

CHAPTER IV

THE TRIGGERING CONDITION OF THE ESTABLISHMENT OF ASEAN COMMUNITY

ASEAN emerged in 1967 primarily in reaction to the internal and external threat of communist assertion-a possible scenario for all the original signatory countries-and because regional conflicts were in need of multilateral negotiations. It was reinvigorated in 1976 in response to the communist advances in Indochina, and during the 1980s it pursued a united and consistent policy of advocating the rolling back of Vietnam's armed forces from Cambodia, which earned it a reputation as a regional organization capable of producing a joint foreign policy agenda.

Importantly, the organization emerged in the midst of a series of failed attempts at establishing regional organizations in Southeast Asia, such as SEATO (South-East Asia Treaty Organization), ASA (Association for South-East Asia), ASPAC (Asia Pacific Council) and MAPHILINDO (Malaysia-Philippines-Indonesia). All these failed either because they were crafted from the outside, blatantly serving US interests in Cold War, or because they lacked common interest and engagement. In this environment ASEAN stood out as differently,

both in being an internal initiative to cope with the existence of external powers

In the emerging post-Cold War climate of the early 1990s ASEAN faced a crisis which resulted by the expanding process of membership in Indochina and the economic turmoil in 1997 as well as the realization of free trade in the decade of 2000s. ASEAN then embarked on a dual strategy of both widening and deepening the cooperation among its members which was a strategy explicitly designed in response to changes within the EU (and other regional initiatives). It expanded through the accession of the remaining South-East Asian countries included Burma, Vietnam, Laos and Cambodia in order to complete the idea of founding fathers in creating an umbrella for all Southeast Asian countries, which it achieved in 1999 with the entry of Cambodia. Simultaneously, it sought to deepen the cooperation through the creation of AFTA (the ASEAN Free Trade Area), which was scheduled for completion by 2008. Finally in this brief checklist of accomplishments, analysts of a realist complexion point out that the real achievement of ASEAN has been to lock the would-be regional hegemonic power Indonesia into a multilateral framework and make its national interests coincide with those of the other ASEAN countries.

A. ASEAN in the Cold War Configuration

After World War II, a number of multilateral groupings emerged in Southeast Asia. The most important of them was the Southeast Asia Treaty Organization (SEATO). Formed in 1954, its chief architect was John Foster Dulles, who envisaged it as a link in a wide area of anti-Communist alliance. SEATO's legal basis was the Manila Collective Defense Treaty, whose

signatories were the United States, United Kingdom, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines.

A product of the cold war, SEATO's solidarity began to dissolve when the political climate in the West became more temperate. Its lack of cohesion became obvious in the 1960s. SEATO in its final years became an alliance between the United States and the remaining Asian members.

The next political experiment in making the concept of regionalism down to earth was the forming of the Association of Southeast Asia (ASA) in 1961, which brought together Thailand, Malaya (soon to widen into Malaysia), and the Philippines. ASA was weakened by a dispute between Malaysia and the Philippines over the North Borneo territory of Sabah and political tension between Kuala Lumpur and Jakarta.

But soon after the peaceful settlement of confrontation between Indonesia and Malaysia, in 1967 ASEAN was born, inherited from ASA and ASPAC a congeries of committees on trade, transportation, "rehabilitation of Indochina," negotiations with the European Economic Community, cultural cooperation, and so on.

In Cold War external posture, as in its defense policies, ASEAN distinguished its stance as an organization from the diverse policies of its members. Policies of individual states ranged from Jakarta's "active and

independent foreign policy" to Manila's military alliance¹ with the U.S. ASEAN nonalignment. It was vaguely articulated in the Zone of Peace, Freedom, and Neutrality (ZOPFAN) Declaration of 1971 - provided a principled basis for avoiding positions on the cold war and Indochina hostilities.

