industries especially to respond to the hard and soft skills that jobs of the new millennium require.

The private sector as the source of creativity, innovation, and practical wisdom in the new century – for new goods and services responsive to the needs of rich and poor communities alike and the planet as a whole – will partner with governments and related inter-governmental organisations in different ways. The focus on global and regional public goods – like education and health – can be sharpened, based on ASEAN’s rich diversity of political, economic, and socio-cultural systems.

Leadership by those who govern must factor social equity issues into the private sector suffused with pure profit motives; unequal societies with worse education and health outcomes produce less sustainable growth. The mix of ASEAN members’ political and economic preferences, and the pendulum swing of people’s sentiments and behaviour, will check and balance the collective desire to keep One Community.

More granularly defined fairer distribution of job opportunities, income, and wealth (that big data can produce) will act as a major driver in ASEAN to prevent disintegration that is happening elsewhere. This may call for new forms of small entrepreneurs and large enterprises linking together for the eventual single production base and market goals in ASEAN, by innovating in inputs, processes, and outputs. Education and health systems must be made more responsive to 21st century VUCA conditions.

Finally, global players who infuse both efficiency and equity matters in their aspirations and operations should be welcomed for their concern for public goods in more open markets. ASEAN’s open regionalism, as **the** approach to integration in the 21st century,

is the region's answer to the evolution of capitalism – one in search for simultaneous competition and collaboration, notwithstanding regulation legacies of the 20th century. It is ASEAN's way of surviving the long-term challenge of contributing to the chaotic yet vibrant Asia-Pacific Century.

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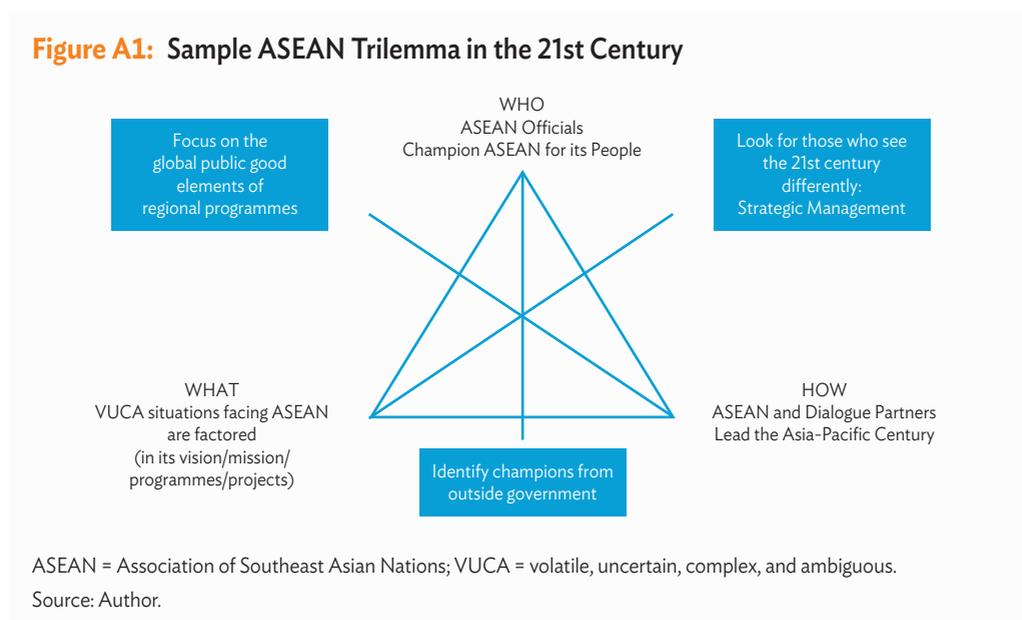
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Appendix A: The ASEAN Trilemma in the 21st Century

The Association of Southeast Asian Nations (ASEAN) in the new millennium faces a trilemma¹ in terms of its role in the 21st Asia–Pacific Century – **who** champions its efforts in building the ASEAN Community (officials vs. business people and various groups in society); **how** can it participate as a group in the Asia–Pacific region that will be the centre of global economic gravity (through Dialogue Partners, beyond them, or alone on some issues); and **what** chaotic situations in the new millennium can it address in some unique way with its own value-adding contribution (based on its experience in addressing global issues such as food security, pandemics, and political security).²

Figure A1: Sample ASEAN Trilemma in the 21st Century



There is a trilemma because the **three key questions of who–how–what** force some trade-offs: only two of these may be answered given an education or health situation in ASEAN as it tries to contribute to understanding a regional opportunity/problem that may become a global public ‘good’ or ‘bad’.

¹ A trilemma is a situation in which a decision maker is faced with three almost equally undesirable alternatives, or is a quandary posed by three different courses of action when only two may be accepted and a third is logically excluded.

² While food security is considered an economic community concern, pandemics one for the social community, and anti-terrorism one for the politico–security pillar, they all converge on – as the ‘Kuala Lumpur Declaration on ASEAN 2025: Forging Ahead Together’ suggests – a people-oriented and people-centred ASEAN in a region of peace, stability, and prosperity.

For example, the **what and who** issues can be addressed in some cooperation schemes. (Recall that the ‘what’ concerns the chaotic issues in our economic, social, and political environments as ASEAN tries to add value to the understanding of and solution to problems, while the ‘who’ refers to the champions building the ASEAN Community in the issues.)

In this example, **limited official ASEAN resources for cooperation schemes do not allow for implementation of many regional programmes across all member states**, as in student and faculty exchange and research collaboration for greater appreciation of cross-cultural similarities and differences. **How** can ASEAN play a larger role in greater regional understanding in Asia-Pacific if its own resources do not allow for the sharing of the programme beyond ASEAN, if indeed ASEAN is to have an impact outside its own borders?

These are amongst the ‘**how**’ issues in the trilemma that ASEAN participation in global public goods design and implementation can address. The **solution is to expand the stakeholder interests to the larger community of nations beyond ASEAN**. But that weakens the intended effect on ASEAN beneficiaries.

The second example is on the **who and how** pertinent in examining ASEAN’s role in global issues emanating from within its grouping. (Recall that the ‘who’ concerns ASEAN champions for the ASEAN Community while the ‘how’ involves its manner of participating in the 21st century.) This becomes a trilemma when **ASEAN becomes too reliant on Dialogue Partners to obtain a better understanding of chaotic problems**. Education in and outside formal school systems on intellectual property protection, pandemics, terrorism, drugs, and corruption are a few of these.

To what extent are local government officials in the countries involved in shedding light on the root causes of the problem? The chaotic conditions at the local government level may be rooted in political factors, which are the more difficult ‘**what**’ issues in the trilemma.

The final trilemma example is of the combined **what and how** (what chaotic situations and how ASEAN can play a role in the 21st century), which may isolate ASEAN from global issues as **Dialogue partners dominate transactions and activities**, e.g. in 21st century education and health. Examples are the varying commitments of ASEAN stakeholders to produce more affordable pharmaceutical drugs (which an underfunded ASEAN innovation network is addressing), and alternative education systems for marginalised communities including minorities (which technology is alleviating). The ‘**who**’ issues left out of the trilemma are **addressed in part by the private sector in ASEAN** in these examples, which, if failing to be institutionalised, will not be effective solutions in the long term.

Appendix B: Global Innovation Index (GII) 2016

Country/Economy	Score (0-100)	Rank	Income	Rank	Rank	Efficiency Ratio	Rank
Singapore	59.16	6	HI	6	1	0.62	78
Malaysia	43.36	35	UM	2	8	0.67	59
Thailand	36.51	52	UM	8	9	0.70	53
Viet Nam	35.37	59	LM	3	11	0.84	11
Philippines	31.83	74	LM	8	12	0.71	49
Indonesia	29.07	88	LM	11	13	0.71	52
Cambodia	27.94	95	LI	3	14	0.59	90
Brunei ^a							88 ^b
Myanmar ^a							138 ^b
Lao PDR*							

HI = high income; Lao PDR = Lao People's Democratic Republic; LI = lower income; LM = lower middle income; UM = upper middle income.

^a No data for 2016, ^b Brunei 2014 data, ^b Myanmar 2015 data.

Source: Global Innovation Index: <https://www.globalinnovationindex.org/gii-2016-report>

Appendix C: Percentage of Students Enrolled in Privately Managed Schools, ASEAN Countries – 2014

Country	Primary	Secondary	Tertiary
Brunei Darussalam	39.23268	16.81324	9.47574
Cambodia	2.57784	-	-
Indonesia	18.40642	43.35569	66.94486
Lao PDR	4.53259	3.03139	30.55688
Malaysia	13.94894	13.36705	30.65254
Myanmar	0.21168	1.2679	-
Philippines	8.31874 ^a	19.36102 ^a	56.81611
Singapore	-	-	66.02441 ^a
Thailand	19.98975	16.784 ^a	15.81985
Viet Nam	0.59545	-	13.80802

ASEAN = Association of Southeast Asian Nations; Lao PDR = Lao People's Democratic Republic.

^a 2013 data.

Source: UIS 2014, <http://data.uis.unesco.org/>

RICE: The ‘Quiet’ Tie That ‘Binds’ ASEAN

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In the Beginning

In the late 1960s and in the 1970s to 1980s, when we were first travelling to each other’s countries, there was a little bit of strangeness not knowing how to be a Southeast Asian until we saw each other more closely and recognised the similarities and familiarities, then, too, the funny cultural differences. Sometimes I am mistaken for a Thai or an Indonesian and I wondered why until I saw what they look like. They are beautiful and are all coloured ‘light brown’. As we got to know each other better and had meals together, one fact stood out – that we all eat rice and we acknowledged that we all produce rice. The bowl of rice at the dining table, the mounds of rice wrapped in banana or coconut leaves brought along on trips to the countryside, and the different kinds of rice cakes offered to us on our farm and household visits all point to the daily primacy of rice.

I remember on one trip, I fainted at Jakarta airport. Because I was wearing a Batik dress, the authorities thought I am Indonesian so they spoke to me in Bahasa and because I could not reply, they thought I was ‘out of my wits’ and they panicked. But they took care of me. That was my first experience of Southeast ‘Asianisation’. I am with people of my own kind I can identify with.

The Rice Research for Development Projects

On successive trips to all the Southeast Asian countries except Brunei Darussalam, my initial impression that in every country rice is eaten as the staple food was strongly and happily reinforced and further supported when I participated in rice research for development projects set up through the International Rice Research Institute (IRRI).

* The author acknowledges the indispensable assistance of Noel Nathaniel Fonseca of the IRRI Library and Documentation Center in the preparation of this paper.

After the establishment of the IRRI in 1960, there were immediate efforts to involve all rice-growing countries, particularly in Asia, in its research and development programmes both as active participants in the development and implementation of its mission and as contributors to and recipients of the knowledge it generated; the technologies it developed; and the policy dialogues it conducted. Needless to say, countries participated in groups, seldom singly, hence there developed a getting-to-know each other atmosphere, before friendships started, between and amongst Southeast Asian participants. This is the beginning of the so-called 'regional identity' in the rice sector. Even during that period when Burma was still a little bit participation-shy, there were rice scientists posted in the country and Burmese trainees came for training to the Institute at Los Baños.

The rice projects are not just research projects. They are a means for developing a network of working relationships amongst scientists who are concerned with similar problems. Workshops provided an avenue for personal and professional contact and for the discussion of similar problems through sharing experiences, expertise, and advice. The aim is to develop partnerships to improve the rice situation, through better varieties and best ways of managing the crop; crafting relevant rice policies; and even rediscovering heirloom varieties, which are being re-valued for their traditional characteristics. The further aim is to continue to develop research and development capacity, especially at a time when agriculture seems to be losing its primary importance for each country.

The rhythm of life in rural communities where rice is grown is very much influenced by the rice-growing season whether it is once a year, twice a year, or thrice or five times in 2 years; whether it is grown in the lowlands, in the uplands, in the coastal areas; whether it is irrigated or rain-fed; whether it is submergent, saline, drought-prone, or deep-water. Rice must be grown or else it has to be imported for RICE is FOOD. It has been said that 'any ASEAN who can get along without rice for one week does not belong'.

The region's dependence on rice is like no other region's dependence on a cereal item. Because of this dependence, rice has an emotional and highly political significance, particularly if its state nears disappearance or if the wherewithal to obtain it becomes problematic. This can occur at the national or household level. Nationally, political leaders would never allow this to happen. At the household level, poverty always stokes the rice supply and the poor may or may not be rice-growers. Although the poor grow rice for subsistence, when great needs arise, they sell their supply at harvest time only to buy it later when the harvest runs out and the rice price may be higher.

‘Southeast Asia is more heavily dependent on rice than the rest of the Asia – rice’s share in cereal production declined only slightly (by 4 percentage points) from 95% to 91% between 1961 and 2011’ (Bhandari, Humnath, and Mohanty, forthcoming: 110).

Hamilton (2003: 552) observed that ‘rice may be the key to unity in a culturally diverse Asia’. For many Asians, meals are incomplete unless they contain rice, as it ‘uniquely sustains the human body in a way no other food can’.

Rice Research and Development Training for ASEAN Countries

Almost as soon as IRRI was inaugurated, training activities started in 1962–1965, as shown in Tables 1 and 2. As had been expected, the Philippines as host of IRRI registered most trainees, which led to the establishment in 1985 of the Philippine Rice Research Institute and the development and strengthening of the National Agricultural Research and Extension Systems (NARES) in Asian countries. The inclusion of MSc and PhD training and the deployment of teams of rice scientists in Cambodia, the Lao PDR, Indonesia, Myanmar, Viet Nam, and the Philippines added much in this regard. By the 1990s, in-country training had been promoted to ‘reduce the cost and increase efficiency and effectiveness’. This enabled IRRI scientists and local partners to train more people in each country as well as adapt training courses and materials to local conditions’ (Molina et al., 2012: 37, 48–49, 51).

It is also interesting that the rice production training course that started in 1964 has been a regular training programme at IRRI up until the present. Its principal objective is to raise both the theoretical and practical technical competence of those who are supposed to help farmers learn new practices. The 1996 IRRI Annual Report said: ‘It is difficult for one to teach what he does not know’. One of the early realisations was that in the typical extension service very rarely do the staff know how to grow rice (IRRA, 1966).

According to Barker and Dawe (2001: 45–78), ‘Today it is impossible to go anywhere in the rice-growing world and not find people that have been to Los Baños. The house that Chandler built has rooms all over the rice-growing world. This is the legacy of Bob Chandler’.

Table 1: Country-wise Distribution of Rice Production Training Participation by Years, 1962–2010

	1962–1965	1966–1970	1971–1975	1976–1980	1981–1985	1986–1990	1991–1995	1996–2000	2001–2005	2006–2010	Total	No. of Females	% Females
Brunei	0	0	0	0	0	1	0	0	0	0	1	0	0
Cambodia	1	0	5	0	0	45	89	54	41	9	244	34	14
Indonesia	1	21	79	268	200	108	95	63	117	38	990	168	17
Lao PDR	0	7	13	0	3	22	58	38	72	18	231	33	14
Malaysia	1	7	4	60	63	35	8	11	42	2	233	31	13
Myanmar	0	7	20	45	119	44	22	21	69	34	381	128	34
Philippines	46	116	69	131	308	180	184	100	454	399	1,987	830	42
Singapore	0	0	0	0	0	0	0	1	1	1	3	1	33
Thailand	17	24	62	175	205	168	95	53	37	29	865	233	27
Viet Nam	4	16	9	5	96	130	131	124	140	55	710	218	31

Lao PDR = Lao People's Democratic Republic.

