ASEAN as an International Actor

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Course description

The last three decades have seen an unprecedented growth of international institutions and the emergence of a multi-layered system of global governance. Part and parcel of this institutional growth is the global proliferation of regional organizations which since have become increasingly important actors in international fora: either as actors in their own right where member states delegated sovereignty to them as in the case of the European Union, or more indirectly where governments used regional organizations to coordinate national policy preferences in order to speak with one voice and hence upgrade their international bargaining power.

Claiming centrality as a collective actor, ASEAN activities primarily focus on the East and Southeast Asian region. Yet the association has also become an increasingly active player in global fora such as the United Nations, the World Trade Organization (WTO), the G20 or the Climate Change regime to name just a few. The heightened significance ASEAN governments attach to effective agency in such fora has been highlighted by the theme Indonesia chose for its one-year chairmanship in 2011: “ASEAN Community in a Global Community of Nations.” How ASEAN operates in global fora, how it promotes common interests, what strategies it adopts to influence international negotiations and to what extent it has been able to act as a cohesive regional entity are the main topics of this course.

Course objective

The course is designed to enhance participants’ theoretical and empirical knowledge on the actorness of regional organizations in the emerging multi-layered system of global governance. They will be familiarized with different types of negotiations in global fora, how actors conduct negotiations, which capacities and resources regional organizations must possess in order to operate successfully at the various stages of international negotiations, and which strategies they may adopt to achieve their objectives. By focusing on ASEAN and scrutinizing specific events in which the grouping sought to act collectively in global fora, students will be enabled to understand how a regional organization, which greatly values national sovereignty, advances common interests and which obstacles and drawbacks it must overcome in the process. Comparisons to other regional organizations highlight the commonalities of regional organizations as actors in global fora and identify peculiarities of ASEAN in this respect.

Didactic concept

The course will be built on a mix of didactical concepts, including lecture-based and interactive types of learning. Lecture-based components will primarily focus on introducing students to theoretical issues and key concepts at the beginning of the course, while interactive components such as group
discussions, case study analysis and simulation games will provide students with knowledge on ASEAN’s actorness in global fora.

**Reading Materials**

The main text is


Additional texts and primary sources are provided for each learning unit. Readings in *italics* are compulsory, further readings complement the core reading and enhance trainees’ understanding of the topic.

**Assessment mode**

- Class participation (20 percent)
- Mid-term essay of 2-2.5k words (30 percent)
- End of term 6hr take-home exam (50 percent)

**Learning outcomes**

At the end of the course, students should

- Have a good understanding of the theoretical and methodological options in the analysis of regional organizations in general, and ASEAN, in particular, as actors of global fora;
- They should have learned what global governance is, how it operates, and which functions regional organizations perform in the process of global governance;
- They should be able to differentiate modes of international negotiations and should know the sequences which characterize them;
- They should have learned what constitutes and drives actorness in global fora;
- They should know which strategies ASEAN is able to employ in order to influence the outcome of negotiations in global fora; and
- They should have learned what distinguishes ASEAN as an actor in global fora from other regional organizations.
List of topics and reading list

Part 1: Overview, General Concepts, Theoretical and Methodological Premises (2 hours)

1.1 Overview of the course

The course introduces participants to major concepts and the institutional architecture of global governance in which regional organizations such as ASEAN operate. It seeks to inform participants on the origin and trajectory of ASEAN’s cooperation culture, which is crucial to understand the grouping’s actual behaviour in global fora. Subsequent stages of the course provide participants with detailed knowledge on ASEAN’s actorness including its negotiation capacities, its role in different phases of negotiation and its preferred negotiation strategies. The course concludes with a simulation of ASEAN cooperation in support of one of its members’ candidacy for a United Nations Security Council non-permanent seat.

1.2 Crucial concepts, international institutional architecture, and cultural-historical contexts in which regional organizations operate

The first learning package lays the conceptual, theoretical and methodological foundations of the course. Participants learn to distinguish “governance” from “government,” will be familiarized with the concept of “global governance,” the latter’s evolution into a vertically and horizontally differentiated, multi-layered global institutional arrangement and how the concept of “multilateralism” relates to “global governance.” Other basic issues constitutive for the course theme include the concept of “region,” the functions of regional organizations in global governance, the distinction between “supranational” and “intergovernmental” forms of regionalism as well as the meaning of “old” and “new” regionalism.

Another objective pursued by Part 1 is acquainting participants with the explanatory scope of contending theories seeking to explain the actorness of regional organizations in global fora. This requires a distinction between rationalist and cognitive approaches. While the former focus on actors’ cost-benefit calculations, the nesting of domestic and regional interests and the distinction between “distributive” and “integrative” bargaining, the latter value historical experiences and culture and seek to avoid the Western-centrism trap haunting approaches which treat issues of use maximization as independent of time and space. This part of the course also introduces participants into a typology of actor cohesion, the capacities regional organizations need to negotiate successfully, stages of negotiations and strategies regional organizations apply when operating in global fora.