It also bolstered ASEAN's credibility in the Third World, and provided Moscow and Beijing with a rationalization for soliciting ASEAN's good will when it suited their purposes. At the same time, ASEAN members pleased the West by their fervently anti-Communist domestic policies, and all of them relied heavily on Western trade and investment for their high priority economic objectives. Moreover, its neutrality notwithstanding, ASEAN has appreciated, as a collective advantage, the security umbrella provided by the external ties of its members.

ASEAN in the Post Cold War Configuration

The future direction of regional organization in Southeast Asia has been strongly debated since the termination of the Cold War. In the post-cold war period, Southeast Asia's regional security environment has altered dramatically. With the decline of the Soviet Union, the ideological conflict in the region has subsided. Here for ASEAN, the beginning of the Cold War's end came with Vietnam's military withdrawal from Cambodia late in

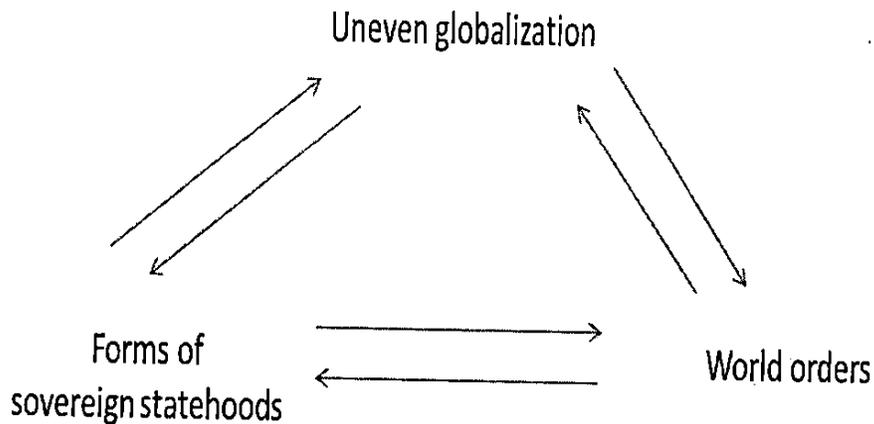
¹The Philippines was home to major American military bases and shielded by the United States's protective umbrella. Thailand also had security agreements with the United States. Malaysia and Singapore relied upon British protection.

1989 and Moscow's disappearance as a factor in the region. Thus, it means a lot for the achievement within ASEAN of Southeast Asian unity.

In security range, the end of Cold War did not dispel ASEAN apprehensions about the future policies of its northern neighbors. Concerns aroused by China's rapid economic growth, its continued military buildup and its military emphasis. Reacting to these uncertainties and to the inescapably superior power of their northern neighbors, the ASEAN governments have adopted a multipurpose array of security policies. More overt inclusion of defense matters in ASEAN councils, strengthened national defense forces and enhanced bilateral cooperation make ASEAN a much harder target and provide an increased ability to deter or resist attempts at intimidation.

The ASEAN countries start to realize whether their organization is an inadequate instrument to meet the new demands in the midst of regional and global change. ASEAN faces handful challenges to become relevant to changing conditions and to provide its members with the enhanced benefits of collective political and security support. Facing these unsettling prospects, but with heightened self-confidence, ASEAN undertook to enlarge its membership, to expand its Asia-Pacific role through the creation of the ASEAN Regional Forum (ARF), and, once again, to seek economic

Figure 4.1 Core Issues After the Cold War



Source: Sørensen, Georg. IR Theory after the Cold War. *Review of International Studies*, Vol. 24, The Eighty Years' Crisis 1919-1999 (Dec., 1998), p.94

Sørensen builds this approach which is inspired by Robert Cox work on post Cold War Approach. One thing to make highlight is in the element of regionalism. Sørensen asserts that regional cooperation is in important respects the answer given by states to the challenges of globalization. This is ASEAN to stand for.