Source: Molina et al. (2012: 48–49, 51).

Table 2: Country-wise Distribution of IRRI Participants by Type of Training Attended, 1962–2010

Country	MSc	PhD	Fellow	Intern/ OJT	Short Course	Total	Number Females	% Females
Brunei	0	0	0	0	1	1	0	0
Cambodia	2	6	0	26	210	244	34	14
Indonesia	39	32	2	119	798	990	168	17
Lao PDR	6	3	0	49	173	231	33	14
Malaysia	3	3	0	27	200	233	31	13
Myanmar	36	11	0	26	308	381	128	34
Philippines	197	93	0	188	1,509	1,987	830	42
Singapore	0	1	0	0	2	3	1	33
Thailand	73	30	0	88	674	865	233	27
Viet Nam	53	28	0	172	457	710	218	31

IRRI = International Rice Research Institute; Lao PDR = Lao People's Democratic Republic; OJT = on the job training.

Source: Molina et al. (2012: 37).

In a personal communication with David Hopper, Borlaug and Dowsell said: ‘The trainees became IRRI’s best ambassadors to the farmer and the agricultural science community throughout the region. On the return of each to their home institutions, they brought back genetic material more than double traditional “best yields”. It was not just a revolution in rice production; for many in Asia, it was also a revolution in teaching applied agricultural practices’ (Molina et al., 2012: 37).

The near non-participation of Brunei in the training programmes may be explained by the fact that the country probably is in a different situation compared with others in the Association of Southeast Asian Nations (ASEAN). The Human Development Report 2015 shows that Brunei belongs to the Very High Human Development Index (HDI) 1990–2014. It ranks no. 31 amongst 187 countries where its Human Development Index for 2014 is 0.856, where the highest reported HDI is Norway at 0.944, and Singapore is at no. 11. Brunei’s life expectancy at birth is 78.8; its gross national income per capita is \$72,570; and its mean years of schooling is 8.8. But it is rice consumer no. 21 at 73.2 kg per capita/year. Table 3 shows the Human Development ranking of ASEAN countries. The latest news (from V. Bruce J. Tolentino, Deputy Director–General of IRRI) about Brunei is its fresh push toward self-sufficiency and improved quality of rice. It currently chairs the ASEAN Technical Working Group on Agricultural Research and Development.

The ASEAN plus three (Japan, China, Korea) is considering an ASEAN-wide capacity development to build a new generation of ASEAN rice scientists. No matter how large the previous set of rice scientists, some have passed away and others have retired, hence the continuing need to train new crews of researchers and extension workers. As of 2014, ASEAN does not yet have a set of indicators that can help the region measure the degree of improvement of the region’s resiliency with respect to food and energy shocks and to natural disasters. The Economic Research Institute for ASEAN and East Asia (ERIA) proposes that ‘ASEAN develop the set indicators and monitors them regularly like every 2 years’. It proposes further that ASEAN agrees on a percentage degree of improvement of the indicator values over the period up to 2030. The proposal is as follows:

Adopt or adapt the Rice Bowl Index for ASEAN, as the measure of food systems robustness and food security in each AMS. The Rice Bowl Index, developed by Syngenta and covering farm level, demand, trade and policy and environment factors, has been operationalised and results are available for a number of AMSs. The index, or an ‘ASEANised’ version, can be used for all AMSs (Intal, 2014: 62).

It is interesting that ASEAN, which is composed of member countries who are significant rice consumers, producers, exporters, and importers, do not seem to have RICE high on their agenda.

Table 3: Human Development Index and Its Components for the ASEAN Countries

HDI Rank	HDI Value (2014)	Life Expectancy at birth (years) 2014	Mean Years of Schooling (years) 2014	Gross National Income (GNI) per capita 2011 PPP \$
Very High Human Development				
No. 11 Singapore	0.920	83.0	10.6	76,628
No. 31 Brunei Darussalam	0.856	78.8	8.8	72,570
High Human Development				
No. 62 Malaysia	0.779	74.7	10.0	22,762
No. 93 Thailand	0.726	74.4	7.9	13,323
Medium High Development				
No. 110 Indonesia	0.684	72.9	7.6	7,643
No. 115 Philippines	0.668	68.2	8.9	7,915
No. 116 Viet Nam	0.666	75.8	7.5	5,092
No. 141 Lao PDR	0.575	66.2	5.0	4,680
No. 143 Cambodia	0.555	68.4	4.4	2,949
Low Human Development				
No. 148 Myanmar	0.536	65.9	4.1	4,608

ASEAN = Association of Southeast Asian Nations; HDI = Human Development Index; Lao PDR = Lao People's Democratic Republic; PPP = purchasing power parity.

Note: The Human Development Index (HDI) is a composite index measuring average achievement in three basic dimensions of human development – a long and healthy life, knowledge, and a decent standard of living.

Source: United Nations Development Programme (UNDP), Human Development Report 2015: Work for Human Development: Table 1 Human Development Index and Its Components, pp. 208–11.

Early Patterns of Adoption

Sometime in 1971, when the world had taken note of the 'green revolution', a project on Patterns of Adoption was undertaken – it included 21 irrigated rice villages in Malaysia, Thailand, Indonesia, and the Philippines. The most general finding was that Asian farmers are not resistant to change. They responded to innovations with measures to temper risk. Irrigation by whatever means has influenced the rate of adoption of modern rice varieties. Another approach taken was to plant more than one variety for each crop season, thus providing insurance against the possible failure of the new seeds. It was likewise noted that farmers who grew the modern varieties had better results with local varieties than did those farmers who grew only local varieties, suggesting that adopters probably have superior managerial skills. While the 'early-adopter-large-farmer'

used partial adoption as a means of reducing risk, the smaller farmers had a ‘wait-and-see’ attitude. With demonstrated results from the larger farms, the small farmers were then willing to go all the way with the new seeds. In the Philippines, share tenancy and small farm size have not deterred the adoption of modern varieties. Research sites in Thailand and Pakistan reported low rates of adoption because both countries are rice exporters and are therefore quite protective of their fine quality rice. In most places the role of agricultural extension services was clearly recognised and the need for them was expressed definitely in several countries (IRRI, 1975).

Sharing Germplasm across Countries

One blessing of belonging to a global rice partnership is the access to germplasm from other countries. The International Network for Genetic Evaluation of Rice (INGER), which has been truly successful in such sharing, was founded by IRRI in 1975. Overall, more than 1,120 of its tested lines were released as varieties in 74 countries and its impact is even more pronounced in smaller and newer breeding programmes. According to Glenn Gregorio, former plant breeder at IRRI, ‘[v]arietal releases directly or indirectly traceable to INGER are 73% for Nepal, 72% for Myanmar, 61% for Indonesia, and 51% for Cambodia’ (Hettel, 2015: 3). ‘This is cultural diversity through genetic diversity... INGER is a beautiful illustration of humanity working together for our common future in a world filled with social conflicts, tribal wars, and fierce competition over the control of natural resources’ (Hettel, 2015: 4). The pattern now is: sharing with permission.

Table 4 shows the percent contribution of IRRI to released varieties, by country. The Philippines, Cambodia, Myanmar, and Viet Nam showed the highest contribution of IRRI to released varieties. Indonesia, the Philippines, the Lao PDR, Viet Nam, and Malaysia also showed the use of IRRI materials in the ancestry of their released varieties.

Rice Consumption in ASEAN

In a list of the countries of the world that consume rice, at the top is Bangladesh with 171.7 kg/capita/year. Numbers 2 to 8 are: the Lao PDR, 162.3; Cambodia, 159.2; Viet Nam, 144.6; Indonesia, 134.6; Myanmar, 132.8; the Philippines, 119.4; Thailand, 114.6. Number 17 is Malaysia, 79.9 and number 21 is Brunei, 73.2 kg/capita/year. Although Singapore is not in this list, it is a rice-consuming country too and the very high consumption of the other seven suggests the importance of rice in their lives and where poverty is still a problem – RICE means food.

Table 4: Contribution (%) of IRRI Materials to Released Varieties, By Country in ASEAN

Countries	IRRI Cross	IRRI Materials in Ancestry
Cambodia	24	7
Indonesia	10	58
Lao People's Democratic Republic	5	38
Malaysia	12	36
Myanmar	24	21
Philippines	27	43
Thailand	0	16
Viet Nam	21	32

ASEAN = Association of Southeast Asian Nations; IRRI = International Rice Research Institute.

Source: IRRI and the Philippines, 8 February 2007, International Rice Research Institute.

Table 5: Estimated Rice Consumption from FAOSTAT Food Supply Quantity Data (milled rice supply per capita per year [FAOSTAT])

Country	Rice (Milled Equivalent Food Supply Quantity [kg/capita/year])	Year
Bangladesh	171.7	2013
Lao People's Democratic Republic	162.3	2011
Cambodia	159.2	2011
Viet Nam	144.6	2013
Indonesia	134.6	2013
Myanmar	132.8	2013
Philippines	119.4	2013
Thailand	114.6	2013
Sri Lanka	109.7	2013
Madagascar	102.5	2013
Sierra Leone	98.1	2011
Guinea	96.3	2011
Guinea Bissau	91.5	2011
Liberia	90.5	2011
Nepal	87.8	2013
Republic of Korea	85.6	2011
Malaysia	79.9	2011
China, Mainland	78.2	2013
Guyana	76.7	2011
Democratic People's Republic of Korea	74.2	2013
Brunei	73.2	2011

Source: Courtesy of Andy Nelson (former Geographer, Social Science Division, IRRI).

Although the Lao PDR, Cambodia, Myanmar, and Viet Nam may not ‘shine’ brightly in the Human Development Index, they score highly in RICE. The Philippines has a reputation for being the biggest rice importer; a fact it is not proud of. Perhaps the Philippine weakness is its high population growth rate; it does not have a functioning population programme. The estimated population growth rates for 2014 were: Brunei 1.650; Cambodia 1.630; Indonesia 0.950; the Lao PDR 1.590; Malaysia 1.470; Myanmar 1.030; Thailand 0.350; Viet Nam 1.00; the Philippines 1.810; and Singapore 1.920 (CIA World Fact Book). Singapore’s higher population growth rate is due to migration.

A news item of 26 June 2010 describes it all:

RP rice imports to hit 2.5 M tons – This volume exceeds the 2.4 M tons imported in 2008, when the price of the commodity reached an all-time high of \$1,080 a ton. The Philippines brought in 1.7 M tons of rice in 2009. In November and December last year (2009) the Philippines tendered 2.05 M tons of white rice from abroad for 2010 supply. However rising prices forced the National Food Authority to buy only 1.82 M tons for delivery until June this year (2010). The same news item reminded the readers that the Philippines is the ‘world’s biggest importer of rice (Olchandra, 2010: B-1).

The Rice Research for Development Approach

Scientists in Residence

During the early years, in addition to the training programme, the 1973 IRRI Annual Report said: ‘A third of our staff is with our “outreach projects” in Bangladesh, Egypt, India, Indonesia, Philippines, Sri Lanka, and South Vietnam. We are participating, at the request of the host governments, to strengthen and accelerate the national rice research programs. The scientists live and work in the countries as members of local scientific teams. We supplied improved genetic material and helped train rice scientists. Our scientists at Los Baños serve as “back stop” subject matter specialists when needed.’ (IRRI, 1974: xxxiv)

Varietal Release Under Any Name

In 1975, IRRI announced a new policy on naming of rice varieties.

...it will no longer officially name and release rice varieties. Instead IRRI will continue its efforts on providing genetic materials, including both early and

advanced breeding lines, to rice scientists everywhere, and will continue to encourage national programs to release IRRI selections as varieties under any names.

The modification of IRRI's varietal release policy reflects today's stronger national rice improvement programs, as well as increased international collaboration through the Genetic Evaluation and Utilization (GEU) program and the International Rice Testing Program.

...More than 40 other IRRI lines have been released as varieties by national programs.

The Philippine Seed Board will continue to use the IR designation for IRRI selections released in the Philippines. (IRRI, 1976: 5)

There are only 11 rice varieties named and released by IRRI. The first rice variety released in 1966 was IR8 dubbed as 'miracle rice' by the press. This was followed by 10 other formally named and released varieties as IR5; IR20; IR22; IR24; IR26; IR28; IR29; IR30; IR32; and IR34 (IRRI, 1976).

Network of Cooperating Scientists

In 1975 also, the Annual Report said:

We helped accelerate the exchange of ideas, methodologies, and personnel among research organizations and continued to encourage networks of cooperating scientists using common methods to achieve common goals. IRRI coordinates four such networks:

- The *International Rice Testing Program* (IRTP) through which outstanding rices [sic] nominated by 15 countries were evaluated in 12 different types of nurseries at more than 450 locations in 1975;
- The *Cropping Systems Network* through which research was conducted at 14 different sites in six Southeast Asian nations;
- The *International Rice Agro-Economic Network* (IRAEN) through which interdisciplinary groups of scientists determined the constraints to higher yields at eight locations in six countries;
- The *Farm Machinery Network* through which we helped evaluate the need for mechanization and encouraged the development and use of appropriate machines for farmers with small holdings in about 15 countries. (IRRI, 1976: 5)

Realisation of Those ‘Left Behind’

As early as 1975, the great lack of development in the unfavourable rice areas was realised:

The green revolution has touched the life only of one in four of the world’s rice farmers... Most of these farmers live in irrigated lands.. But what about the other three farmers?... There is no green revolution for them... There are no improved varieties or technology that can significantly increase current levels of production...

Amongst those that the green revolution has bypassed are the millions of farmers who depend solely on the unpredictable monsoon rains to water their crops. Some grow upland rice and manage it like wheat. Others bund their fields to hold water on land in paddies. But the monsoon rains often fail and drought sets in...

Our scientists are working with counterparts in the national program to jointly incorporate the ability to tolerate each of these stresses into a multitude of new rices [sic] for farmers in these harsh environments. (IRRI, 1976: 3)

Basic Research Premises

The 1977 Annual Report mentioned two basic research premises of the research and development approach:

- Because most production-constraint problems tend to go beyond political boundaries, they can best be solved through *international* cooperation and collaboration. No single institution – international or national– can solve such problems alone.
- Within a given international or national institute, interdisciplinary inputs are essential to solve production – constraint problems. No single discipline can, by itself, solve such problems.

In keeping with these premises, IRRI continued its interdisciplinary teams approach at home and worked with networks of cooperating scientists overseas. (IRRI, 1978: xv–xvi)

We invited plant breeders from nine major rice-growing countries to come to IRRI to evaluate breeding materials in our nurseries and gave them seeds of materials they selected. (IRRI, 1978: xix)

Collection of Indigenous Varieties

Since IRRI's field collection of rice germplasm began in 1972, collaborative efforts with national agricultural research centres in South and Southeast Asia have assembled 19,216 cultivars. Collaboration with several Asian countries in assembling indigenous varieties included work in northwestern Mindanao, Philippines with the staff of the Bureau of Agricultural Extension netted 231 samples. Institutional exchanges lead to systematic transfer of rice genetic stocks to IRRI's germplasm bank (IRRI, 1978: 10).