Part 1 concludes by devoting attention to the methodological know how participants should possess when studying the actorness of regional organizations in global fora. This refers to issues of case selection including the advantages and draw backs of single case studies and why it is insightful to study ASEAN’s actorness. More specifically students will learn the basics about process tracing, a particularly suitable methodology for the field of studies covered by the course.
Part 2: Cultural, Cognitive and Procedural Dimensions of ASEAN’s Actorness

The key objective of the second unit of the module is to improve the understanding of participants about the nature and idiosyncrasies of ASEAN as a regional organization and an international actor. For students it is essential to understand the relationship between Southeast Asia’s turbulent history, the world views Southeast Asian political decision-makers derive from it and the resultant political culture which shaped a repository of cooperation norms known as the “ASEAN Way.” The learning unit also explains why ASEAN subscribes to a regionalism in which national sovereignty figures as the most significant cooperation norm. Participants will realize how the preponderance of nationalist sentiments and the sovereignty-based cooperation norms shapes and limits the cohesion of ASEAN as a collective actor in international fora.

2.1 Ideational roots of ASEAN decision-makers’ world views

ASEAN decision-makers’ world views are informed by age-honoured concepts of geopolitical thinking which are guided by the tenets of political realism. They are informed by profound scepticism about the intentions of competing actors, pragmatism, cunning and use maximization. The ideational origins of this thinking can be traced back in culturally Indianized Southeast Asia to the Kautilya’s “Arthasastra” and in the culturally Sinicized regions of Southeast Asia to the stratagems of Sun Tze.
and the “Romance of the Three Kingdoms” (Sam Kok). While many political decision-makers may not know these treatises in detail, their strategic quintessence has been deeply internalized and is maintained and persistently reproduced as a “latent collective knowledge.”

2.2 Sovereignty and the “ASEAN Way”

The second part of this learning unit links the cognitive predispositions of ASEAN’s decision-makers with ASEAN’s more recent history as independent states and the grouping’s repository of cooperation norms. Trainees learn that apart from cognitive path dependencies, the institutional design of a regional organization is also influenced by structural context variables and rational choice. Such variables include type of cooperation problem, number of actors, ideology and identity, systemic and sub-systemic power distribution, domestic politics, extra-regional institution or non-state actors as agents of change and geography. In Southeast Asia colonial domination, the great diversity of ASEAN’s membership and mutual distrust due to tense inter-state relations prior to ASEAN’s formation have nurtured strong nationalist sentiments which translated into a set of cooperation norms known as the ASEAN Way. The ASEAN Way can be traced back to the Treaty of Amity and Cooperation (TAC) which, concluded at ASEAN’s first summit in Bali in 1976, highlights Westphalian sovereignty norms. Subsequently, “non-interference into the internal affairs of other ASEAN member countries” has evolved into the most significant of these sovereignty norms. Participants will be familiarized with typical cases where ASEAN member states adamantly rejected interference of neighbours.

2.3 The longevity of nationalism

The ASEAN Financial Crisis of 1997/1998 eroded the ASEAN Way’s sovereignty norms and triggered a reform process climaxing in the enactment of the quasi-constitutional ASEAN Charter of 2007. Yet, even though the Charter champions greater cohesion and deeper integration and has added new liberal cosmopolitan norms with potential behind-the-border effects such as democracy and respect for human rights to ASEAN’s repository of cooperation norms, non-interference and nationalism retained their strong impact on the actions of member states. The traditional norms of the ASEAN Way have remained prevalent at least in part as a result of nationalism that is deeply ingrained in national historical narratives and domestic political struggles, which repeatedly led to outbursts of nationalist sentiments. Unsettled border disputes, namely the Ambalat Block in the Sulawesi Sea between Indonesia and Malaysia and the Preah Vihear temple between Thailand and Cambodia, are employed as examples of issues where history, nationalism and domestic politics have come to undermine trust building as a precondition for more collective action in ASEAN.

Readings


See also newspaper articles in the Appendix.

Further Readings


Part 3: Cases of ASEAN actorness in global fora (2 hours)

Part three of the course focuses on ASEAN as a regional actor in global fora. It seeks to inform participants on the grouping’s negotiation capacities and positions in the different phases of negotiations in the UN and the WTO. Participants also learn to understand the challenges the grouping encounters and the achievements it was able to register in such negotiations. Important is the question of whether or not ASEAN member governments can coordinate their actions and agree on a common position in different negotiation platforms. In this part, the participants will also learn about the strategies ASEAN members apply so as to achieve their negotiation goals.

3.1 ASEAN’s negotiation capacities

Due to its intergovernmental structure, ASEAN’s negotiation capacities must be assessed at the national as well as the regional level. At this stage of the course participants learn about the great diversity of ASEAN members’ negotiation capacities both as far as government bureaucracies as well as think tanks, universities and private sector R&D capacities are concerned. Participants will also learn about the role of the ASEAN Secretariat in the preparation and implementation of international negotiations, its ability to provide the pertinent specific expertise and the extent to which non-governmental sources of knowledge can be tapped by governments.
3.2 ASEAN’s role in different phases of international negotiation

In a subsequent step, students will learn whether and how ASEAN operates as an actor in the three phases of negotiation: (1) identifying problems, defining issues and setting agendas; (2) setting principles, norms, rules and procedures of negotiation and international cooperation; and (3) contributing to the conclusion of negotiations, that is, its voting behavior and compliance with agreements. This is done by selecting specific negotiation events which enhance students’ understanding of ASEAN’s actorness.