The demands for change, however, threaten to overwhelm and transform the familiar and convenient structure that served the region well over the Cambodian issue, and there is a natural resistance and a predictable inertia. Nonetheless, unless ASEAN countries rise to the challenge, their regional organization could become redundant, displaced by other arrangements involving external powers that may reduce the ability of the region to influence its own future. The challenge for these nations is to

promote the further development of regionalism in a way that ensures their voices will not be disregarded by external powers.

Then it can be said that the outside power configuration took place in the evolutionary chain of ASEAN. According to outside-in approach, ASEAN seemingly tried to encounter and to overcome the external threat appearing in the post cold war in which the structural adjustment of world system had been changing significantly. The new determining power balance in the region upcame. On how the ASEAN response to deliver those parties will be conted for another issue.

So do the outside-in, the inside-out approach reconciled the internal matter and self-reform eventhough in the eyes of several observers, it went through limited pathway due to the 'rainbow' voices that ASEAN members put side a side. Some of the relatively eloquent and critical part of ASEAN, lets say Thailand for some extents made attempts to squeeze the norm-principle of ASEAN which commonly perceived as a hindrance to move further.

It is constructive engagement or can be spelled as flexible engagementthat was aiming to give a bright colour in interpreting the relevance of non-interfere principle in the recent time. The Thai proposal which made an offer in 1998 was one of the starting points of the recent change in ASEAN diplomacy. In July 1998, then-Thai Foreign Minister Surin Pitsuwan-, ongoing ASEAN Secretary General, proposed that

ASEAN adopt a policy of flexible engagement, which involves discussions of fellow members domestic policies. He putted and option in which issues affecting each other might be brought up and discussed by ASEAN members, without this being perceived as interference.² The Thai Foreign Ministry maintained that flexible engagement would not violate the principle of noninterference.³

However, it was significant that Bangkok called for a modified interpretation of what counts as interference in the domestic affairs of ASEAN members. Nevertheless, debate over as the proposal rejected by almost all ASEAN member state, exclude the Philippines so then the usual interpretation of the principle of non-interference has continued under the consideration of there was no relevance to spend more time just for arguing the risky option despite doing what in fact where that principle had successfully kept ASEAN in peace.

1. The External Power Factor

In details, ASEAN security concerns in the post-Cold War era stretch beyond the Southeast Asian region and involve the behavior and intentions of powers such as China and US and, to a much lesser extent, India. The kind of regional order that ASEAN has struggled to

maintain within Southeast Asia requires an effort to influence major actors and security conditions outside the region.⁴

The point of contact between China and Southeast Asia is the South China Sea, an issue whose outcome will define the region's relationship with its more powerful neighbor. China has claimed the islands of the South China Sea (the Paracels, Pratas, Macclesfield Bank, and the Spratlys) in a way that challenged the claims not only of Vietnam but of Malaysia, the Philippines, and Brunei. China completed its occupation of the Paracels in January 1974 after ousting the South Vietnamese in a short fight. After clashes with the Vietnamese in March 1988, China occupied seven islands in the Spratlys group, bringing its presence closer to Southeast Asia. Reportedly, Vietnam continues to occupy 21 islands, Malaysia three, and the Philippines eight. The Taiwanese occupy the largest island in the Spratlys, Itu Abu. In addition, though Indonesia claims no islands in the Spratlys, the Exclusive Economic Zone (EEZ) of its Natuna Islands overlaps with Chinese claims, creating an area of ambiguity that will require resolution in the future.

China also revealed indirect push to ASEAN in economic sector as recorded in balance of trade between both. The massive export of China products flooding ASEAN market. In response to the

Leszek Buszynski, Southeast Asia in the Post-Cold War Era: Regionalism and Security, Asian Survey, Vol. xxxiii, No. 9, September 1992, p.834

growing economic potential, China's motivations in offering ACFTA are both political and economic. Politically, China wishes to remain on friendly terms with its neighbours on its southern front. ACFTA is part of confidence building that includes China's participation in the ASEAN Regional Forum and China's accession to the ASEAN Treaty of Amity. ACFTA is to allay ASEAN concerns that China poses a threat with its economic ascendancy by providing preferential access to its rapidly growing domestic market.