Regional Platform for Learning

In 1997, the Irrigated Rice Research Consortium (IRRC) was established as an international platform for adaptive research for impact with a region-wide approach in seven countries in Southeast Asia but also including China, Bangladesh, and Sri Lanka. It was multidisciplinary, problem-oriented, based on regional needs and greater emphasis on research-extension networks to facilitate adoption of technologies to improve the lives of Asian farmers and communities. It involved multi-stakeholder partnerships to bridge research and extension for efficiency and achievement of impacts. In 2005–2008, the 'IRRC Country Outreach Program' or ICOP was launched to facilitate the partnership in-country, ensure technology integration, generate social learning amongst the members of the partnership, and thereby speed up the scaling up and scaling out of natural resource management technologies and processes for rice production in Asia.

Four workgroups were armed with mature technologies that include site-specific nutrient management, alternate wetting and drying to save on water, direct seeding of rice, integrated weed management, and the IRRI superbag. All these provided farmers with a 'basket of options' for natural resource management of irrigated rice. Although these activities were led by the National Agricultural Research and Extension Systems (NARES), the programme placed a strong focus beyond the NARES level and established strategic partnerships with local governments, policymakers, extension workers, the private sector, non-government organisations, and donor agencies.

From the implementation of ICOP Programs, common themes emerged:

- a. Farmer participation in the innovation process through participatory experiments for technology validation, etc. This fostered ownership for farmers treated the project as their personal achievements;
- b. Multi-stakeholder partnership with community-based organisations, local non-governmental organisations; local fabricators of the technology farmers' organisations etc. In the scaling up and scaling out of technologies in the Philippines,

Indonesia, Myanmar and Viet Nam, adoption and diffusion of innovations were highly influenced by government policies. The role of local champions such as village heads, community elders, seasoned farmers, large farm owners, local technology fabricators and local government officials and staff is indispensable. Public–private partnership is a business-oriented approach in Viet Nam and Myanmar where the involvement of local fabricators of dryers was necessary for the scaling out of flatbed dryers.

- c. Participatory monitoring and evaluation provides feedback for refining approaches.
- d. Communicative intervention using communication channels, which aimed at changing farmers' perceptions, attitudes, and practices toward a particular technology, has proven to be effective. This was exemplified in the 3 Reductions 3 Gains Campaign in Viet Nam, which used local context in the framing of simple messages to improve farmer decision-making about insecticide use (Palis et al. [eds.], 2010).

Since problems encountered in rice production have been taking a more regional scope, such as the outbreak of pests and diseases in Southeast Asia during 2007–10, climate change, and the 2008 food crisis, a more regionally oriented partnership approach is needed (Palis, Singleton, and Casimero, 2010: 11).

These regional activities promote social learning across countries, a greater sense of regional identity, and improved within-country partnerships amongst institutions that need to work together to achieve impact. As David Johnson said, 'working in farmers' fields' has become an added rigour for researchers; a new 'ethic' has become the way to behave across the region.

Rice for Unfavourable Environments

From the 1975 realisation of farmers 'left behind' it has taken more than 25 years for Dr David Mackill and his group using a new precision-breeding method known as marker-assisted selection to identify the gene responsible for flood tolerance; it was named SUB1A.

He and his team were able to transfer SUB1A into widely grown modern rice varieties without affecting other characteristics—such as high yield, good grain quality, and pest and disease resistance—that made the varieties popular in the first place (Barclay, 2009: 27).

By 2006, the first SUB1 varieties were ready for testing at IRRI. The researchers set up plots of what they hoped would be flood-tolerant versions of several

varieties—IR64, Swarna, and Samba Mahsuri—next to plots of their non-SUB1 counterparts... At harvest, the SUB1 rice yielded more than twice as its neighbor... According to Dr. Mackill, the SUB1 project has shown the advantage of combining practical, applied work such as breeding and upstream, [sic] fundamental research (Barclay, 2009: 27).

In the early 2000s, the Consortium on Unfavorable Rice Environments (CURE) was launched, which eventually resulted in climate-smart rice varieties such as: submergent-tolerant (SUB1); drought tolerant; salinity-tolerant (SALTOL); or any combination of the two or three kinds of tolerance. But finding the ‘most fitting’ breeding lines that fit farmers’ field conditions add complexity to the process. Fortunately, the wonders of science have provided for each country procedures to identify and incorporate tolerance from amongst its local breeding materials into already popular varieties, thus ‘softening’ the people ‘acceptability’ criterion. This gives the SUB1 variety from each country its distinctive character and a branding of its own. Note the different designations of SUB1 varieties with local breeding lines coming from each country: Indonesia (INPARA 5); Myanmar (Yemyoke Khana); Viet Nam OM8972; Thailand BAHNGTAEN; and Philippines NSICRC 194.

The SUB1 gene is what the new varieties have in common incorporated into each country’s popular varieties for testing of field performance. After preliminary screening for submergence tolerance, the most promising varieties undergo participatory varietal trials. With the crop on the ground, farmers are invited to a Farmers’ Field Day for them to observe and make selections in a process called preference analysis where different varieties are rated. Reasons for their choices are expressed. It is interesting to note that farmers bring their own plastic or paper bags to pick panicles from the harvestable crops as they go through observing the results of the trial. The participatory varietal trials give farmers a chance to see their preferred variety’s performance against new promising lines while following their own cultural practices. This is a common approach using a common gene, which is followed by testing for field performance in the different countries. It is not that the local variety by and of itself works wonders, but it is the incorporation of the SUB1 gene into this local variety which ‘charged the engine’, so to speak.⁽²⁴⁾ The product of this process of incorporating the common gene into a popular local variety leads to national ownership of the variety.

But CURE has other problems ‘up its sleeves’. Historically, upland rice research in a programmatic way started in IRRI at the beginning of the 1990s. Since then it has had a somewhat undervalued existence until, as captured by Sushil Pandey et al. (2005) in their paper entitled ‘Green Landscapes and Food Secure Households, IRRI’s Strategy for Upland Research’, a major paradigm shift was made from ‘Upland Rice’ to Rice on the

'Uplands'. I recall an upland rice meeting in Thailand during that period of 'negativity', when the conclusion was: 'upland rice makes up only a small portion of rice areas', implying that its importance is negligible. A Thai social scientist remarked on the side that, whether or not the international community regards upland rice as important, rice will continue to be grown in the uplands because that is the life and subsistence of people who continue to live there. As their access to the market improves, they grow cash crops but never give up rice. Then the strategy for addressing resource management issues at the landscape level to understand interactions between fragile sloping uplands and favourable 'lowlands' based on various resource flows developed.

S. Pandey et al. (2005) cited at least six reasons why farmers grow rice in the uplands:

- (1) Upland fields represent the resource base, the major land endowment of upland farmers, which contributes to household rice supply;
- (2) Upland rice is normally established and harvested earlier than lowland rice, hence by growing both upland and lowland rice farmers are able to spread the labour use over a longer span.
- (3) Upland rice is normally harvested a month earlier than the lowland rice in most parts of South and Southeast Asia. Even though the output of upland rice may be small, it serves the important role of supplying the family food needs during the 'hungry months' of September and October when previous year's food stocks have been exhausted and the lowland crops of the current year are yet to be harvested.
- (4) In upland areas with low access to markets, the opportunity cost of family labour tends to be low due to limited gainful employment opportunities (farm or non-farm).
- (5) Reliance on market-based strategies for meeting food needs can expose farmers to unacceptable levels of risk if the price of cash crops is volatile. The avoidance of this price risk is one of the major reasons for subsistence production of food grains.
- (6) Production of upland rice is a way of life for many ethnic minority groups who inhabit the mountainous areas.

The entry point for CURE is to increase the productivity of the rice crop in the uplands. Performance evaluation of new rice varieties is being done in the uplands in the Lao PDR, Viet Nam, Indonesia, and the Philippines. In the meantime, heirloom varieties emerged as unique innovations. In the Cordillera Administrative Region (CAR) in the Philippines, the task is to restore heirloom (traditional) varieties for their own sake as well as for the growing market. The overall strategy is on-farm conservation through active use by the target smallholder groups. Active use is what distinguishes it from ordinary on-farm conservation. There is a scientific documentation process of identification and characterisation with farmer and consumer participation. The finished products are entered into the community registry to retain community ownership, which is key to the

retention of heirloom varieties; hence, sharing with other external communities can be done only with milled rice, not seed. Purity, authenticity, exclusivity, and special quality seem to be the desired characteristics of heirloom rice.

In the Arakan Valley of Southern Mindanao, the Philippines identified the best-performing materials for traditional upland rice such as Azucena, Dinorado, and Palaweño. To promote these varieties, a farmers' field day cum multi-seed fair was held and a community-based seed system was started. In addition, a study of traders' preferences for selection and purchase of traditional rice in the uplands was undertaken to link producers of rice in the uplands to the market. This was also the beginning of community-based seed systems in the Lao PDR, Viet Nam, Indonesia, and the Philippines (Castillo, 2013).

Closing Rice Yield Gaps

In January 2013, a project on Closing Rice Yield Gaps in Asia with Reduced Environmental Footprint (CORIGAP) was launched in major granaries of lowland irrigated rice involving IRRI scientists with research and extension partners from Thailand, Viet Nam, Myanmar, Sri Lanka, China, and Indonesia. Alexander Stuart says 'one key strategy to meet future food production is to close "yield gaps"'. A yield gap is defined by the Global Yield Gap Atlas (www.yieldgap.org) as the difference between "potential yield" and "actual yield"... We should only aim to close yield gaps in rice cultivation to levels that are sustainable, using best management practices such as optimizing nutrient and water use and minimizing other inputs that harm the environment and human health...' (Stuart, 2015: 42). CORIGAP has a transdisciplinary approach and a second phase of the project is being considered with timelines 2017–2020. In the meantime, different countries have adopted technologies to meet their needs. In Indonesia, the flatbed dryer (470 of them) is now locally produced in South Sumatra using indigenous materials that are easily available to keep prices affordable for farmers. The local manufacturers were trained by IRRI staff to ensure they adhere to the set standards of quality (Azucena, 2015).

In the Mekong Delta, strategies for increased production have mainly focused on intensified rice farming systems, high yielding varieties and increased use of agrochemicals. The use of pesticides has increased dramatically in the past decades. The overuse of fertilisers led to high pest and disease infections and resulted in even higher usage of pesticides. In addition, the Mekong Delta has been identified as being significantly vulnerable to climate change, which is leading to more severe water shortages in the dry season.

In Viet Nam, the CORIGAP project is committed to a triple bottom line of social, economic, and environmental targets. Particular attention is paid to unlocking the potential of contract farming as a tool for internalising sustainability in rice value chains. The Vietnamese government is currently encouraging Vietnamese rice exporters to source rice from farmers through contracts. Contract farming helps exporters in governing rice production (from soil preparation to harvest), rice quality, and value chains more effectively. Exporters provide farmers with input packages (certified seeds and chemicals) and additional services such as training and storage. In return, farmers provide exporters with a stable supply of rice. Farmers involved in contract farming are organised together as a producers' group that jointly adopts common production standards. According to a rice producer in Can Tho province, being involved in contact farming has optimised fertiliser application and minimised the use of pesticides, in addition to benefiting from more profitable markets. Exporters face increasing demand for sustainably produced rice. Rising incomes and fast urbanisation are driving up the demand for high-value produce, as well as heightening consumer concern about food safety (Demont, Ba Aminatoru, and Thoron, 2015: 6–7).

Smallholder rice farmers in Myanmar, particularly in the lower Ayeyarwady Delta region, a main rice trade thoroughfare, produce grains with poor quality that beget low prices. CORIGAP promoted best postharvest management practices with improved post-harvest technologies that also target improving the rice value chain; enhanced farmers' capacity to understand factors affecting quality; and facilitated their access to better markets. To foster learning, engagement, and collaboration, a Learning Alliance was established to engage and enhance collaboration amongst value chain actors. This initiated discussions amongst farmers, traders, and millers on improving trust and exploring incentive mechanisms to produce better-quality rice using technologies CORIGAP promoted (Demont, Ba Aminatoru, and Thoron, 2015: 6–7).

Rice Seeds for All Seasons and for All Reasons

Having gone through more than half a century of research, extension, and capacity development for irrigated and unfavourable rice areas, SEEDS emerged as the 'manna from heaven'. Without them, nothing can happen. Actually, the entry point for any rice project is the VARIETY, which is represented by its SEEDS whether 'promised', 'produced', or 'given'. Each country has its own system for securing, vetting, producing, and disseminating seeds (Manzanilla, 2015: 19–22).

In the Philippines, it is important that seeds of a variety being promoted should be available right away. The project should involve the potential or actual seed growers who are located within the target area to ensure good seed supply for the farmer-to-

farmer diffusion, which is a bottom-up approach. Cambodia mentioned that before out-scaling technologies, they make sure that a small group of farmers as target participants are identified to test the technology first (pretesting). After this, together with the national programme, the experts recommend the variety that can be released. Pretesting is conducted because performance differs in different locations. It would be ideal if farmers can have calamity funds to enable them to order rice seeds in advance to stabilise supplies when the need arises. This would avoid different groups ordering different varieties during calamities and not the varieties that farmers prefer to use.

Thailand has community seed producers with 7,000 centres – so this should be enough to meet seed requirements. Viet Nam reported two channels for seed multiplication and delivery: one is through the government system involving testing and seed certification. Materials provided through the local government are planted for field trials in different ecosystems. The second channel is for farmers to plant materials for seed production (certified) and is referred to as farmers' seed. Viet Nam hopes there can be exchanges of seed materials between and amongst CURE countries/communities.

Indonesia mentioned several ways to out-scale seeds: The Assessment Institute for Agricultural Technology (AIAT) conducts trials and tests the varieties of seeds in the provinces for their constraints, before AIAT provides the seeds to interested farmers. Seed growers also produce seeds. The variety then becomes a national variety; and the government subsidises the cost of seeds. The Lao PDR indicated two systems of seed dissemination. For self-seed production, participating farmers are given 5 kg/farmer; they use 1 kg for their own seed production and the rest they use for testing to produce registered seeds. For milling purposes, rice millers 'VET' the varieties. In Myanmar, it was mentioned that they need to train extension workers to disseminate new seed varieties. Farmers are quick to accept new varieties. Extension workers approach farmers and give them incentives. In this way, varieties spread from farmer to farmer. To improve seed dissemination through the extension department, the government engages non-governmental organisations, public-private partnerships, and other similar arrangements to produce more quality seeds.

Indonesia and the Lao PDR highlighted the importance of linking with middlemen, traders, and millers to get acceptance of the variety.

To the question asked as to how to access varieties developed by the national research and extension system (NARES) in a particular country, the answer was: 'It depends on whether or not NARES partners want to share'. Those interested can e-mail the Work Group leader and the scientist will proceed with the protocol and will contact the requesting party. The individual scientist, Dr Glenn Gregorio said that accessing

germplasm from partner countries is not really free but one should ask permission such as for testing varieties for next season. This goes for India, Thailand, and other countries but otherwise there is freedom of access with permission (Manzanilla, 2015).

‘Seeing is believing’ is a trite expression, but it still works. Robert S. Zeigler has a new twist to it; he says: ‘Seeding is believing’. Rice seeds are proof of concept. They produce rice plants, which bear grains that embody the qualities a community culturally prefers for a particular season, in a specific ecosystem, over a certain length of growing period.