3.3 ASEAN’s negotiation strategies

The final step of this part of the course familiarizes students with five major strategies practiced by ASEAN members in international negotiations: (1) Competing for executive leadership positions in international organizations; (2) the “framing” of its arguments; (3) practices, options and patterns of coalition building; (4) forum shopping; and (5) image creation and the projection of “soft power.” Again, specific negotiation events will be selected in order to provide students with in-depth insights how ASEAN states strategically operate in international negotiations. While one of the two examples includes a case of successful negotiation, the other one represents a case of failure. In 1996, ASEAN countries lobbied successfully to get Malaysian diplomat Ismail Razali elected to the presidency of the United Nations General Assembly, whereas in 2004-2006 the grouping failed to effectively support the candidacy of former Thai Foreign Minister Sathirathai Surakiart to the post of UN Secretary General.

Readings


Further readings


Annex: Primary Sources
2.1 Treaty of Amity and Cooperation in Southeast Asia, 24 February 1976

The High Contracting Parties:

CONSCIOUS of the existing ties of history, geography and culture, which have bound their peoples together;

ANXIOUS to promote regional peace and stability through abiding respect for justice and the rule or law and enhancing regional resilience in their relations;

DESIRING to enhance peace, friendship and mutual cooperation on matters affecting Southeast Asia consistent with the spirit and principles of the Charter of the United Nations, the Ten Principles adopted by the Asian-African Conference in Bandung on 25 April 1955, the Declaration of the Association of Southeast Asian Nations signed in Bangkok on 8 August 1967, and the Declaration signed in Kuala Lumpur on 27 November 1971;

CONVINCED that the settlement of differences or disputes between their countries should be regulated by rational, effective and sufficiently flexible procedures, avoiding negative attitudes which might endanger or hinder cooperation;

BELIEVING in the need for cooperation with all peace-loving nations, both within and outside Southeast Asia, in the furtherance of world peace, stability and harmony;

SOLEMNLY AGREE to enter into a Treaty of Amity and Cooperation as follows:

CHAPTER I: PURPOSE AND PRINCIPLES

Article 1

The purpose of this Treaty is to promote perpetual peace, everlasting amity and cooperation among their peoples which would contribute to their strength, solidarity and closer relationship,

Article 2

In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles:

a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;

b. The right of every State to lead its national existence free from external interference, subversion or coercion;

c. Non-interference in the internal affairs of one another;

d. Settlement of differences or disputes by peaceful means;

e. Renunciation of the threat or use of force;

f. Effective cooperation among themselves.

CHAPTER II: AMITY

Article 3

In pursuance of the purpose of this Treaty the High Contracting Parties shall endeavour to develop and strengthen the traditional, cultural and historical ties of friendship, good neighbourliness and cooperation which bind them together and shall fulfill in good faith the obligations assumed under this Treaty. In order to promote closer understanding among them, the High Contracting Parties shall encourage and facilitate contact and intercourse among their peoples.

CHAPTER III: COOPERATION

Article 4

The High Contracting Parties shall promote active cooperation in the economic, social, technical, scientific and administrative fields as well as in matters of common ideals and aspirations of international peace and stability in the region and all other matters of common interest.

Article 5
Pursuant to Article 4 the High Contracting Parties shall exert their maximum efforts multilaterally as well as bilaterally on the basis of equality, non-discrimination and mutual benefit.

Article 6

The High Contracting Parties shall collaborate for the acceleration of the economic growth in the region in order to strengthen the foundation for a prosperous and peaceful community of nations in Southeast Asia. To this end, they shall promote the greater utilization of their agriculture and industries, the expansion of their trade and the improvement of their economic infrastructure for the mutual benefit of their peoples. In this regard, they shall continue to explore all avenues for close and beneficial cooperation with other States as well as international and regional organisations outside the region.

Article 7

The High Contracting Parties, in order to achieve social justice and to raise the standards of living of the peoples of the region, shall intensify economic cooperation. For this purpose, they shall adopt appropriate regional strategies for economic development and mutual assistance.

Article 8

The High Contracting Parties shall strive to achieve the closest cooperation on the widest scale and shall seek to provide assistance to one another in the form of training and research facilities in the social, cultural, technical, scientific and administrative fields.

Article 9

The High Contracting Parties shall endeavour to foster cooperation in the furtherance of the cause of peace, harmony, and stability in the region. To this end, the High Contracting Parties shall maintain regular contacts and consultations with one another on international and regional matters with a view to coordinating their views actions and policies.

Article 10

Each High Contracting Party shall not in any manner or form participate in any activity which shall constitute a threat to the political and economic stability, sovereignty, or territorial integrity of another High Contracting Party.

Article 11

The High Contracting Parties shall endeavour to strengthen their respective national resilience in their political, economic, socio-cultural as well as security fields in conformity with their respective ideals and aspirations, free from external interference as well as internal subversive activities in order to preserve their respective national identities.

Article 12

The High Contracting Parties in their efforts to achieve regional prosperity and security, shall endeavour to cooperate in all fields for the promotion of regional resilience, based on the principles of self-confidence, self-reliance, mutual respect, cooperation and solidarity which will constitute the foundation for a strong and viable community of nations in Southeast Asia.

CHAPTER IV: PACIFIC SETTLEMENT OF DISPUTES

Article 13

The High Contracting Parties shall have the determination and good faith to prevent disputes from arising. In case disputes on matters directly affecting them should arise, especially disputes likely to disturb regional peace and harmony, they shall refrain from the threat or use of force and shall at all times settle such disputes among themselves through friendly negotiations.

Article 14

To settle disputes through regional processes, the High Contracting Parties shall constitute, as a continuing body, a High Council comprising a Representative at ministerial level from each of the High Contracting Parties to take cognizance of the existence of disputes or situations likely to disturb regional peace and harmony.