On ASEAN side, there are at least three reasons to welcome China free trade agreement proposal, according to Chia⁵. China is a huge and dynamic economy and its growing demand for ASEAN goods and services could serve as a new engine of growth. China's offer of special treatment and development assistance for the CLMV group as well as the extension of WTO most-favoured-nation benefits to the non-WTO members of ASEAN have helped them to accept the China initiative more readily. Third, China and ASEAN will be able to go further than the WTO in liberalising agricultural trade, as China's temperate agriculture and ASEAN's tropical agriculture are complementary in many product areas.

⁵Chia SiowYue, 2004, ASEAN-China Free Trade Area, Paper for presentation at the AEP Conference Hong Kong 12-13 April 2004, p.34

China's action and position in several sensitive issue such as its shadow in Myanmar raises public attention on how should China be well-manner neighbour. China as external power sometimes play puppet in Myanmar by supporting the economic and financial needs of the regime to get a favourable stance. Its implication in politics is matter. While a part of ASEAN members urge for more openness and transparency, Myanmar is not willing to accept the clause of human right extension by saying no matter the internal affairs it is. It does so behind the warm gloves of China.

2. ASEAN Regional Forum

It is increasing clearly in the post Cold War period that the Asia Pacific region needs security structures with which to manage developing regional tensions. The most ambitious attempt to manage security in the post Cold War Asia Pacific is the recently created ASEAN Regional Forum (ARF). This is a group of twenty-one regional states that meet annually to discuss security issues in the Asia-Pacific. The ARF is modelled on ASEAN and promotes the Treaty of Amity and Cooperation as the code of conduct for regional state behaviour.

ARF is the culmination of a process that started in 1990. In July 1994, the first meeting of the ARF was held. It lasted only three hours and was attended by the six ASEAN states and their dialogue partners. Also in attendance were China, Russia, Laos, Papua New

Guinea, and Vietnam.⁶ Now on, ARF maintains expanded membership to 27 countries in which Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, European Union, India, Indonesia, Japan, Democratic Peoples' Republic of Korea, Republic of Korea, Laos, Malaysia, Myanmar, Mongolia, New Zealand, Pakistan, Papua New Guinea, Philippines, Russian Federation, Singapore, Sri Lanka, Thailand, Timor Leste, United States, and Vietnam is in.

As laid out in the Concept Paper of 1995, the aim would be achieved through a gradual evolutionary approach encompassing three stages, namely, confidence building measure, preventive diplomacy, and conflict resolution. The ARF remains the first and only inclusive security arrangement serving more or less the entire Asia Pacific. It does so as diplomatic framework for multilateral discussions on regional problems, information sharing, promotion of confidence building, and enhancement of transparency.

3. ASEAN Free Trade Area

The wave of economic regionalism underway since the mid-late 1980s has been joined by the countries of ASEAN which formed the ASEAN Free Trade Area (AFTA) in January 1993 with the aim of creating a free trade area in the region by the (revised) target date of 2008.

Growing Pains," Far Eastern Economic Review (FEER), July 28, 1994, p. 22.

The decision to move forward with an ASEAN Free Trade Area represented a directional change in ASEAN trade block. It was quite surprising and promising owing to its it relatively quick to arrange which only required less than a couple of years to finalize the operational concept. Having been initiated at the ASEAN Economic Summit in October 1991, with a framework agreement signed at the ASEAN Summit in January 1992, and made operational in January 1993. Regarding to this new-born free trade area agreement in the initial period just after the Cold War ended up, Imada and Naya write in respect of AFTA,