Naming of varieties as they come about in the respective countries bring interesting sidelights: In a CURE meeting in Viet Nam, a scientist from Myanmar reported about a farmer in the dry zone who was talking about her drought-prone variety *MokesoemaaKyaKyay*, which is a catchy name, everyone will agree, but what it means matters most. The translation is: ‘A widow can pay her debts growing this rice’. Down south of the country is a farmer reporting in a farmers’ trial – Yae Ngan Bo meaning hero for salinity. (Steering Committee meetings – Learning about CURE) (Manzanilla, 2015). These local names are expressions of what the varieties mean to farmers who plant them.

Rice Situation in Southeast Asia – A Brief Summary

IRRI’s Handbook on Rice Policy in Asia (Tobias et al., 2012) gives us the following:

- **Brunei Darussalam** aspires to increase its self-sufficiency by 60% in 2015. It imports rice directly through the BruSiam Food Alliance, which is a joint venture between the Brunei and Thailand governments.
- **Cambodia** was a rice exporting country in the 1960s. Now it aspires to be Asia’s ‘rice basket’ and a major milled rice-exporting country in the world. It has been exporting rough rice and milled rice to Thailand and Viet Nam for more than 2 decades. There is a joint venture in rice processing and export between Cambodian and Vietnamese companies.
- **Indonesia** is a large producing and consuming nation, but imports started to slowly decline in early 2000 due to a rice import ban. Most of the policies implemented were aimed at achieving self-sufficiency by enhancing rice production.
- **Lao PDR** achieved self-sufficiency in rice production in 2000. Glutinous rice (sticky rice) is the most popular variety grown and consumed. The major market for glutinous rice is Thailand, and it is traded informally due to mutual agreements between the two governments. It still imports long-grain rice from three major trading partners – Thailand, China, and Viet Nam.

- **Malaysia** is 63% self-sufficient and aims to attain 70% food self-sufficiency by 2020 through the National Agro-Food Policy 2011–2020, which was launched to raise product value addition, reinforce supply chains, and increase technical capacity.
- **Myanmar** was the dominant rice-exporting country during the pre-World War II period when it was known as the ‘Rice Bowl of Asia’. Because comprehensive state control slowly declined, it is one of the largest exporters in Southeast Asia. In 2010, the government set up the Myanmar Rice Industry Association (MRIA), a merger of three associations of traders, millers, and paddy producers, to develop strategies to increase Myanmar’s rice production capacity.
- **Philippines** is the largest rice importer in the world and rice is a highly political commodity there. In 2010 it imported a total of 1.8 million tons from Viet Nam and Thailand. As part of the Food Self-Sufficiency Roadmaps 2011–2016, the government aimed to increase food self-sufficiency by raising paddy production to 22.5 million tons by 2016.
- **Singapore** has rice as a controlled good. To import, export, or carry out wholesale dealings of rice, a license is required from the Ministry of Trade and Industry.
- **Thailand** is today the largest exporter of rice in the world despite having only the world’s fifth largest total land area devoted to rice production. Rice exports are mainly long-grain and jasmine rice. Intensive promotion of high-yielding varieties is now a priority in Thailand.
- **Viet Nam** had food insecurity as its main problem 25 years ago. Through an economic reform called Doi Moi, it now ranks as the second-largest exporter of rice in the world. The major rice importers from Viet Nam are the Philippines, Indonesia, and Malaysia.

Two Special Comments about Singapore and the Lao PDR

Singapore will work with the IRRI in a new rice research programme to be led by the National University of Singapore and the Temasek Life Sciences Laboratory. It will invest up to \$8.2 million over the next 5 years in the programme, which will address especially how rice farming can become better adapted to climate change. It will also seek to develop new rice varieties with built-in protection against diseases and reduce the need for inputs like water. IRRI said the project positions Singapore as an important partner in the Global Rice Science Partnership.

The Lao PDR is the second largest donor to the International Rice Gene Bank at the IRRI. It has donated 15,525 accessions to the gene bank while India is the number one donor with more than 17,000 accessions. The Gene Bank does not belong to any single country – it belongs to humanity.

Reflections

RICE is the 'QUIET TIE' that BINDS ASEAN. Rice research for development in Asia, notably in Southeast Asia, in many ways predates ASEAN which was 'born in the late 1960s after a period of substantial' interstate disputes and tensions in the region (for example, the Indonesia–Malaysia *Konfrontasi*) and as such ASEAN was created as a mechanism to prevent war and manage inter-state conflicts.

[It] assumed a degree of formality in the '1976 Treaty of Amity and Cooperation that reflects the ASEAN member states' enduring commitment against the use of force in intra-regional relations (Intal, 2015: 210).

ASEAN countries occupy the uppermost positions in the world's rice consumption. It is fortunate that its rice exporting member countries can supply those members that need to import rice. Seven of the 10 member countries are represented in the Steering Committee of the Consortium for Rice Environments (CURE). The importer–exporter status of the countries remains 'soft' in neighbourhood relations. ASEAN identification keeps the region in its ASEAN anchor so that some needs are met through joint ventures between in-country companies; zero import duties for ASEAN Trading Partners; and temporary rice export bans or short-term rice import bans such that the prospect of a tough Organization for Rice Exporting Countries (OREC) with its 'hard and fast rules' did not materialise. The ASEAN identity has, in a manner of speaking, projected 'humanity' amongst neighbours.

Rice research for development is not a 'dreaming' project. It is a 'continuing doing initiative' that has produced results in the life of rice in each country.

'ASEAN nations endorse IRRI 10-years, 3-point plan' is a news item in the April 2005 issue of *Rice Today*. A new partnership was established between IRRI and ASEAN during the 26th Anniversary Meeting of the ASEAN Ministers on Agriculture and Forestry (AMAF), which endorsed a plan presented by Myanmar that focused on three major rice production challenges facing Asia – water shortages, global warming, and inadequate human resources (*Rice Today*, 2005).

If and when something like the Rice Bowl Index is adopted, then RICE would not be so 'quiet' any more.

Rice is the top crop in seven of the 10 member countries of ASEAN. Brunei and Malaysia aspire to increase their domestic production while Singapore is contributing to the research programme. Rice continues to be the top food consumed.

The following institutions are very much engaged in research and extension activities: CARDI, NAFRI, NAFRES, DAR, ICRR, AIAT, CLRRI, NOMAFSI, URRR, VIAS, PHIL-RICE, CMRRC, RRRC, seed centres, etc.

Throughout the years, Rice Research for Development has been strongly and generously supported by philanthropic organisations, by international and national sources, and, more recently, by some rice-growing countries themselves – perhaps an indication that they are slowly starting to ‘earn their keep’. Southeast Asia is a big part of half the world that eats rice. Rice science for a better world is what the International Rice Research Institute is all about. And as its Director-General, Matthew Morell, has said: ‘IRRI has a mandate that is completely compelling; that is, improving a product – rice – that is not only a commodity. ... We are not just on a journey of technology, but of humanity’ (IRRI News, 2015). People make the difference not only in consumption but also in production; and hopefully they can trust collective action such as ASEAN for the common good as one humanity where no one should go hungry and every household can smile when the rice jar is full.

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Ensuring ASEAN's Sustainable and Resilient Future

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The Association of Southeast Asian Nations (ASEAN), now in its 50th year, has dazzled the world with its robust economic growth over the past 3 decades, reducing poverty rates and delivering middle-income comforts to millions. But the region is also struggling to manage the unwelcome byproducts of traditional development – reduced air and water quality, depleted natural resources, and imperilled biodiversity – which are exacerbated by an increasing frequency of disasters and a changing climate. But transition changes also arrived when ASEAN Member States (AMS) agreed on blueprints for three community pillars – the ASEAN Political–Security Community (APSC), the ASEAN Economic Community (AEC), and the ASEAN Socio-Cultural Community (ASCC), which all recognise the importance of sustainable and resilient development. Using flexibility, trust, respect, and consensus – ‘the ASEAN way’ – AMS are pursuing a green recovery, even if it has meant a painful transition for some. This paper assesses the path travelled by ASEAN on a sustainability front, and argues for further adjustments that are nuanced, context dependent, and modulated. An integrated collaborative framework is proposed to maximise, prioritise, and sequence the actions that derive different benefits from a sustainable and resilient environment.

Governance Systems for Sustainability and Resilience

ASEAN cooperation for sustainability and resilience is listed under all the three community pillars, which have an extensive list of issues, though with varying levels of details and focus. There are strategic objectives for each area followed by actions, which are a combination of policies, programmes, and projects. Actions in the blueprint are not only generally agreed statements, but are some sort of informal monitoring mechanisms at regional level as progress has to be reported regularly and provide the basis for coordinating work across sectors and countries under each community.

The community councils coordinate work under each pillar. Whereas the sustainability agenda is straightforward for AEC and APSC, it is a challenge for the ASCC, as there are many sectors of cooperation – under sustainability and social inclusion – competing for attention and funding.

The ASEAN approach to regional cooperation for sustainability has differed from that adopted in Europe, where legal and economic mechanisms were created and institutionalised at the intergovernmental and supranational levels. Those mechanisms require European Union members to give up some of their sovereignty on issues like water quality, air pollution, disaster responses, and climate change mitigation. ASEAN institutions, on the other hand, are strictly intergovernmental. It started in the 1970s, as an expert group under the ASEAN Committee on Science and Technology. In addition to monitoring the progress of work by various groups in 10 specific areas under ASEAN environmental cooperation, the environmental management framework also monitored sustainability provisions of ASEAN legal instruments, such as energy trading and natural resource management, in many sectors of operation. ASEAN's senior officials carry out series of activities such as preparing for ASEAN's regional participation in international deliberations; establishing guidelines pertaining to ozone depleting emissions, pollution, biodiversity, climate change, forests, and related environmental matters; and working towards harmonisation of environmental standards for ambient and river water quality, electronic appliances, and impact assessment.

The regular preparation of the ASEAN State of Environment Reports serves as the overall monitoring mechanism of sustainability in the region. There is no core ASEAN environmental bureaucracy. In each AMS, national focal points are responsible for carrying out ASEAN initiatives. A summit of the ASEAN heads of state and governments, ASEAN's highest decision-making body, is held regularly. These high-level panels pave the way for ministerial-level meetings, and provide proposals for decisions to be discussed by senior level officials and adopted by consensus at the sectoral level. These meetings can also prepare for ASEAN's regional participation in international deliberations on sustainability and resilience.

The emphasis on trust and consensus is always reflected in the decisions. AMS agree on common sustainability and resilience measures, decide how to implement them, and contribute according to their capacities and capabilities, acknowledging that ASEAN has achieved different levels of development and therefore has differing capacities for action. Trust and non-interference and a preference for national implementation of programmes rather than reliance on strong region-wide bureaucracy – the ASEAN way – are always reflected in environmental governance.

Interdependent and Inseparable Chain of Challenges

The ASEAN way of regional environmental governance has enabled AMS to build mutual trust and confidence, and has progressed at a pace comfortable for all. Nevertheless, as environmental and disaster related risks are becoming more complex and complicated, ASEAN is facing new challenges when it knits together programmes across three community pillars. Further ASEAN mandates of cooperation for sustainability should expand in tandem with global mandates, as reflected by new regimes like the Sustainable Development Goals (SDGs), the Paris Climate Agreement on Nationally Determined Contributions (NDCs), and the Sendai Frameworks for Disaster Risk Reduction.

Sustainability concerns in ASEAN are increasing, particularly because economic growth in many of the AMS remains fuelled by energy-intensive carbon emitting production and polluting industries. As ASEAN continues to propel economic dynamism, its demand for energy will increase accordingly. The challenge is to achieve an orderly accelerated and affordable transformation towards growth that involves lower carbon emissions and sustainable management of natural resources. ASEAN's growth is also leading to rapid and often unplanned urbanisation and motorisation, which add to the region's sustainability challenges. Many of ASEAN's major urban centres have unacceptably poor air quality.

ASEAN's water bodies – including major rivers and their tributaries – are also under stress. The discharge of untreated waste and pollutants from households, agricultural fields, industries, and townships contributes to the spread of waterborne diseases and is a major public health care issue for low-income households. The region's environmental problems are increasingly caused by factors that cut across national borders. For example, haze caused by forest fire is a common occurrence in some AMS. Brown clouds that cover some of the AMS are caused by pollutants released by the burning of fossil fuels and rural biomass across the region. The unsustainable harvesting of marine resources that are shared by several countries is often a source of friction.

Moreover, historically the ASEAN region has been prone to greater hazards, big and small, that have resulted in many losses of lives and properties. Its geographical location makes AMS more vulnerable to typhoons, floods, landslides, and storm surges. Earthquakes, tsunamis, and volcanic eruptions are common occurrences as the region lies at the intersection of four tectonic plates. Forest fires are also common and epidemics such as severe acute respiratory syndrome (SARS) and influenza A (H1N1, aka swine influenza) caused havoc and hardship amongst the populations affected.

The Middle East respiratory syndrome (MERS) and the Ebola and Zika viruses are major scares and they pose threats to the region given the number of ASEAN migrant workers in affected parts of the world.

Climate change-induced events are likely to exacerbate these sustainability and resilience challenges. Recent assessments have found that climate change is likely to diminish continued progress on regional food security through production disruptions, leading to local availability limitations for households and price increases, diminished water availability, and health and safety issues. The risks are greatest for the poor in the coastal regions. The economic impacts of all disasters and climate change are so immense that it is affecting the region more than any part of the world (World Bank, 2012).

Current Pathways towards a Sustainable and Resilient ASEAN

Notwithstanding the evident need within ASEAN countries to devote greater attention to implementation of shared policies, ASEAN has been remarkably successful in shaping a common policy framework for sustainability and resilience. Region-wide agreements have been reached in the following areas:

- (1) Natural Resources and Biodiversity
 - (a) Nature conservation
 - (b) Heritage Parks and Protected areas
 - (c) Sea Turtle Conservation and Protection
 - (d) Convention on International Trade in Endangered Species
 - (e) Heart of Boreno Initiative on Eco-systems
 - (f) ASEAN Center for Biodiversity
- (2) Forestry, Agriculture, and Food Security
 - (a) Trans-boundary pollution
 - (b) Forest law enforcement and governance
 - (c) Food security
- (3) Cultural Heritage
- (4) Coastal and Marine Environment
- (5) Water Resource Management
- (6) Health
 - (a) Severe Acute Respiratory Syndrome
 - (b) Avian Influenza
 - (c) Swine Influenza

- (7) Energy and Climate
 - (a) ASEAN Petroleum Security Agreement
 - (b) Agreement on ASEAN Energy Cooperation
 - (c) Trans-ASEAN Gas Pipeline
 - (d) ASEAN Plan of Action for Energy Cooperation
 - (e) Cebu Declaration on Energy Security
 - (f) Singapore Declaration on Climate Change
 - (g) Green Cities
- (8) Minerals
 - (a) ASEAN Mineral Action Cooperation Plan
 - (b) Manila Declaration on Intensifying ASEAN Minerals Cooperation
- (9) Disaster Management
 - (a) ASEAN Agreement on Disaster Management and Response
 - (b) ASEAN Coordinating Center for Humanitarian Assistance on Disaster Management
 - (c) ASEAN Disaster Management Training Institute Network
 - (d) ASEAN Disaster Management and Monitoring and Response System
- (10) Environmental Education
 - (a) ASEAN Environmental Education Action Plan

Leadership and shared vision have been fundamental to the development of such coordinated programmes and the political leaders of ASEAN should be congratulated for recognising the need for change and taking cooperative steps towards sustainable and resilient development, which could be replicated in other sub-regions. ASEAN is remarkably efficient at making diverse cultures and political traditions share a common vision and pragmatic policies, within the region and from the region to global community. It does so by respecting each country's international procedures, and building the capacity within each nation to meet agreed programme objectives.