Article 15
In the event no solution is reached through direct negotiations, the High Council shall take cognizance of the
dispute or the situation and shall recommend to the parties in dispute appropriate means of settlement such as
good offices, mediation, inquiry or conciliation. The High Council may however offer its good offices, or upon
agreement of the parties in dispute, constitute itself into a committee of mediation, inquiry or conciliation. When
deemed necessary, the High Council shall recommend appropriate measures for the prevention of a
deterioration of the dispute or the situation.

Article 16
The foregoing provision of this Chapter shall not apply to a dispute unless all the parties to the dispute agree to
their application to that dispute. However, this shall not preclude the other High Contracting Parties not party
to the dispute from offering all possible assistance to settle the said dispute. Parties to the dispute should be
well disposed towards such offers of assistance.

Article 17
Nothing in this Treaty shall preclude recourse to the modes of peaceful settlement contained in Article 33(l) of
the Charter of the United Nations. The High Contracting Parties which are parties to a dispute should be
couraged to take initiatives to solve it by friendly negotiations before resorting to the other procedures
provided for in the Charter of the United Nations.

CHAPTER V: General Provision

Article 18
This Treaty shall be signed by the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic
of Singapore and the Kingdom of Thailand. It shall be ratified in accordance with the constitutional procedures
of each signatory State. It shall be open for accession by other States in Southeast Asia.

Article 19
This Treaty shall enter into force on the date of the deposit of the fifth instrument of ratification with the
Governments of the signatory States which are designated Depositaries of this Treaty and the instruments of
ratification or accession.

Article 20
This Treaty is drawn up in the official languages of the High Contracting Parties, all of which are equally
authoritative. There shall be an agreed common translation of the texts in the English language. Any divergent
interpretation of the common text shall be settled by negotiation.

IN FAITH THEREOF the High Contracting Parties have signed the Treaty and have hereto affixed their Seals.
DONE at Denpasar, Bali, this twenty-fourth day of February in the year one thousand nine hundred and
seventy-six.

2.2 Manila Times, 21 June 2013
Asean: Indonesian haze not a sovereignty issue
Amado S. Tolentino Jr.
http://www.manilatimes.net/asean-indonesian-haze-not-a-sovereignty-issue/11917/
(accessed 5 May 2018)
Illustrative of Asean cooperation on the principle of sovereignty over natural resources is the Asean response
to the recurring Indonesian haze, which has been affecting the neighboring countries specifically Singapore,
Malaysia and southern Thailand since 1982.
It is the result of land-clearing fires for palm plantations and the practice of swidden (kaingin) agriculture
particularly on peat lands in Indonesia.
Only in 2002 did Asean formulate a hard law instrument on the issue: the ASEAN Agreement on Transboundary
Haze Pollution (ATHP). Although generally applicable to all Asean states, it was formulated in response to the
Indonesian haze. It took effect in November 2003 with the ratification by nine member states. Indonesia has yet to ratify,¹ which rendered the Agreement essentially ineffective.

In October 2006, Singapore decided to raise the issue at the UN General Assembly, a permissible move under Article 2 of ATHP, which specifically states that the Agreement’s objective is to prevent and monitor transboundary haze pollution through concerted national efforts and intensified regional and international cooperation. Indonesia, however, invoked the principle of sovereignty and non-interference in domestic affairs. (A word must be said about the ASEAN way of doing things. Cooperation is done through consensus. There is no ASEAN Parliament to issue laws, regulations and directives to its members and no enforcement agencies. Non-interference in the domestic affairs of a member State is the rule of conduct.)

This controversy illustrates the complex political and economic dimensions of the haze problem as well as the conflict between national and regional interests confronting the ASEAN. The successful adoption and ratification of ATHP attests to ASEAN’s growing stature as a transnational environmental lawmaker. But, at the same time, the controversy demonstrates the obstacles in ASEAN’s path towards environmental regulatory effectiveness.

Perhaps it is time for ASEAN to take a strong stand, that the principle of sovereignty be modified in the context of environmental law. Far from undermining state sovereignty, enhanced cooperation in the area of environment will strengthen states’ sustainable development. By adopting a flexible engagement approach to transboundary environmental issues, ASEAN member states could discuss complex problems such as the Indonesian Haze without being accused of interfering with the internal affairs of the country.

Flexible engagement is not yet an accepted principle in the ASEAN, but its application to transboundary environmental issues is relevant. Flexible engagement is an attempt to delimit the range of situations in which individual member states would be justified in appealing to non-interference to ward off outside involvement in their internal affairs. As serious threats to sustainable development and human security more broadly, transboundary environmental issues would be classified as beyond the scope of “internal affairs” and would be subject to regional governance despite sovereignty.

It is interesting to compare ASEAN’s response to the Haze issue with the threat posed by zoonotic diseases, e.g. SARS, avian flu, swine flu (H1N1) during the last 7 years which raised not only issues of human security but also challenged animal protection, the protection of biodiversity and ecosystems and the pursuit of sustainable development, i.e. sustainability of the chain of animal food production.

The threat of a pandemic drove ASEAN to act with prompt response with no less than 25 ASEAN soft law instruments. Possibly, ASEAN’s response to zoonotic diseases was more successful as a result of the threat of pandemic not only in the region but also in many parts of the world. In the words of eminent ASEAN law expert, Koh Kheng Lian, “ASEAN should use its rich history of cooperation among states to build . . . environmental cooperation . . . This would enhance respect for sovereignty, not undermine it; it can be argued that the inability to avert an environmental disaster is a greater loss of sovereign authority than cooperation in agreed programs to control the harm. ASEAN’s deferential approach to other’s domestic affairs can inadvertently lead to violations of Principle 21 of the UN Declaration on the Human Environment in which all States acknowledge that each must act so as not to harm the environment of each other.”