“significant, its achievements in the area of economic cooperation have been limited. Neither its preferential trading arrangements nor its attempt at industrial co-operation have done much to increase intraregional trade and investment. In fact, until a few years ago, open discussion of the possibility of a free trade area was discouraged by ASEAN leader”⁷

Bowles and MacLean then identify three main factors⁸ behind the initiation of AFTA as:

- a) the changes in the international political economy during the 1980s;

P. Imada and S. Naya, eds., AFTA: The Way Ahead. Singapore: Institute of Southeast Asian Studies, p. xi.

7. Bowles and B. MacLean, Regional Trading Blocs: Will East Asia Be Next?, Cambridge Journal of Economics, Vol. 20, No. 4 (1996), p.209

- b) the rise in influence of business interests throughout the ASEAN region and their general pre-disposition towards regional trade liberalization measures; and
- c) ASEAN's desire to maintain its position as an important organization in a region experiencing change and a proliferation of new regional bodies, both proposed and actual.

D. ASEAN on the Transitional Path to Community Establishment

1. Policy Reform

Prior to the policy reform, the paradigm inside must be corrected first. The perspective on security is matter towards internal reform ASEAN does. Buzan introduces a regional security concept as “a group of States whose primary security concerns link together sufficiently closely that their national securities cannot realistically be considered apart from one another” (Buzan, 1991: 190). This framework later shapes the existance of security community. ASEAN defined security in comprehensive terms. Security consisted of political, military, economic and social factors interacting at all levels of analysis.

Now on, the term of security does not stand alone on power per se, but directly mantain the individual security concern as well as constituted in the ASEAN Politics and Security Community on:

- a) meeting, to enhance cooperation on the issue of extradition;
- b) further strengthen criminal justice responses to trafficking in persons, bearing in mind the need to protect victims of trafficking in accordance with the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children, and where applicable, other relevant international conventions and protocols on trafficking in persons;
- c) enhance cooperation to combat people-smuggling;

These border gives a sense that ASEAN grab a way to pay more concern on people in realizing the applied new regionalism which put people as a center of growth. Moreover, the spirit of change also previewed by this document in looking for the acceptance of contemporary essential topics such as good governance, human right protection, and democracy eventhough in fact there are such kind of peeble around.

2. Institutional Reform

“ASEAN’s problem is not one of lack of vision, ideas, or actions plans. The problem is one of ensuring compliance and effective implementation. ASEAN must have a culture of commitment to honour and implement decisions, agreements, and timeliness.”⁹

The analogical illustration from waht mentions above is by saying that ASEAN is very productive in collecting a bunch of ideas into a pile of paper document, stores it well, but then forget the place the document put

on. This is what actually the eminent person group want to make assessment on. Instead of being curious to anything, the step should not be stopped just on the discourse. ASEAN needs more real action which are underlaid by common commitment to behave all together for its member states.

It points out that ASEAN needs institutional- formal and informal rule of the game- refreshment to engage and to work in broaden issue as the challenges come to see. Simon Tay and Jesus Estanislao argue that in ASEAN, "The strict adherence to the principle of non-interference . . . has been softened and dented," and that "in a number of areas, there has been some evolution . . . toward reforms." Their focus is on the recent economic and environmental crises:

"In response to the economic crisis . . . the ASEAN countries began a process to exchange financial information and review as well as comment on such information. . . with increasing levels of frankness. . . There have also been changes to the ASEAN Way of doing things in response to the environmental crisis caused by the Indonesian fires and haze . . . [The meetings of senior environmental officials] have become the occasion for a more open and frank discussion."¹⁰

In the past, a candid interaction was still far away as experts argue the basic principle of ASEAN gave birth of restrictions here and there to act and discuss frankly. Furthermore, it is notable that many scholars

advocate modifying the interpretation of the principle of non-interference, while stressing the need for ASEAN to deal with its new challenges. Tay and Estanislao argue that exceptions must be found with regard to the principles of the ASEAN Way.¹¹ Jusuf Wanandi notes that the principle of non-intervention:

“Many of the old principles on which ASEAN has functioned for the last thirty years are no longer adequate . . . For example, the informal style of cooperation. . . has proved inadequate. . . . Domestic problems such as the financial crisis, drug-trafficking, environmental hazards, migration problems, transnational crimes. . . are regional problems. They call for regional . . . co-operation and solutions”¹²

3. Organizational Reform

a. ASEAN Charter

The ASEAN Charter serves as a firm foundation in achieving the ASEAN Community by providing legal status and institutional framework for ASEAN. It also codifies ASEAN norms, rules and values; sets clear targets for ASEAN; and presents accountability and compliance.

This charter is remarkable document according to H.E.

Susilo Bambang Yudhoyono President Republic of Indonesia:

“That Charter will confer on ASEAN a legal personality. It will also imbue ASEAN with a new sense of purpose, reaffirm and codify the key objectives and principles of ASEAN, strengthen its organization and its institutions, and enable the less developed members to catch up with the

Tay and Estanislao, “The Relevance of ASEAN,” p. 19.

Jusuf Wanandi, “ASEAN’s Past and the Challenges Ahead: Aspects of Politics and Security,” in Tay et al., *Reinventing ASEAN*, p. 30.

others. It will be a brief, visionary and inspiring document.”¹³

The ASEAN Charter entered into force on 15 December 2008. A gathering of the ASEAN Foreign Ministers was held at the ASEAN Secretariat in Jakarta to mark this very historic occasion for ASEAN. With the entry into force of the ASEAN Charter, ASEAN will henceforth operate under a new legal framework and establish a number of new organs to boost its community-building process.

In effect, the ASEAN Charter has become a legally binding agreement among the 10 ASEAN Member States. It will also be registered with the Secretariat of the United Nations, pursuant to Article 102, Paragraph 1 of the Charter of the United Nations. The importance of the ASEAN Charter can be seen in the following contexts:

- 1) New political commitment at the top level
- 2) New and enhanced commitments
- 3) New legal framework, legal personality
- 4) New ASEAN bodies
- 5) Two new openly-recruited DSGs
- 6) More ASEAN meetings
- 7) More roles of ASEAN Foreign Ministers

8) New and enhanced role of the Secretary-General of ASEAN

9) Other new initiatives and changes

b. ASEAN Structure

The Fourth ASEAN Summit of Heads of Government that was held in Singapore on the 27th and 28th of January 1992, is a milestone in the history of the ASEAN. It was decided at this summit to reform the institutional framework of ASEAN, and to create the ASEAN Free Trade Area, in short AFTA, by 2008. The institutional reforms entailed:

- 1) the creation of a formal governing body, the "ASEAN Heads of Government" that would be convened every three years;
- 2) a transformation of the ASEAN Secretariat and the extension of its competence; and
- 3) the dissolution of the former "ASEAN Economic Committees" and the delegation of all matters related to economic cooperation within ASEAN to "Senior Economic Officials Meeting" (SEOM).

On the perception of outspoken criticism, there is unwillingness of members to provide the secretariat with the resources needed to carry out its responsibilities. The effectivity of

ASEAN Secretariat day by day working also results in big question in which the failure of member states to honour the commitments that they have made within ASEAN also reflects the lack of effective monitoring procedure within the grouping. In turn, it highlights the weakness of ASEAN Secretariat.

On the matter of role and function of ASEAN Secretariat, eventhough there is not significant change, ASEAN Secretariat Stuctureunder the leadership of ASEAN Secretary General Surin Pitsuwan promotes the label of networking secretariat where all element of society can bring the message forward for the sake of unity. In hope, people will be the central point of ASEAN development in this transformational era.

This initiative is shown by the release of new stucture of ASEAN Secretariat as at 15 April 2009 which is going to be much more adaptive in carrying the issue of people center organization by opening up the branch namely Public Outreach Bureau.