Recognising the Challenges of Change

Despite the proliferation of policies, declarations, resolutions, plans of action, and programmes on sustainable and resilient development, the implementation of agreements within ASEAN is usually rather slow. Table 1 presents the environmental performance index of ASEAN. The effectiveness of implementing policies and thus the performance of AMS varies across the region. Though steady improvement has been observed over the past 10 years, most of them are still far away from achieving the sustainability and resilience targets and do not rank highly at the global level.

Table 1: Environmental Performance Index of ASEAN Members

EPI	2016 - EPI	Global rank	10-year change (%)
Brunei Darussalam	67.89	98	67.89
Cambodia	51.24	146	17.52
Indonesia	65.85	107	10.45
Lao People's Democratic Republic	50.29	148	8.52
Malaysia	74.30	63	13.05
Myanmar	49.80	153	-
Philippines	73.70	66	16.30
Singapore	87.04	14	-0.43
Thailand	69.54	91	17.68
Viet Nam	58.50	131	20.67

Source: Yale EPI Report 2016.

Some of the key limitations and barriers that may explain the less than optimal sustainability performance include:

- (a) Inadequate capacity – lack of information, data, funding, and organisational support within ASEAN and thus dependence on development partners.
- (b) Inadequate monitoring mechanism – absence of an integrated surveillance mechanism limits the ability of ASEAN to identify risks and respond in a cohesive way.
- (c) Lack of a dispute resolution mechanism. Because the ASEAN way emphasises decision-making through consensus building and non-intervention ways, it undermines the possibility of adopting practical measures to cope with common regional problems.

This has led some thinkers (Amitav, 2001; Khang, 2013; Mo and Park, 2014) to call for stronger emphasis within ASEAN on implementation of policy reforms within states. Balancing economic development and social pressures with environmental protection is a critical issue for ASCC development. Win-win opportunities – in particular the idea of green growth – need to be exploited. A reorientation of economic growth itself is a precondition for environmental protection, i.e. a win-win situation is possible. There are also technical solutions to sustainability challenges. Done properly, such coordinated policies as clean energy promotion, disaster risk reduction, and sustainable consumption bring net benefits in terms of jobs, reduced emissions and pollutions, and lower prices, and need to be exploited (ADB, 2008; ADBI, 2014).

Uncovering Transformative Pathways through Policy Adjustments

Many approaches to sustainable and resilient development have evolved over the decades at national and regional level, reflecting different national contexts and priorities, sectoral concerns, and transitional strategies. But the missing legal dimension at the regional level is often cited as one of the reasons for ASEAN having reacted slowly in implementing urgent actions on sustainability and resilience at national and sub-national level (Kheng, 2013; Label et al., 2014). Effective cooperation for sustainability and resilience requires a substantial strengthening of institutional structures and decision-making processes, and a solid enforcement system. On the one hand, ASEAN is attempting to emulate the European Union's common environmental conservation framework to meet the challenges, but on the other hand member countries are reluctant to cede power to a central body and the implementing organisations within AMS are asked to follow binding ASCC community laws without enhanced funding.

Economic competition amongst ASEAN countries, a narrow focus on national interest, and the fear of losing sovereignty have hindered implementation of stronger binding common policies (Robinson, 2002). As a direct consequence of such conflicts of interests, ASEAN has come up with a more flexible approach, characterised by the 'ASEAN minus X' and 'ASEAN plus' formulas. The ASEAN minus formula allows specific AMS to join ASEAN agreements at a later stage, and the plus formula explicitly allows AMS to form sub-regional and international agreements within the ASEAN framework. Nevertheless, there is no institutional architecture in place to monitor or limit the agreements. Moreover, such agreements contradict efforts to cooperate on previous agreements and may eventually lead to a weakening of the older ones.

The decision-making process on environmental governance can be described as an informal diplomacy based on consultation and consensus. Like other areas, sustainability and resilience governance within ASEAN follows the common principle. In general, decision-making in ASEAN takes place at two levels – the interstate level and the national level. In ASEAN meetings, senior officials represent the positions of individual member states. Key environmental issues like biodiversity and climate change only have a chance to be dealt with by ASEAN when they are put on the agenda of this highest level of decision-making. Actors at the national level include business associations, interest groups, and community organisations that have been invited by the government organisations – the second level in the ASEAN decision-making process. Though ASEAN encourages the participation of other stakeholders like civil society organisations, there has been slow progress in the overall integration of non-state actors

in the policy formation process. As a consequence, ASEAN governance on sustainability is mainly determined by a top-down hierarchical structure. Trans-boundary issues like haze from forest fires, climate change, and cross-border solid waste management need not only interstate collaboration but also enforcement at local level, which necessitates strengthened capacity and coordinated actions by different stakeholders.

ASEAN has come a long way in building resilience capacity and supporting national disaster risk management capacity since the ratification of the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) Treaty. AADMER is one of the most ambitious and comprehensive disaster risk management treaties in the world. AMS have the opportunity to build a unique regional resilience system that is tailored to the needs of the people and that significantly reduces losses. With reference to the three pillars of the ASEAN community, AADMER is seen as economic in structure, political in sense, and socio-cultural in spirit. Many observers (Amitav, 2011; Robinson, 2012; Mo, 2014) believe that the tipping point in the adoption of a vigorous supranational policy approach to disaster management was the Indian Ocean Tsunami of 2004. The scale of the devastation caused by the tsunami was so massive that people realised that disasters can strike at any time and resilience of the system is key to sustainability. The successful role of ASEAN in the 2007 Nagris cyclone response resulted in building capacity at the regional level. While regional and intra-regional capacities have certainly increased since AADMER entered into force, many programmes and initiatives are still in their early stages and remain at a small scale. For ASEAN/ASCC to become a powerful human actor, a larger financial commitment from member states would be required, amongst other things. To prevent, mitigate, and respond to climate change and disasters, ASEAN must continue to adjust national budgets and finance the projects accordingly. Even given the ASEAN way, it would be good to see ASEAN also take a stronger stance on guiding members towards similar frameworks, standards, and practices on other issues, especially in terms of a rights based approach to environmental sustainability.

Though there have been considerable governance innovations over the last decade at national level, horizontal and vertical integration across the pillar continues to be problematic throughout ASEAN for several reasons. While it is true that the quantity of environmental policies and regulations has increased due to the pressure and lobbying of both international and domestic stakeholders, environmental ministries or equivalent agencies in the region are often ill-equipped either to enforce existing regulations or to design, implement, monitor, inspect, and enforce, new effective environmental and resilience policies. The protection of the environment is regarded as a niche area and left to often powerless ministries that usually find themselves in the lower ranks of the government hierarchy. Few countries in ASEAN effectively mobilise other ministries to deal with this challenging regionally agreed task. Achieving greater policy coherence

and implementation demands sustained efforts towards the integration of sustainability and resilience in sectoral policies, to ensure consistency in the choices made by the decision-makers, especially local governments, the private sector, and community based organisations. The success of these efforts depends on legislative adjustments, economic and fiscal policy reforms, innovating new technologies, changes in financing, and stronger institutions that are specially geared towards social and ecological floors. The following 10 framework conditions may well fit into the ASCC, AEC, and APSC agendas of sustainability and resilience.

- Investment in resilient infrastructure: Amongst the public assets, recognise the central role of eco-systems to secure long-term wellbeing, peace, and economic opportunity, and improved social outcomes. Recognise, measure, and respond to the economic significance of sustainability and resilience as a large fraction of the ‘GDP of the poor’ – a people-centred approach.
- Innovation for sustainability and resilience: Recognise economic, social, and environmental opportunities in all forms of innovation – social, institutional, financial, and technological. Incentivise and invest in an innovation-based inclusive and green economy that will produce less, remanufacture more, reuse, recycle, and restore and set the evolution on course towards a truly low-carbon and resilient economy.
- Resource conservation: promote resource efficiency, clean energy, sustainable consumption, and production to address resource security concerns.
- Focus on public eco-system services: Develop, maintain, and invest in physical ecological structure, constitutions, laws, e.g. property rights, environmental legislation, industrial standards, and corporate governance norms.
- Operationalising risk mitigation. Recognising today’s risks as tomorrow’s costs to well-being, legislate for protective action or precaution against climate change and disasters, based on the proof of major environmental and health risks.
- Human resource development: Invest in human capabilities to enable communities to determine the sustainability outcomes. Missed capabilities misalign their development choices and lead to unsustainable development.
- Institution building: Invest in effective legislation and strong institutions for governance at local, regional, and national levels, whilst ensuring transfer of knowledge and finance between these levels ensuring sustainability buy-in for policy adjustments by providing clear fiscal stakes at different levels of government; encourage collaboration amongst ministries.
- Centrality to local economy: seek cross-sectoral adjustments by addressing all dimensions of sustainability and resilience, and hence promoting sustained, sustainable, and resilient growth and productive employment at local level.

- Private sector engagement: Private sector choices today largely determine the future sustainability and resilient growth directions, but regulations influence and incentives motivate firms to make choices. Identify and implement effective micro policy adjustments in key areas such as corporate taxation, financial reporting, standards, etc., so that the private sector can be positively engaged, and generate gains from, not losses to, public assets.
- Long term versus short term: Broaden the focus of APSC and AEC policy mandates to align with ASCC-related regulations from short-term stability to medium-term resilience to address the real horizons of long-term sustainability challenges, by integrating financial markets and the real economy to serve the well-being of people.

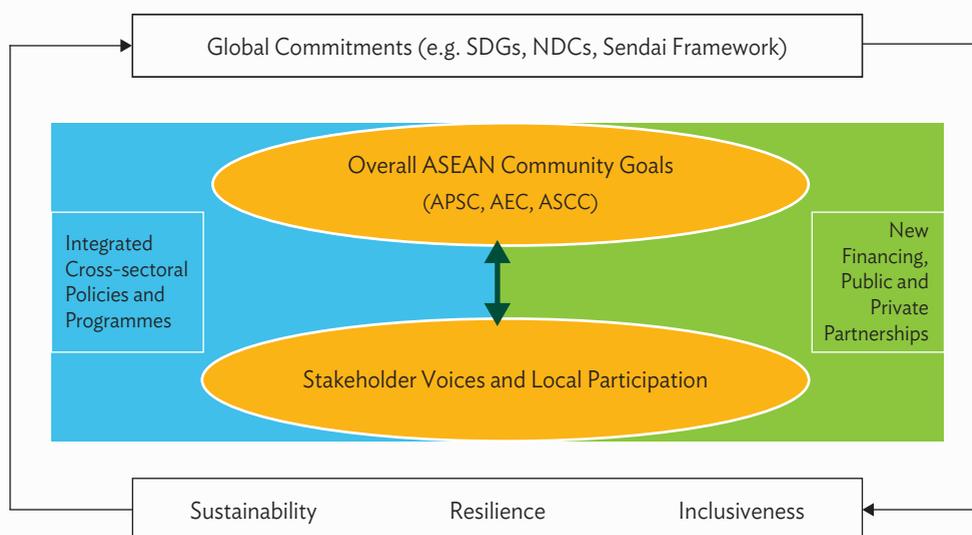
Pursuing Inclusive Outcomes through Local Champions and Global Interfaces

ASEAN initiatives on sustainability and resilience complement, rather than substitute, its global commitments such as the Sustainable Development Goals (SDGs), the Paris Accord on Nationally Determined Contributions (NDC) to mitigate climate change, the Sendai Framework for Disaster Risk Reduction, etc. To this end, global mechanisms and multilateral environmental agreements are needed to strengthen ASEAN initiatives.

Successfully delivering the SDGs and other targets requires a strong systems approach at the regional level across the sectors that involve the public-private stakeholders. For ASEAN, rising to the challenge means operating at three stages – working together to achieve individual goals; taking into consideration the inter-relationships amongst the goals; and finally, delivering the goals in a way that models the characteristics needed for a sustainable and resilient society. Mapping the activities around the individual goals will certainly accelerate progress. But looking across the goals to assess possible synergies and trade-offs takes us to the next level. Clearly, the SDGs do not work in isolation – health (SDG 3) is impacted by food and nutrition, sanitation, education, and, increasingly, climate change; the sustainability of cities (SDG 11) is an amalgamation of several of the other goals such as food (SDG 2), education (SDG 4), water (SDG 6), energy (SDG 7), and infrastructure (SDG 9); and so on.

A network of targets with a clear understanding of SDG interactions is needed. With 2030 set as targets for SDGs and NDCs, over the next 14 years ASEAN needs to learn more about rigorously leveraging these interactions, particularly when it comes to the more cross-cutting goals. ASEAN governments should adopt a joined-up approach, because once it is understood how the goals are linked, it is easier to see how to develop actions and policies to tackle several at once.

Figure 1: Integrated Approach and a Cooperative Model for a Sustainable and Resilient ASEAN



AEC = ASEAN Economic Community; APSC = ASEAN Political–Security Community; ASCC = ASEAN Socio-Cultural Community; ASEAN = Association of Southeast Asian Nations; NDCs = Nationally Determined Contributions; SDGs = Sustainable Development Goals.

Source: Author.

In many situations, scaling up activities to achieve resiliency and sustainability requires a multi-pronged approach and a cooperative model, as illustrated in Figure 1. There is ample evidence of the power of finance and public–private partnerships to drive change, where technological innovations and integrated policies and programmes are being adopted and scaled up as a result of policy innovations.

Collaboration and local championships are essential drivers of the changes; AMS should seek to replicate success and scale up their approaches to achieve an inclusive, resilient, and sustainable economy. It is not widely understood how such multi-tiered cooperation needs to be formulated and by whom for delivering cumulative success. Integrated approaches are needed to bring together all important stakeholders – businesses, financiers, technical communities, local government authorities, and academia – to tackle barriers at multiple levels that hinder the ability to attract, access, and absorb sustainable technologies and finance. The unique position of local governments and the capabilities of private sector leaders to leverage communities and to solve problems is very important for an inclusive development to take hold and be scaled in.

Clean energy, safe drinking water, sanitation, and other services can be provided by micro-, small, and medium enterprises through cost effective, low-carbon, and eco-friendly technologies.

The engagement of civil society and consumers through institutions, open platforms, and governance frameworks need to be ensured. Empowerment of resilient and sustainable communities will be driven through recognising and protecting different sets of rights and privileges that underpin a democratic society, including property rights, public participation, and access to justice and the rule of law. In this regard, information disclosure and public hearings of major environmental decisions are essential mechanisms of transparent and collaborative governance.

It is good news that despite the predominance of unsustainable practices around the region, there are numerous stories emerging of the success of sustainable and resilient approaches. These success stories need to be told and retold. The Philippines, an island nation, with frequent natural disasters boasts highly resilient communities. Singapore has created and sustained an economy of services that is highly decoupled from resource consumption. Myanmar, an emerging economy, adopted a national low-carbon growth strategy well before the Paris Agreement. Thailand's sufficiency economy, Malaysia's green technology policies, and Viet Nam's Living Resiliency Program all respond to global needs to decouple socio-economic progress from environmental degradation. These countries were and are, in their own ways and contexts, champions of a new and sustainable economy. We can learn from these countries because they recognised early on that resource efficiency, self-reliance, and local innovation are the drivers of improved sustainability and the well-being of people in the absence of unlimited stocks of natural resources that are susceptible to climate change and disasters. However, the power of positive stories and the inspiration of champions can only be felt if such stories are told and retold across the region. And whilst emerging social media may provide some channels for such communication, they need to be reinforced through a concerted and collaborative effort by governments, businesses, academia, the media, and the billions of concerned and aware citizens of ASEAN.