*A consultant on environmental law, Ambassador Tolentino lectures at the San Beda Alabang School of Law.

The writer is a political analyst.

2.3 South China Morning Post, 13 November 2017

ASEAN’s code of non-interference benefits Myanmar’s Aung San Suu Kyi as Rohingya crisis rolls on

Associated Press


(accessed 5 May 2018)

¹ Indonesia ratified in 2014.
When she attends the summit in Manila on Monday, the de facto leader will be counting on members to keep silent while her government cracks down on Muslims in Rakhine state.

In a newspaper editorial published in 1999, the former opposition leader slammed the 10-member Association of Southeast Asian Nations (Asean), saying its “policy of non-interference is just an excuse for not helping”.

“In this day and age,” she wrote in an editorial in Thailand’s The Nation newspaper on July 13 of that year, “you cannot avoid interference in the matters of other countries”.

Today, Suu Kyi leads Myanmar. And when she attends the Asean summit in Manila on Monday, she is likely to be counting on the bloc to keep silent while her government engages in a crackdown on Rohingya Muslims using tactics the UN has described as ethnic cleansing to force them to leave the Buddhist-majority country.

It is unclear whether the crisis will be on Asean’s official agenda, although Malaysia and Indonesia are likely to bring it up in talks on the meeting’s sidelines. Bangladesh, where more than 600,000 Rohingya have arrived since late August, is not part of Asean.

But little is expected to be done.

“Asean summits are not designed to actually construct policy responses to major human rights issues that affect the whole region,” said David Mathieson, a former human rights researcher who is now an independent analyst based in Myanmar. “Right now, Suu Kyi’s government is benefiting from Asean’s culture of inaction.”

The refugee crisis began on August 25 after Rohingya insurgents attacked several Myanmar police posts in northern Rakhine state. Security forces responded with brutal “clearance operations” that human rights groups say killed hundreds of people and left hundreds of Rohingya villages burnt to the ground. Survivors have described arson, rape and shootings by Myanmar soldiers and Buddhist mobs for the purpose of forcing Rohingya to leave.

Myanmar has long denied them citizenship and most people insist the Rohingya are illegal immigrants though they have lived in Myanmar for generations.

Suu Kyi was awarded the 1991 Nobel Peace Prize for her “non-violent struggle for democracy and human rights”, in the words of the Nobel committee, but has been reluctant to defend the Rohingya. In a September speech, Suu Kyi asked for patience from the international community and suggested the refugees were partly responsible for the crisis. She also tried to play down the gravity of the exodus, saying more than half of the Rohingya villages in Myanmar had not been destroyed.

Western criticism of Suu Kyi won’t help Myanmar - will China’s UN intervention?

Though Suu Kyi has been the de facto head of Myanmar’s civilian government since her party swept elections in 2015, she is limited in her control of the country by a constitution written by the military junta that ruled Myanmar for decades. The military is in charge of the operations in northern Rakhine, and ending them is not up to Suu Kyi.

Still, her government has staunchly defended the army’s actions.

When the UN Security Council last week called for Myanmar to “end the excessive military force and intercommunal violence that had devastated the Rohingya community”, Suu Kyi’s office responded that it regretted the council’s statement.

In an apparent reference to China, which has backed Myanmar, the government praised Security Council members who “upheld the principle of non-interference in the internal affairs of sovereign countries”.

Non-interference has long been a bedrock of Asean, which celebrates its 50th anniversary this year.

Myanmar presidential spokesman Zaw Htay said he did not know what would be discussed at the summit this week, so “we can’t say how we are going to respond to it”.

*There are kidnappers here, so be careful*: traffickers preying on Rohingya children in Bangladesh camps

Chandra Widya Yudha, director of the Asean Political and Security Cooperation at Indonesia’s Foreign Ministry, said his government would address the Rohingya crisis at the meeting.

“We cannot keep silent because we have to help them,” Yudha said.
Malaysia in particular has been critical of Myanmar’s disproportionate use of force. Earlier this month, the predominantly Muslim country dissociated itself from an Asean statement expressing concern over the crisis because it said the statement misrepresented the reality of the situation, omitted reference to Rohingya Muslims as one of the affected communities and was not based on consensus.

Khin Zaw Win, a Yangon-based political analyst, said that both Myanmar’s previous military junta and Suu Kyi’s government have benefited from Asean’s reticence, but that the bloc should “take a firmer position” on the Rohingya issue.

“It has to be taken up if Asean is to remain credible,” he said.

Writing in The Nation in 1999, Suu Kyi said that when Asean invokes the principle of non-interference, it does so “not with a clear conscience.”

“They are afraid that there may be some aspects of their countries that might invite criticism,” she said. “Our position is that if they have problems that invite legitimate criticism, let there be criticism. If not, they have nothing to fear”.

2.4 CNN, 29 April 2017

Duterte highlights ASEAN principle of non-interference

Regine Cabato


(accessed 5 May 2018)

Metro Manila (CNN Philippines, April 29) — President Rodrigo Duterte stressed the importance of non-interference in his opening speech at the 30th Association of Southeast Asian Nations (ASEAN) Summit on Saturday, two days after an international human rights organization urged regional leaders to take a stand against killings in the Philippines.