Given the complexity of numerous challenges, three forms of cooperation between ASEAN and the international community could be valuable.

- Information Systems: Global agreements serve as an important source of data and information, allowing more effective regional policy formulation. A repository of data on sustainability and resilience indicators from reporting and monitoring systems across different regions of the world will also help ASEAN to assess the risks, trends, and possible responses. Being part of global reporting in areas such as

biodiversity and climate change accelerate information gathering and facilitate a two-way flow of information. National and regional agencies, the private sector, and non-governmental actors could access a wide range of relevant data and resource deployment. ASEAN can serve as an intermediary repository function for national and local level information efforts with broader engagement of public and community-based organisations.

- **Capacity Building:** information sharing on implementation of strategies, technologies, and policies may be another area of collaboration between ASEAN and other international organisations. Best practices in air quality control, greening of cities, climate change adaptation, etc., could provide a useful tool for countries facing the same or similar challenges. While ASEAN can learn from other regions, one area in which ASEAN could share its experience is resolving open trade and environmental conflicts, which are increasingly becoming a flashpoint that divides advanced countries and other developing countries. In areas where it is difficult to reach global consensus such as social sustainability standards for biofuels, title free harvest of shrimps, and value chain resilience, ASEAN can contribute to global standard setting. In partnership with institutions like the ASEAN Centre for Biodiversity (ACB), the ASEAN Centre for Energy (ACE), the ASEAN Centre for Humanitarian Assistance (AHA), and the Economic Research Institute for ASEAN and East Asia (ERIA), ASEAN, becoming part of a global information clearance house on selected issues, will also bring together individual AMS – which are diverse in environmental, socio-economic, and cultural terms – prompting them to adopt best practices, which will in turn make AMS a global forum on sustainability.
- **Innovative Financing:** In the global negotiations developed countries committed to the goal of mobilising several billions of dollars to address the needs of developing countries regarding specific actions like climate change. The ways in which both public and private finance at the ASEAN level could be mobilised remains a relatively unexplored field. A wide range of public and private sectors including governments, banks, insurers, investors and individual business, and multilateral finance institutions like the Japan Bank for International Cooperation (JBIC), the Asian Development Bank (ADB), and the Asian Infrastructure Investment Bank (AIIB), are exploring the opportunities for investment in a sustainable ASEAN. Given the pressure for increased financial capacity to implement action programmes, ASEAN can act as inoculator for leveraging public finance, mobilising private finance, and channelling international development assistance from the rest of the world to the region.

Epilogue

Many efforts have been made to enhance the sustainability and resilience of ASEAN; they have hinged on reducing risks, rebounding quickly, reinvigorating leadership, responding better, and reviving ASEAN's sense of community built on the values of trust and consensus. Many of these narratives have been translated into declarations, action plans, and blueprints for collective action. Not reflected though are the deteriorating environmental conditions and lives lost during the disasters.

This is probably the main impetus for ASEAN to push the discussion beyond the levels of general consensus. As urgent actions are needed to tackle biodiversity loss and climate risks, and improve the disaster resilience capacity, readily available decisions and binding resources should be at the disposal of the ASEAN Secretariat (ASEC). What is needed is a strong coordinating body within ASEC that can easily be deployed for immediate interventions at any level. Target setting should be accompanied by enabling mechanisms, including financial support for regional initiatives. A substantial amount of funds should be readily available for disbursement for implementing plans and actions at national level.

A good implementation framework and monitoring and reporting mechanisms at different levels are also imperative for the ASCC, to give it enough substance to have an impact. As an organisation, ASEAN should focus more on the potential gains than on the process for implementing transformational strategies with cross-cutting sectoral policies through cooperation. A concerted effort could provide competitive gains, boost productivity, and provide public goods that are unlikely to be produced by markets or individual AMS. It is in the environmental and social self-interest of AMS that the actions are implemented on a priority basis through cooperation and coordination. As the window of opportunity is closing, the cost of taking action is much smaller than that of not acting. Delaying action on those fronts will only increase the costs of building a resilient and sustainable ASEAN.

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Empowering Communities and Countries to Conserve Biodiversity at the National and ASEAN Levels: Status, Challenges, and Ways Forward

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Introduction

The Convention on Biological Diversity (CBD) defines biodiversity as, ‘the variability amongst living organisms from all sources including, amongst other things, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part’. This includes diversity within species and of ecosystems found in both natural and human-modified ecosystems. Biodiversity provides the basic foundation for food security, human health, and ecological services. It also serves as a buffer against and as a coping mechanism for climate change. It is also linked to and underpins the resilience of ecosystems. A capacity for resilience and ecosystem stability is required to maintain essential ecosystem goods and services over time and space (Thompson et al., 2009). Resilience is the capacity of ecosystems to self-repair in response to perturbations caused by natural and human-induced factors. Hence, a loss of biodiversity could lead to lack of sustainability.

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² This research was conducted as a part of the project of the Economic Research Institute for ASEAN and East Asia (ERIA) and the ASEAN Secretariat, ‘Framing the ASEAN Socio-Cultural Community (ASCC) Post 2015: Engendering Equity, Resiliency, Sustainability and Unity for One ASEAN Community’. The author is deeply indebted to the members of this project and to the ASEAN Centre for Biodiversity (ACB) for their support in providing the needed materials and documents. The opinions expressed in this paper are the sole responsibility of the author and do not reflect the views of ERIA or the ASEAN Secretariat.

Biodiversity is valued in terms of the ecosystem services it provides: cultural, provisioning, regulating, and supporting. In this context, the technical definition of biodiversity is complicated by the fact that various stakeholders choose to interpret this in many different ways and at various hierarchical levels. To fisherfolk, farmers, and other local resource users, biodiversity means food, clothing, and shelter, as well as the provider of other basic needs and human welfare. To some conservationists and policymakers, biodiversity means conservation of rare and endangered species and habitats. To others, biodiversity is the conservation of the natural heritage and the beauty of nature. Given this reality, all biodiversity decisions, including those based on science, are value-laden. The legitimacy of stakeholders' claims will always be debatable, with political and economic power dynamics providing the major influence in making decisions on access, use, and benefit-sharing of biodiversity (Vermeulen, 2004). This is the main reason why it took a long time before an access and benefit-sharing accord, referred to as The Nagoya Protocol under the CBD could be finalised and agreed in a manner similar to the legally binding International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) governing access to and benefit-sharing for the most important food crops and forage species that preceded the Protocol. Another complicating factor is that biodiversity, when thought of only in terms of the kinds and number of species – the usual way of quantitatively measuring it – is of little use if it is not related to the functions and services it provides. Therefore, biodiversity needs to be interpreted in terms of **functional biodiversity**, which is the kind of biodiversity that provides more available options for livelihoods in the social system, while at the same time maintaining ecosystem services. This functional dimension of biodiversity is the least studied and is mostly only implied.

Biodiversity and the ASEAN Vision of Sustainable Development

The ASEAN vision of sustainable development is described as 'an ASEAN Socio-Cultural Community that is inclusive, sustainable, resilient, dynamic, and engages and benefits the people'. An element of this vision includes, 'a balanced social development and sustainable environment that meet the current and future needs of the people'. Biodiversity will play a critical role in promoting resilience and the use of green technology, as expressed in the Nay Pyi Taw Declaration of 12 November 2014. This will be achieved through a people-oriented and people-centred process of empowerment and people-centred goals in biodiversity conservation and its sustainable use. This overall goal of biodiversity assumes even greater significance because ASEAN Member States (AMS), while occupying just 3% of the earth's surface,

contain over 20% of all known plant, animal, and marine species. Amongst these are a large number of endemic species found nowhere else in the world. This region has three of the 17 mega-biodiverse countries of the world – Malaysia, the Philippines, and Indonesia. These countries are also viewed as biodiversity ‘hotspots’ because of the rapid rate of loss of this valuable biodiversity. Southeast Asia is also home to many of the world’s most important crops, such as rice, mango, banana, and coconut, as well as a wealth of crop-wild relatives (CWR). It will be difficult to achieve the ASEAN Vision 2020 if biodiversity is not conserved and sustainably used at the community, country, and regional levels.

Status and Capacity of Achieving ASEAN Biodiversity Conservation and Sustainable Use Targets

The ASEAN Biodiversity Outlook 2010 summarises the dire biodiversity situation in the region as follows:

- Loss of 555,587 square km of forests in the period 1980–2007;
- Decline of mangroves by 26% in the period 1980–2005;
- Highest loss of coral reefs of 40% in the period 1994–2008;
- Significant loss of seagrass, especially in Indonesia, the Philippines, Singapore, and Thailand; and
- Increase in invasive and alien species that displace native biodiversity.

The major causes of biodiversity decline in the region include the following (Sajise, 2011):

- rapid modernisation of agriculture that strongly favours monoculture and high-yielding varieties vis-à-vis traditional varieties and landraces;
- changing consumer tastes that tend to lessen biodiversity in favour of just a few crops, breeds of animals, and other biological entities;
- rapid urban population increase partly as a result of migration from rural areas which results in the youth leaving farming, causing discontinuities in the practice of traditional agriculture that favours biodiversity;
- infrastructure development, pollution, and rapid land conversion resulting in the loss of agricultural land, natural forest, and aquatic areas; and
- poverty and lack of livelihood options resulting in human activities that destroy habitats.

Food and nutrition security in ASEAN will not be attained if the present rate of biodiversity loss continues. The demands placed on agriculture and other natural-resource base components in the region will increase significantly in the coming years

due to ever-increasing population pressure, unabated ecosystem degradation, and the frequent occurrence of disasters associated directly or indirectly with climate change. Meeting these demands will only be possible if we continue to have access to the genetic diversity of crops and animals, as well as their wild relatives that provide breeders and farmers with the raw materials required to sustain and improve their crops as well as adapt to climate change. Therefore, there is an urgency to fully implementing the updated National Biodiversity Strategy and Action Plan (NBSAP), given the Aichi Biodiversity Targets (2011–2020) by AMS to conserve remaining intact natural ecosystems, which serve not only as repositories of high biodiversity, but also provide ecosystem services needed by human societies. The ASEAN region remains slow in making progress, particularly in preventing invasive alien species, addressing the impact of biodiversity on species and ecosystems, abating pollution, and the exploitation of forests and wetlands. At the institutional level, the weak coordination between the Ministries of Environment, Agriculture, and Fisheries, as well as the lack of strong support by local government units and the private sector, enhances the problems of natural resource exploitation and slow restoration of degraded ecosystems. This is because natural biodiversity is the responsibility of the Ministry of Environment, while the Ministries of Agriculture and Fisheries cover the biodiversity materials for food and agriculture.

National Biodiversity Strategy and Action Plan (NBSAP) and the Aichi Biodiversity Targets in Support of CBD Goals in ASEAN

The overall status of biodiversity in AMS can be assessed through their NBSAP, which should be aligned along the five Aichi Biodiversity Strategic Goals: (i) address underlying causes of biodiversity loss; (ii) reduce the pressure on these causes; (iii) safeguard ecosystems; (iv) enhance the benefits of biodiversity; and (v) promote participatory processes in planning and implementation. The progress in achieving the biodiversity target in the ASEAN region is described in the ASEAN Biodiversity Outlook 2010. The following are highlights of the region's biodiversity:

- Targets under the Strategic Goal C of improving the status of biodiversity by safeguarding ecosystems, species, and genetic diversity in terms of the target for protected areas was fully met. Up to 12.6% of the ASEAN region's terrestrial land has been designated as Protected Areas (PAs). Six AMS have exceeded the 10% target, of which Brunei Darussalam, Cambodia, and Thailand have set aside more than one-fifth of their total land area for protection and conservation. However, efforts need to be directed towards improving management effectiveness of PAs and there should also be a focus on establishing more marine PAs given the region's vast marine and coastal-based resources. In a review conducted by the ASEAN Center

for Biodiversity (ACB) involving 30 ASEAN Heritage Parks (AHPs), 85% experience problems of poaching, illegal wildlife trade, illegal fishing, and illegal extraction of non-timber forest products. There were also problems with tenure conflicts and in securing boundaries. Eutrophication and pollution were also encountered as problems affecting water bodies. Ineffective management of PAs is commonly due to lack of funds and human resource capacity. Hence, there is a need for re-engineering and re-tooling to strengthen the common weaknesses identified to develop PAs that are effective *in situ* reservoirs of functional biodiversity for current and future generations.

- Most of the targets under the Strategic Goal B on reducing the direct pressures on biodiversity and promoting sustainable use were not met.
- There had been some initiatives and progress in AMS on most of the targets for Strategic Goals A, D, and E, but this has to be enhanced and good practices highlighted for possible adoption and wider dissemination.

Agro-biodiversity Status in ASEAN

Another means of assessing the status of biodiversity in the region is in terms of the conservation and sustainable use of agro-biodiversity in accordance with the **Global Plan of Action (GPA)**. The GPA provides a framework and spells out a guide for the conservation and sustainable use of plant genetic resources for food and agriculture. It has 20 interrelated priority activities organised into four groups: *in situ* development, *ex situ* conservation, utilisation of PGRFA, and institutions and capacity building. The GPA was adopted by the Member Countries of the Food and Agriculture Organization of the United Nations (FAO) and endorsed by the Conference of Parties (COP) of the CBD. The GPA is supported by the ITPGRFA. Legally binding, the ITPGRFA establishes the framework for access and benefit sharing within a multilateral system for most of the world's major food crops. It includes 35 genera of food crops and 29 forage species, including all major Consultative Group for International Agricultural Research (CGIAR) crops and a number of minor ones. The multilateral system provides uniform conditions for access and benefit-sharing and reduced transaction costs for users under streamlined conditions.

A National Information Sharing Mechanism (NISM) initiated and developed by FAO also exists in AMS. The NISM is designed to monitor the extent of implementation of the GPA for the conservation and sustainable use of PGRFA. In a survey conducted by FAO in 2000, the GPA priority activity for the Southeast Asian region was *ex situ* conservation and the top three activities were: Activity 5 (sustaining existing *ex situ* collection), Activity 7 (collecting Plant Genetic Resources [PGR]) and Activity 8 (expanding *ex situ*

collection) (Tao and Anishetty, 2001). Since then, there have been significant progress and efforts on *in situ* conservation and development not only in terms of protected areas but also on-farm conservation. Sajise (2011) conducted a regional assessment of the status of GPA implementation and came up with the following salient findings:

- Several AMS have expressed the need for better coordination at the national level of various agencies and stakeholders involved in PGRFA conservation and sustainable use. This improved coordination will enhance sharing of resources, good practices, and linkages with other institutions in the region with similar mandates.
- The *in situ* conservation gaps identified by countries in the ASEAN region are the following: (a) insufficient number of staff and weak technical capacity; (b) lack of or insufficient funding; (c) lack of incentives for farmers for on-farm conservation and participation in protected area protection; (d) lack of well-developed infrastructure and equipment in some countries; and (e) lack of, or weak, coordination.

Several AMS are prone to disaster exacerbated by climate change. To improve farmer resiliency the following are needed: (a) establish a network of community gene banks linked with national gene banks for disaster response; and (b) establish community seed banks as source of planting materials closer to where it is needed. Improved understanding of the local seed system was also identified as important to bolster the disaster response to restore agricultural systems. It is well recognised that *in situ* conservation of crop wild relatives (CWR) occurs in PAs, which is usually under the jurisdiction of the Ministry of Environment/Natural Resources. To bring about improved *in situ* conservation of CWR for PGRFA, there is a need for better coordination between these concerned sectors of government in partnership with local stakeholders.

■ Ex Situ Conservation

This conservation area broadly encompasses gene banks, botanic gardens, and *in vitro* and cryopreservation. The maintenance of *ex situ* collections requires a stable, sustainable, and perpetual funding stream, which is now partly provided by the Crop Diversity Trust. Furthermore, *ex situ* conservation has seen a considerable reduction in development-partner support in recent years, in favour of funding for *in situ* conservation. However, the complementarities between *in situ* and *ex situ* conservation are also more important than just an emphasis on one or the other, as both need to exist side by side to bring about sustainable conservation, evolution, and sustainable use of plant genetic resources.

Another common need indicated in AMS reports is a strengthened and focused collecting activity with particular attention given to CWR and under-utilised crop (UUC) species. Similarly, the need for better coordination at the national level for the

identification of duplicates and improved regeneration protocols, as well as increased efforts to regenerate accessions, were also identified. Identification of duplicates in and between collections, including safety duplication and processing of backlogs in collections, was also identified as existing needs in several country reports. Given that some AMS have no reliable electric power supply, this need was clearly identified and has to be alleviated to sustain existing *ex situ* collections in gene banks.

The need for expanding collection of targeted PGRFA is also recognised as a need. However, gaps reported by countries in the region for this activity are: (i) lack of focused approach, planning, and policies; (ii) inadequate funding; (iii) lack of clonal repositories; and (iv) lack of interdisciplinary teams to conduct targeted collecting. There is also a need for upgrading of facilities and equipment, improved technologies for *ex situ* conservation, and better institutional linkages both within and between countries to promote exchanges of germplasm materials.

■ Sustainable Use and Conservation of PGRFA

For all countries in the region, the common gap identified was in terms of evaluation and documentation of PGR, and the need to enhance linkages between users of PGRFA and the gene banks. The opportunity exists and should be encouraged for harnessing the strengths of some AMS for responding to the gaps in human resource capacity and the lack of facilities and equipment, especially in the use of molecular tools for characterisation and evaluation of conserved germplasms. There is also a need for more effort in characterisation and evaluation of germplasms collected in gene banks and to have them at a manageable level through the establishment of core and mini-core collections. A major concern expressed deals with increasing crop uniformity as a function of increasing industrialisation of agriculture and the influence of export markets. This trend is known to undermine agricultural sustainability and increase vulnerability to pests and diseases, as well as to environmental disturbances. Promoting and recognising the importance of UUCs, and enhancing crop diversification through market development and incentive systems were also identified by several countries in the region as much needed strategies to maintain and enhance agrobiodiversity.

Many countries in the region reported the need to develop improved seed systems through participatory selection, public sector seed systems, and growers' associations. The importance of responding to this need with an appropriate strategy has been demonstrated in connection with the success of participatory plant breeding in some AMS. However, the lack of institutional support to identify, recognise, and officially register farmers' varieties is working against providing economic incentives to commercially grow farmer's varieties. Country reports also indicated that lack of seeds is a major reason for the inability to promote cultivation of UUC species.

■ **Institutions and Capacity-Building**

A common need expressed by the majority of countries in AMS is that of staff training, database development, and educational training on PGR. The gaps identified were: (i) limited number of staff and a heavy workload; (ii) lack of financial resources and PGRFA that is often not seen as a national priority; (iii) PGR networks poorly managed; and (iv) limited international cooperation.

The establishment of the NISM in several AMS has greatly helped to assist the monitoring and evaluation of the GPA implementation in the region. At the country level, the NISM outputs can be used to develop a ‘national rolling plan/strategy’ for PGRFA conservation and sustainable use.

Opportunities in Biodiversity Conservation and Sustainable Use in the Region

The following were opportunities identified for biodiversity conservation and sustainable use in the region:

a. Presence of a Regional Biodiversity Institution

A significant positive factor in ASEAN is the existence of a formal regional institution, the ACB, which has the mandate to ‘facilitate cooperation and coordination amongst AMS and with relevant national government, regional and international organisation on the conservation and sustainable use of biological diversity and equitable sharing of benefits ensuing from the use of such biodiversity in the ASEAN region’ (<http://www.aseanbiodiversity.org>). It has had the important function of a clearing house of information related to biodiversity conservation and sustainable use for ASEAN. The ACB continues to support AMS to achieve international targets for biodiversity and management through various programmes and initiatives (Report of the ASEAN Socio-Cultural Council to the 25th ASEAN Summit, 2014). It is also involved in capacity building for developing regionally harmonised national processes for implementing CBD provisions on access and benefit-sharing for genetic resources. The ASEAN Socio-cultural Community blueprint calls for the ‘enhancement of the role and capacity of ACB to function as an effective regional center of excellence in promoting biodiversity conservation and management’. The target would be the full ratification of the establishment agreement of ACB by all AMS and the building up of the ASEAN Biodiversity Fund, which will ensure its sustainability and strengthened capacity for excellence, efficiency, and effectiveness in the service of AMS.

b. Existence of Networks for Plant Genetic Resources for Food and Agriculture

Most countries in the region are members of several commodity-based PGR networks (rice, banana, coconut, sweet potato) with linkages to international institutions, such as the various CGIAR centres. The PGRFA network in ASEAN is the Regional Cooperation for Plant Genetic Resources in Southeast Asia (RECSEA-PGR), mostly composed of heads of national gene banks as national focal points. This regional network, to be effective and sustainable, needs to be under the aegis of a formal regional inter-governmental organisation, such as ASEAN or any of its instrumentalities.

c. A Comprehensive Information System for Plant Genetic Resources for Food and Agriculture in the Region

Most AMS have established national PGR documentation systems. Standard descriptors for passport data were used by all the institutes involved in PGR activities for documenting accessions. Several countries in the region have set up and are maintaining a NISM, which is providing much needed inputs for assessing and updating the implementation of the GPA. There is also a need to develop an ASEAN NISM, which can serve a very important function of monitoring loss of genetic resources as a result of natural disasters as well as human activities.

d. Presence of Education and Training Institutions on PGRFA Conservation and Sustainable Use in some AMS

Many countries in the region reported the need for more and better trained human resources to carry out the various activities in PGRFA conservation and sustainable use. In addition to plant breeding and basic fields of taxonomy, there now exist higher levels of education in PGRFA through various academic institutions in Malaysia and the Philippines. These formal degree programmes are offered at the MSc level but some core courses are also offered at the undergraduate level, where they can either be an elective or part of a major course.

e. Enhanced Public Awareness of the Value of Biodiversity and PGRFA

There has been steady progress in enhancing public awareness of the value of biodiversity and PGRFA. Similarly, many countries in ASEAN are signatories to international platforms such as the ITPGRFA, CBD, International Union for the Protection of New Varieties of Plants (UPOV), and others. At the local level, biodiversity fairs, farmer cross-visits, and recognition of local biodiversity keepers, including women and their role, have been successfully employed to enhance public awareness.

f. Existing Research Consortia on Climate Change

There are existing National Research Consortia on Climate Change such as the one in Thailand comprising of six universities (Jintrawet et al., 2012) involved in joint research on different aspects of climate change. Other universities in the region, such as the University of the Philippines at Los Baños and others, have ongoing climate change research programmes. They can come together under an ASEAN umbrella to tackle an agreed national and regional research agenda on climate change and biodiversity.

g. Linking Biodiversity Conservation and Sustainable Use with New Approaches

At the landscape level, FAO has developed a network of Globally Important Agricultural Heritage Systems (GIAHS), which can be used as a vehicle for biodiversity conservation and its sustainable use, including its associated ecosystem services. GIAHS are defined as ‘remarkable land use systems and landscapes which are rich in globally significant biological diversity evolving from the co-adaptation of a community with its environment and its needs and aspirations for sustainable development’ (Koohafkan and Altieri, 2011). Currently, there is only one GIAHS in the region but there is a lot of potential for expanding this approach in AMS to promote biodiversity conservation and sustainable use at a landscape level.

Ways Forward

A practical strategy to move forward is to make use of the opportunities earlier identified vis-à-vis the needs for biodiversity conservation and sustainable use in the region. Specific suggestions are the following:

1. Enhancing the ASEAN Agenda on the Characterisation of Protected Areas as food and nutrition baskets and as a watershed of ecosystem services for the country and the region by linking this to the ITPGRFA implementation, as well as the GIAHS Program of FAO.

The aim is to highlight the value of PAs as providers of ecosystem services through better assessment of these ecosystem services and attempts at quantification to implement the scheme of Payment for Environmental Services (PES). Funds generated can be put into a national or regional **PA Environmental Fund** for use in the effective management of PAs. This agenda will strengthen and complement the increased efforts of AMS to designate PAs, while also recognising the need for better management and protection. These PAs can be piloted through a joint ASEAN regional effort carried out by the Ministries of Agriculture, Forestry, Natural Resources, and governments at local, national, and regional levels. At the global level, ASEAN can collaborate with

FAO to declare and manage GIAHS areas, which could include already declared PAs and ASEAN Heritage Parks (AHPs). While this effort is going on, there is also a need to set up an **ASEAN-wide management standard for PAs and AHPs**, which is needed to ensure an acceptable level of good management for different ecosystems. This can be initiated under the umbrella of ACB.

2. Supporting and monitoring the enhanced exchanges of biodiversity materials under the Nagoya Protocol and the ITPGRFA through existing ASEAN networks.

The development of a framework and guidelines for the implementation of the Protocol on access and benefit sharing under CBD must be implemented across all AMS. The development, degree of harmonisation, and putting in place of the national access and benefit-sharing framework following the Protocol must be a priority for AMS. **ACB can serve as a clearing house for this particular initiative in ASEAN.** Biodiversity materials and germplasm exchanges under the ITPGRFA can be monitored through existing commodity and regional networks under an ASEAN umbrella. The volume and rate of these exchanges can be used as an indicator of the economic usefulness of biodiversity materials in AMS.

3. Providing institutional mechanisms for enhanced coordination between the Ministries of Natural Resources, Agriculture, and Forestry, local government units, and academe in a fully integrated NBSAP and GPA.

The recommendation is to use existing mechanisms under ASEAN to bring this about at the national and regional levels. This can be achieved through a Coordinating Committee, a Task Force, or any other appropriate mechanism. In this way, the integration between programmes under the CBD and the ITPGRFA can take place at the local, national, and regional levels.

4. Strengthening capacities for biodiversity conservation and sustainable use in response to Climate Change.

This can be achieved by effectively linking community seed banks with national gene banks, national gene banks with CGIAR gene banks, and national gene banks with each other at the regional level to respond to the need for greater capacity (human resources, improvement of facilities) for climate change adaptation and mitigation in AMS. There is also a need to provide protection of Intellectual Property Rights at the community level, especially for farmers involved in participatory plant breeding and varietal selection.

5. Recognition of outstanding programmes for biodiversity conservation at the community, country, and regional level throughout ASEAN.

This involves recognising and providing incentives to outstanding farmers/fisherfolk; outstanding community seed-banks; outstanding community biodiversity managers; and biodiversity research and others. This is in line with the current ASEAN activity of recognising ASEAN Biodiversity Champions but encompassing specific areas that are highly relevant to biodiversity conservation and sustainable use for food and nutrition security (Status of Implementation of the ASCC Blueprint, 2009–15). The importance of gender can be highlighted in this strategy.

6. Creation of a Regional Biodiversity Field School (RBFS) for capacity-building of farmers, fisherfolk, and forest users patterned after the model of the farmer field school developed by FAO and development partner countries and non-government organisations in AMS.

This can be applied to promote participatory plant breeding and enhancing the enactment of legislation to promote farmers' rights, which should also consider the role of gender in biodiversity conservation and its sustainable use. Cross-visits to highlight lessons learned should be encouraged and promoted in ASEAN (Report of the ASEAN Socio-cultural Council to the 25th ASEAN Summit, 2014). ACB can coordinate this regional activity.

7. Markets and adding value to promote UUCs for enhancing the value of biodiversity

This can be linked to the assessment of forests and other natural ecosystems declared as PAs to enhance their values and to effectively link biodiversity conservation with sustainable use. It is recommended that ASEAN develop and promote a regional market to promote processing and adding value for UUC species for food, nutrition, energy, pharmaceuticals, nutraceuticals, and other basic uses.

8. Developing an ASEAN Consortium on Research for Biodiversity and Climate Change (AC-BCC)

This can be initiated by starting with the existing University Research Consortium in Thailand as a nucleus and expanding it to include a network of universities in ASEAN with ongoing programmes on climate change. The main agenda for the consortium's research should be climate change and biodiversity.

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Wither Social Protection and Human Development in an Integrating ASEAN?

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Population Dynamics of Southeast Asia

Most of the Association of Southeast Asian Nations (ASEAN) region is now enjoying a demographic dividend that provides an opportunity to maximise productivity growth. But an opportunity is a potential, not an advantage that automatically materialises. We should work to turn the potential into actual benefits that can be enjoyed and equally shared by people. Demographic dividend is a window of opportunity that will soon close, after a period of approximately 2 decades. United Nations population projections show that several ASEAN Member States (AMS) will become an ageing population by 2035. Low fertility rates and higher life expectancy contribute to speeding up the ageing process.

Rapidly Ageing Population at Relatively Low Income Levels

Over the next 2 decades, the percentage of the population aged over 60 will have nearly doubled in all AMS except Cambodia, the Lao PDR, and the Philippines, which are projected to increase by 50%–70%. However, by 2035, Indonesia, the Philippines, and Viet Nam will together account for about 72% of ASEAN's total population. It is very important, therefore, to anticipate the pace of ageing in these countries, to balance the whole region's expected productivity and its people's wellbeing. Thailand, which serves as one of the region's most important growth engines, will experience negative population growth. And in the same period, Indonesia's number of people aged 60 and over will increase by 24 million, compared with an extra 10 million in Thailand and an increase of 12 million in Viet Nam.

Table 1: Projected Population and Elderly Portion in ASEAN Member States

Country	2015		2020		2025		2030		2035	
	Population	Pop 60+								
Brunei Darussalam	423	8%	450	10%	475	13%	496	17%	513	21%
Cambodia	15,578	7%	16,809	8%	17,944	9%	18,991	10%	19,988	12%
Indonesia	257,564	8%	271,857	10%	284,505	11%	295,482	13%	304,847	15%
Lao PDR	6,802	6%	7,398	7%	7,966	7%	8,489	8%	8,973	9%
Malaysia	30,331	9%	32,374	11%	34,334	13%	36,107	14%	37,618	16%
Myanmar	53,897	9%	56,242	10%	58,373	12%	60,242	13%	61,752	15%
Philippines	100,699	7%	108,436	8%	116,151	9%	123,575	10%	130,556	11%
Singapore	5,604	18%	6,007	22%	6,231	27%	6,418	31%	6,558	34%
Thailand	67,959	16%	68,581	19%	68,637	23%	68,250	27%	67,442	30%
Viet Nam	93,448	10%	98,157	13%	102,093	15%	105,220	18%	107,773	20%
ASEAN	633,490	58,923	667,627	73,032	698,154	89,108	724,848	106,307	747,730	123,318
Pop 60+		9%		11%		13%		15%		16%
Growth			0.05	0.24	0.05	0.22	0.04	0.19	0.03	0.16

ASEAN = Association of Southeast Asian Nations; Lao PDR = Lao People's Democratic Republic.