“Relations bear fruit when they are based on mutual respect and benefit,” Duterte said. “Dialogue relations can be more productive, constructive, if the valued principle of non-interference in the internal affairs of ASEAN states is observed.”

Duterte said the principle of non-interference is a “cornerstone” of international law. Non-interference in each other’s internal affairs is also a time-honored tradition of ASEAN which has sometimes drawn controversy.

“The cornerstones form part of time-honored principles of international law: Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations and non-interference in the internal affairs of one another,” he said.

Amnesty International on Thursday called on ASEAN leaders to condemn what it estimated to be 9,000 killings since Duterte launched a bloody war on drugs in July 2016.

In response, Foreign Affairs spokesperson Robespierre Bolivar said ASEAN recognizes “the sovereign right and responsibility of each country to decide on the best approach to address its drug problem, taking into consideration the context and norms of its society.”

In 1976, ASEAN adopted fundamental principles. According to the Treaty of Amity and Cooperation, the first three principles are “mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations,” “the right of every State to lead its national existence free from external interference, subversion or coercion,” and “non-interference in the internal affairs of one another.”

“Relations also remain solid if all stakeholders learn to respect and value the peaceful resolution of disputes,” Duterte added.

ASEAN Foreign Ministers and officials are finalizing a framework for a code of conduct with China in handling rival claims in the South China Sea. The framework is expected to be finished by June.

“In an era where there can be much uncertainty, we must faithfully adhere to the supremacy of the law and rely on the primacy of rules as responsible members of the international community,” Duterte continued.
Duterte’s reference to recognizing “the supremacy of law” echoes a phrase supposedly used in a draft of the ASEAN Chairman’s statement on South China Sea.

However, the reference has since been dropped from the draft statement on the request of China, who understood this to refer to the arbitral tribunal ruling that favored the Philippines’ claim over the contested islands.

The next ASEAN summit will be held in Clark, Pampanga from November 10-14. Apart from ASEAN heads of state and government, the second summit also expects leaders from Japan, South Korea, Russia, United States, New Zealand, China and Australia.

2.5 East Asia Forum, 27 January 2012
Thai–Cambodian conflict rooted in history
Author: Kimly Ngoun, ANU
http://www.eastasiaforum.org/2012/01/27/thai-cambodian-conflict-rooted-in-history/
(accessed 30 April 2018)

The conflict between Cambodia and Thailand has made headlines around the world over the past few years.

The latest dispute was precipitated by Thailand’s failed effort to block Cambodia from unilaterally nominating Preah Vihear Temple — an ancient Khmer temple located within a disputed border area — as a World Heritage site.

But this latest dispute is the result of much broader tensions between the two neighbours, rooted in an historical legacy of hostility and mistrust. It is also the result of divergent constructions of history by today’s Cambodian and Thai elites, each of which has tried to promote a sense of national identity based on the concepts of defined territorial sovereignty, a glorified past, and cultural and ethnic superiority. And given half the chance, Cambodian and Thai politicians retreat back into this narrative rallying people around the idea of territorial defence — or ancient temples — to provoke nationalist sentiment and marshal popular support.

There have been several phases to the conflict. From 2008 to mid-2011, relations between the two neighbours deteriorated greatly. Both countries recalled their respective ambassadors; Cambodian and Thai leaders engaged in harsh verbal attacks; people were arrested and accused of spying; the Thai government revoked the 2000 Memorandum of Understanding after Cambodia appointed former Thai prime minister Thaksin Shinawatra as an economic advisor to Cambodian Prime Minister Hun Sen; the Thai Deputy Prime Minister, Suthep Thaugsuban, threatened to close the Cambodian–Thai border; and both countries reinforced their military presence in contested border areas. This led to a major outbreak of fighting, most seriously over several days in February and April 2011, causing many casualties, destroying houses, and sending tens of thousands of people living near the combat zones into evacuation centres.

The border dispute escalated as Thailand’s domestic politics became increasingly polarised between those who supported Thaksin (the red shirts) and those who opposed him (the yellow shirts, who are also supported by the Democrats, the military and the palace). After UNESCO endorsed Preah Vihear Temple as a World Heritage Site under the sole management of Cambodia in 2008, the yellow shirts, unhappy with the decision, launched protests in Bangkok and in the border province of Sisaket. Three protesters also gained access to Preah Vihear Temple and subsequently refused to leave, at which point Thailand stationed troops in the temple’s surrounding area — under the pretext of ensuring the protesters’ safety.

The Cambodian and Thai governments held meetings at different levels in an effort to reduce the tension, but these attempts failed. Prime Minister Hun Sen also sought assistance from ASEAN before proceeding to the UN Security Council in February 2011 when the situation degenerated further. In its decision, the Security Council allowed Indonesia, as chair of ASEAN, to mediate the dispute. Consequently, Indonesia was expected to send 30 unarmed observers to the disputed border area. While both governments agreed to the plan, the Thai military defiantly opposed any such deployment, claiming it could threaten Thai security. Hence, on 28 April 2011, as the fighting escalated once more, Cambodia’s government filed an application with the International Court of Justice (ICJ) to have the international judicial body interpret its decision of 15 June 1962 about the ownership of Preah Vihear Temple and the land surrounding it. While the judges deliberated, Cambodia also asked the ICJ to order the withdrawal of Thai troops and an end to all military activity in the temple’s vicinity.
The ICJ issued its decision on 18 July 2011, ordering both countries to withdraw troops immediately from the temple and the contested surrounding areas. The ICJ’s decision included a map which flagged a provisional demilitarised zone. The court asked both sides to cooperate with ASEAN, in particular by allowing Indonesian observers into the demilitarised zone.