Source: <https://esa.un.org/unpd/wpp/Download/Probabilistic/Population/> (accessed 3 July 2016).

The problem with ageing populations in the AMS is mainly centred on two issues: these countries are likely to enter the ageing population stage at relatively low income levels, and with a lack of visionary programmes for old-age persons. Social protection has yet to be implemented universally in all AMS, leaving the current and future old-age groups vulnerable. Being of old age does not necessarily mean being helpless; there is a great chance of staying healthy, active, and productive. Older persons in society are valuable and their contributions are important. Their contributions, however, are typically economically unmeasured, such as caring for grandchildren, serving as cultural guardians and educators, etc. These undercover economic contributions should be properly valued and appreciated. On a large scale, the right policies are needed to achieve the conditions of productive ageing populations. These policies also require sufficient funding to meet old-age expenditure needs. Proper support for old-age populations will improve their health status, reduce avoidable healthcare support, and provide a chance for them to keep contributing to the economy. It will, in turn, reduce the costs of care and medical care, and at the same time increase output.

Social Protection

Implementation of social protection in AMS has varied across the region – not only in terms of legal and effective coverage,¹ but also in terms of variation of the programmes. There is no consistent data on social protection coverage for the 10 AMS. According to each country's definition of social protection, universal coverage for healthcare has been achieved in Singapore, Brunei Darussalam, Malaysia, and Thailand. Indonesia is progressively working towards achieving universal healthcare as mandated by the Law. The Philippines claims its healthcare coverage has reached 85% of the population, while Viet Nam is struggling to expand its coverage that now covers just over half of the population. Besides coverage issues, out-of-pocket payment is still high in several countries such as in Indonesia and the Philippines. Cambodia, the Lao PDR, and Myanmar have to work hard to achieve universal healthcare.

On the other hand, implementation of income security, especially for children, women, and old-age persons still significantly lags behind the progress achieved in healthcare programmes. Employment insurance including pension programmes, on the other hand, are not portable across the region. Workers in the private sector are normally insured by the company they work for, but national pension programmes are incompatible across nations. The most challenging issue is coverage for informal workers and undocumented migrants. Even for citizens who do not work in the formal sector, national insurance programmes are usually implemented on a voluntary basis. It requires a good database and sufficient funds to include social pensions (non-contributory pension systems for the poor) in the national social security system.

Social Progress Index

The Social Progress Index (SPI) is an attempt to create 'a framework for measuring social progress that is independent of gross domestic product, but complementary to it'.²

¹ There are three broad dimensions to coverage: the number of participants, the types of risks covered, and the adequacy of benefits. The first refers to the number of people or retirees who are enrolled in a programme that provides some form of insurance against various risks during old age. The second refers to the range of risks covered. In pensions these usually include the risks related to longevity, survivors, and disability. In healthcare programmes these also relate to the types of illness and long-term care needs. The third dimension of pension coverage refers to the adequacy of pension benefits in providing a replacement rate that not only covers inflation risks and mitigates old-age income poverty, but also smoothens their consumption.

In ASEAN countries coverage is mostly focused on increasing the number of individuals that are 'covered' under a statutory programme and the range of risks covered, or can be referred as legal coverage.

² 2016 SPI Report and 2015 SPI Report.

It has three measures: Basic Human Needs, Foundations of Wellbeing, and Opportunity.³ Table 2 depicts the measures for 2015 and 2016 and it can be seen that the overall SPI has improved from last year in all AMS and is unknown for Singapore and Viet Nam (no data are available for Brunei).

Table 2: Social Progress Index for ASEAN Member States

Country	Social Progress Index		Basic Human Needs		Foundations of Wellbeing		Opportunity	
	2015	2016	2015	2016	2015	2016	2015	2016
Cambodia	54.0	54.3	53.9	59.1	67.5	64.2	40.5	39.5
Indonesia	60.5	62.3	66.5	72.7	69.5	69.7	45.4	44.4
Lao PDR	52.4	52.5	60.4	65.8	61.7	56.9	35.1	34.9
Malaysia	69.6	70.1	86.1	88.5	74.9	73.3	47.7	48.5
Myanmar	46.1	49.8	58.9	63.1	49.2	55.9	30.3	30.5
Philippines	65.5	65.9	68.2	69.9	68.9	72.0	59.3	55.8
Singapore	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	62.8	67.1
Thailand	66.3	67.4	75.8	80.5	72.4	73.1	50.9	48.7
Viet Nam	n.a.	n.a.	74.2	78.2	n.a.	n.a.	36.3	36.5

ASEAN = Association of Southeast Asian Nations; Lao PDR = Lao People's Democratic Republic; n.a. = not available.

Note: Numbers in red show a declining index from 2015 to 2016.

Source: 2016 SPI Report.

Breaking down the overall results into the measured components shows that the increase in the SPI has been mainly due to increasing scores for 'basic human needs', while some members saw decreasing scores for 'foundations of wellbeing' and 'opportunity'. The numbers in general show a positive development towards the region's ability to fulfil basic needs, but conditions in the region still need to be improved. Both 'foundations of wellbeing' and 'opportunity' require a powerful role for the education sector, either directly (basic and advanced education) or indirectly (indicators that represent level of humanity awareness).

³ Indicators for:

- Basic Human Needs: Nutrition and Basic Medical Care, Water and Sanitation, Shelter, and Personal Safety.
- Foundation of Wellbeing: Access to Basic Knowledge, Access to Information and Communications, Health and Wellness, and Environmental Quality.
- Opportunity: Personal Rights, Personal Freedom and Choice, Tolerance and Inclusion, and Access to Advanced Education.

Unprotected People and Regional Mobility

Except for Thailand, Singapore, Brunei, and Malaysia (with Indonesia rapidly moving towards universal coverage), the rest of AMS have yet to realise actual universal coverage of the healthcare system. Furthermore, pension systems still lag well behind universal coverage in most AMS, especially for informal workers. Another challenge is tackling migrant workers issues in the context of social protection. The current system has yet to be regionally integrated, thus portability of social security is still an issue. Additional challenges arise in terms of the handling of healthcare for undocumented migrant workers, an issue that Thailand in particular will have to tackle.

Paitoonpong et al. (2015) wrote that in 2014, 3 million migrant workers and dependents from Cambodia, the Lao PDR, and Myanmar lived in Thailand. About 1.3 million are classified as legal through the process of National Verification and MOU (Memorandum of Understanding). Only about 400,000 migrants (2013) are insured under the Social Security System (SSS), while there is no figure for those insured under the Workmen's Compensation Fund (WFC). Under the SSS, migrant workers are not eligible for four benefits – maternity, child support grants, unemployment, and old age – due to the nature of their employment and migration status.

On the other hand, according to the ASEAN Mutual Recognition Agreements (MRAs) in services, as of March 2015, there are eight types of skilled workers allowed to move around ASEAN to work in the following professions: medical doctors, dentists, nurses, architects, engineers, accountants, surveyors, and tourism professionals. These eight professions account for about 1.5% of the total ASEAN workforce, which is far from having a flexible regional labour market. Most countries embrace a 'locals first' labour policy, which is normal. But to become a caring and strong region, ASEAN needs to go beyond this. Issues of workers mobility tend to be difficult to address because the government needs to explain the benefits of opening up the labour market to the people who may be concerned their jobs will be taken by foreign workers. This issue can easily be politicised by taking advantage of nationalist sentiment, which can happen in any country. One approach is to agree mutual policies with other countries based on comprehensive coverage for a bundle of professions to balance uneven distribution of workers and improve labour market efficiency amongst countries. Knowledge and technological transfers can also be facilitated by cross-border exchange of workers and cross-border investments.

Given the social protection situation in AMS described above, the most central issues to be addressed in the future ASEAN are: ageing population, shrinking labour market, large number of uncovered people in the social protection system, and matching skills with future demand.

Most challenges have been viewed as national issues, where a country has to work individually to transform a window of opportunity into a demographic dividend and at the same time anticipate future challenges. Rising longevity and falling fertility rates, along with urbanisation, reduced family sizes, and growing non-wage employment are expected to increase economic and societal insecurity, resulting in increasing pressure on budgetary resources. Strong social security systems will thus be crucial in sustaining economic and political stability, and in ensuring social cohesion (Asher and Zen, 2014). This implies that ASEAN's economic integration activities must be effectively coordinated with its social sector initiatives.

Transforming the Region's Potential into the Region's Advantages – What Have We Achieved?

Southeast Asia has been successfully moving to the next stage of development. During the last two and a half decades, the poverty rate has fallen significantly in all member states, income levels have increased, and Human Development Index indicators have improved. All member states have achieved Millennium Development Goals targets on poverty, although the Philippines and the Lao PDR have been less successful. Social protection programmes have clearly contributed significantly to reducing poverty and improving basic health indicators.

As discussed in the first part, not all member states have adopted universal healthcare and income security, having been constrained by limited resources. Countries may also have various and fragmented programmes that sometimes overlap and are less effective. In decentralised countries such as Indonesia and the Philippines, serious efforts are needed to harmonise inter-governmental social security programmes. A reliable, updated, integrated, and standardised database is essential for fixing many problems currently faced – especially those related to mistargeting, miscalculation of required funds, and wide equality gaps – and programme prioritisation. Further, as previously pointed out, the problems of social protection have so far been dealt with by countries individually.

What Can We Achieve as a Region?

During the next 2 decades, some countries will become ageing populations with different characteristics and at different levels. Singapore will reach that point as a high-income country; Thailand, Malaysia, Brunei, and possibly Indonesia will become middle-income countries; while Viet Nam and Myanmar will be ageing at relatively

low middle-income levels. Cambodia, the Lao PDR, and the Philippines, on the other hand, will still be relatively young and growing. One needs to put into the context the following relevant considerations: a shrinking labour market in Thailand and Singapore; sunset industries in Thailand and the Mekong area that needs relocation and structural adjustments; and high demand for specific skills in countries like Singapore, Indonesia, and Malaysia, and probably Brunei.

All of these factors will shape the future of the region, as they influence the level of development progress. In future, Asia will be the world economy's vital region, which provides it with a great opportunity to reap its potential benefits. If AMS adopt a 'business-as-usual' approach on social protection and relevant labour market policies, the future of the region could be envisaged as an unequal society with an inefficient labour market. There will be an excess of productive workers in some parts of the region, but short labour supplies in other parts of the region – a situation that results in economies paying higher cost and producing less output. Additionally, barriers to and incompatibilities in the movement of people and interrupted social protection ownership will hamper mobility and add extra costs to finance overlapping programmes. While the migration of skilled workers is regulated and well documented, this is not the case for low-skilled workers, including undocumented ones. In fact, even without MRAs, low-skilled migrants will keep flowing across borders following the laws of supply and demand. Some of them are undocumented. If we do not recognise this as a fact and as an inevitable situation, in future we should accept all unforeseen costs as a consequence. The costs are both tangible and intangible costs, such as ad hoc and irregular costs for unprotected people when they are in need, additional healthcare costs especially in ageing and small labour market countries (e.g. extra care costs), uncontrolled contagious diseases (poor monitoring because they are outside the system), non-optimal contributions from productive aged persons, etc.

How to Address the Challenges and Reach the Ultimate Goals?

We can either look at the uneven distribution of demographic layers across the region combined with different levels of income/development stages as individual countries' problems or as the region's opportunity. When we see them as a single country's problems, that country should struggle on its own to address the issues of lack of workers of productive age, lack of specific skilled workers, lack of or excess of low-skilled workers, low social protection coverage, etc. Countries like Malaysia and Thailand threaten to fall into a middle-income trap many scholars have warned (it is debatable but worth considering). They need to maintain steady and sustainable growth, which means they are constantly in need of adequate capital accumulation, continuous improvement of skills of workers, and replacements for filling low-skilled jobs.

All of the abovementioned issues are centred on two big topics: optimising the regional labour market; and providing protection for marginal groups, especially children, women, and older persons. The objective is to create a prosperous, safe, and sustainable region that cares for its people while maintaining its global competitiveness.

The mission to optimise the regional labour market requires smooth and harmonised regulatory systems across jurisdictions that support freer movement for workers. It can address the problems of demand shortages for low-skilled workers in the countries with abundant labour, while, in contrast, the neighbour countries experience shortages in labour supply to fill low-skilled jobs. New emerging economies will soon need skilful workers to quickly adapt to new technologies or managerial capabilities that in the short term can be fulfilled by other ASEAN workers, and in the medium term they can nurture local talents.

The region needs to expand MRAs in services, including bilateral MRAs to provide greater mobility for professionals. Apart from that, a general agreement on the exchange of low-skilled workers may help to speed up the process, reduce transaction costs, and decrease the numbers of undocumented cross-border workers. Countries can cap the numbers of foreign low-skilled workers if they need to, but should officially recognise them as formal workers with attached eligibilities and responsibilities. Such an arrangement would support formalisation of undocumented workers, increase social protection coverage, acquire better health and mobility monitoring, and promote safety and security.

The current regional centres established by AMS in the specific areas of cooperation have provided valuable support for education and training, knowledge exchange and certification, standards development, etc. A reliable, updated, and integrated database for ASEAN will be very useful to reduce disputes and overlapping costs of acquiring data, while at the same time improve the monitoring system, provide a rationale for negotiations and agreements, and support suitable mobility. Companies too can utilise the data for more effective and efficient hiring of employees and their expansion plans. A good database also tends to be attractive for researchers, to conduct research, and their findings can be useful for stakeholders as well. An open database system will be monitored by interested parties, thus making it more reliable and up-to-date.

The first step is to agree on the standardised indicators that should not be detached from relevant labour market and social protection policies. The data should be consistent and comparable across jurisdictions. On the other hand, countries can also try to reach agreement on basic social protection for all ASEAN workers that can guarantee the portability of basic social protection programmes across the region. For example, if it is

obligatory that every worker is insured under his/her national system before moving to another country, then in exchange there is a guarantee that the insurance will be continued under the equivalent host country's system.

The second mission of protecting marginal groups, especially children, women, and old-age persons, needs to be well prepared by each country, including those that still have young populations. They have to avoid a dramatic increase in future liabilities caused by unanticipated ageing challenges through carefully designed insurance systems and programmes to promote healthy, happy, and productive old-age persons. On the other hand, rapidly ageing countries have to intensify their programmes to cover old-age persons and make optimal utilisation of society efforts.

Above all, ASEAN needs to act as a strong and solid region in handling this issue. There are still large numbers of marginal groups in need of support and protection. Some countries need to be supported in many ways, especially those that are struggling to expand basic protection systems. One of the examples that show a commitment to humanity is the agreement to protect and shelter all children and women regardless of their nationalities, ethnic origins, religions, etc. The regional fund can be raised to compensate the nations that provide that kind of protection for non-citizens. As a region, we need to be aware that the failure in some parts of the region will affect the whole region, and in turn will diminish other parts' achievements. We can avoid that by instead multiplying individual outputs by synergising them. ASEAN can become a strong, prosperous, solid, and caring region.

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