Relations between the two countries have improved significantly since Yingluck Shinawatra — Thaksin’s sister — and her Pheu Thai Party won the July 2011 elections. Yingluck and her foreign and defence ministers made various trips to Phnom Penh in September, and leaders from both countries have promised to allow observers into the demilitarised zone and to honour the ICJ’s ruling. The Regional Border Committee meeting, chaired by commanders from Thailand’s Second Army Region and Cambodia’s Fourth Army Region, resumed on 23–24 August 2011 in Thailand’s Nakhon Ratchasima Province. The General Border Committee meeting, chaired by defence ministers from both countries, has been delayed by the flood crisis in Thailand.

The general tone of relations between Cambodia and Thailand is improving. But the underlying roots of the conflict continue to threaten neighbourly ties, and have not yet been addressed. The historical legacy of hostility, different constructions of history, and the coupling of domestic politics with the defence of sovereignty, territory and ancient temples all need to be dealt with. Otherwise, the potential for future conflict remains.

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2.6 East Asia Forum, 20 May 2011

Thai-Cambodian conflict: an obstacle to the ASEAN Community 2015?

Pongphisoot Busbarat, ANU


(accessed 30 April 2018)

The 18th ASEAN Summit held in Jakarta had as its theme ‘ASEAN Community in a Global Community of Nations.’ But against this backdrop of hopes for increased integration, the current Thai-Cambodian dispute highlights fundamental problems among ASEAN member countries.

The conflict has developed within complex political conditions in both countries. Thailand’s current domestic situation, however, has been especially aggravating to the relationship as attempts by conservative groups — led by the People’s Alliance for Democracy (PAD), or the Yellow Shirts — to discredit the pro-Thaksin faction has leveraged nationalistic sentiments.

The nationalists attack Thaksin and his allies as ‘selling the nation’, citing the sale of Thaksin’s telecom company, Shin Corp, to Singaporean Temasek in 2005 and the Samak government’s support of Cambodia’s listing of Preah Vihear Temple as a UNESCO World Heritage in 2008. Despite the World Heritage status having nothing to do with any legally binding border demarcation, the PAD has successfully convinced many Thais that the temple’s joint listing will lead to the loss of Thai sovereignty over the disputed 4.6 square kilometre area adjacent to the temple. While Prime Minister Abhisit and his Democrat Party supported PAD’s nationalist agenda over this issue when in opposition, PAD’s manipulation of nationalist attitudes has gone beyond what Abhisit envisaged, resulting in the government’s being pressured into adopting hawkish measures against Cambodia.

The military is another important factor in prolonging the armed conflict, as the dispute keeps the military involved in politics and justifies budget increases (including a recent THB1.80 billion (US$59.3 million) for its operations along the Thai-Cambodian border). The Thai military used to play an important role in Thailand’s relations with neighbouring countries but lost this prerogative to the Foreign Ministry in the 1990s following democratisation. With the fall of democracy following the 2006 coup, the military has increasingly reinserted its old role and sometimes taken different stances to the government. Evidence of the military’s hand can be seen in the government’s decision to renege on its support for Indonesian observers in the disputed area.
How the conflict will be resolved remains uncertain. Thailand prefers bilateral talks, seeing disadvantage in raising the issue at the regional and international levels, although past bilateral negotiations have been unsuccessful. ASEAN, under Indonesia’s chairmanship, has tried to offer assistance on several occasions since February this year, and Thailand has uncomfortably accepted this role. The recent peace deal brokered by Jakarta during the ASEAN Summit brought about the term of reference for both parties to resolve the conflict, including steps of supporting bilateral negotiations and allowing an observer team to monitor the ceasefire. But both countries are presently still playing around with wording and preconditions; and without good will and concession made by both toward peace, ASEAN, not equipped with any enforcement measures, can do little.

A parallel development is also happening at the ICI as Cambodia recently submitted a request to the Court to interpret the 1962 border ruling. The conflict may be resolved if both parties accept the new interpretation peacefully. But if the ICI rules in Cambodia’s favour, nationalist sentiment in Thailand will likely intensify, degrading the Thai-Cambodian relationship further. This would also greatly damage Thailand’s economic interests, and, from a geostrategic perspective, Thailand would lose its role in mainland Southeast Asia to other regional players, especially increasingly influential China and Vietnam.

The repercussions of this conflict at the regional level may be farther and deeper than anybody would expect. Foremost, not only are bilateral relations deteriorating but ASEAN’s unity is threatened. The conflict may drift ASEAN apart, at least in terms of political unity, affecting the progress of regional cooperation. A number of ASEAN leaders have expressed this concern. During the Summit, Philippine President Benigno Aquino said, ‘How can we have one ASEAN, one family if we have two major components who cannot solve their problems?’ After the Summit, the Malaysian deputy foreign minister also expressed frustration, blaming Thailand for not respecting the agreement previously made in Jakarta, a claim the Thai foreign ministry rejected.

Significantly, this conflict reveals that ASEAN countries may not be ready for the next stage of integration. The sense of community is not ripe enough for any steps beyond inter-state cooperation. Ironically, as a founding member of ASEAN, originally playing an active role in consolidating ASEAN’s unity and development, Thailand has become an obstacle to the group’s progress. Other founding members also have the potential to react similarly when it comes to sovereignty issues, as the Spratly Islands show.

This conflict could suggest that the integration theory based on the European model of neo-functionalism, which ASEAN has looked up to, may not be suited to this part of the world. More energy and resources need to be directed toward socio-cultural community building. ASEAN’s shared identity needs to be fostered with a stronger foundation of mutual respect, understanding and brotherhood among Southeast Asians. With such bonds, nationalism will hardly be able to stir up hatred between neighbours and friends. Without achieving ASEAN’s socio-cultural pillar, other regional activities, including security and economic cooperation, cannot be sustained.

The recent Summit’s goals — achieving ASEAN Community by 2015, maintaining a safe and stable region, and making ASEAN active in solving global problems — seem distant. The Thai-Cambodian conflict is not only a diplomatic embarrassment but highlights ASEAN’s underlying inability to transcend the archaic concept of sovereignty to manage the conflict peacefully. Consequently, a true ASEAN Community according to ASEAN Vision 2020 may have to stay a vision for quite some time.

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2.7 The Jakarta Post, 23 March 2005

Part 1 of 2: Sovereignty can’t be shelved

Opinion

J. Soedjati Djiwandono, Jakarta


(accessed 16 February 2010)
I published a book titled, *Konfrontasi Revisited* (CSIS, 1996), in which I tried to analyze Sukarno's policy of confrontation, first against the Dutch over West Irian, with great success, then soon afterwards against the formation of the Malaysian federation, with no success. As its conceptual framework, I used the role and function of a third party in an international dispute in the context of the Cold War. That helps explain the title of this commentary and in part its arguments.

The current tension between Malaysia and Indonesia over Ambalat may also be described as a confrontation. The position of the two countries, however, is exactly reversed. In the early 1960s, it was an Indonesia confrontation against Malaysia. Now it is a Malaysian confrontation against Indonesia. Still, the issue remains basically the same. It is the issue of sovereignty.

Goodwill is obvious in the suggestion offered by my good friend Makmur Keliat in his article in this paper a few days ago on *shelving the issue of sovereignty* in the Ambalat dispute so as “to transform Ambalat from a zone of hostility to a zone of functional cooperation through which joint development could be arranged, for instance, by launching joint exploitation programs for the resources in the disputed area”.

My main objection to that idea is that such an offer should come from Indonesia, the victimized party by what is definitely an act of aggression by Malaysia, which has transgressed into Indonesia's territory backed by its unilateral declaration of sovereignty over a territory rightly belonging to Indonesia. I do agree that as far as possible the use of force in any form should be avoided in the resolution of a conflict.

Indeed, however, there remains the question that students of international relations can never answered: whether the use of violence among nations can forever be avoided altogether and at all costs. The best that one may hope is that the use of force may be delayed through an endless series of disarmament agreements. And to delay the use of force (war) continually in that way almost means to avoid war.

It is wrong to think that to avoid war may be done by general and total disarmament as many diplomats believe or pretend to believe, for it is not the possession of arms that causes war. On the contrary, the possession of arms is due to an expectation of war among nations, even individuals. People or nations resort to the use of force with the risk of a war because they fail to solve their conflicts by peaceful means, but definitely not because of the possession of arms.

Moreover, physical violence is just one form of violence. I believe there are more basic than just physical forms of violence. The most basic form of violence is injustice. In this sense, it is possible to justify a bloody revolution against extreme or strongly institutionalized injustice. Another basic form of violence, which may be regarded as another form of injustice as far as nation-states are concerned, is transgression of one nation’s sovereignty by another nation.

This is by no means a recommendation for the use of violence in the present conflict between Indonesia and Malaysia over Ambalat. Nor is this, however, a recommendation to avoid the resort to violence at all costs!

Indeed, like Sukarno in his confrontation against Malaysia, who was “dizzy with success” -- to borrow the famous words of Joseph Stalin -- because of the recovery of West Irian from the Dutch through his policy of confrontation, the Malaysian leader may have been “dizzy with success” after that country's winning of sovereignty over Sipadan and Ligitan. He may now be so cocky that he is ignoring the good neighborly spirit that made it possible to establish ASEAN in 1967.

That spirit was initiated by Soeharto, Indonesia's leader of the so-called New Order, who put an end to Sukarno's policy of confrontation, whereby Indonesia recognized Malaysia's sovereignty. At the same time, Indonesia, the largest nation in Southeast Asia, was to be “domesticated” within the new association in the sense that within ASEAN Indonesia was rendered less “menacing” to its neighbors. Thus, Indonesia's goodwill has been a significant factor for stability in the Southeast Asia region and for the continued existence of ASEAN, which now includes all the countries in Southeast Asia.

*The writer is a political analyst.*

**2.8 The Jakarta Post, 24 March 2005**

Part 2 of 2: Sovereignty can't be shelved

Opinion
By contrast, the Malaysian leader has been so cocky that he has lost his sympathy for his largest neighbor, which is still struggling with a large number of domestic problems. He has been treating Indonesia's illegal migrant workers in a less than humane way. And compared to Western countries, as well as Japan, Malaysia's infringement on and claim to what is rightly under Indonesia's sovereignty as an archipelagic nation, a status recognized by the International Law of the Sea Convention, Malaysia has not been that sympathetic with Indonesia, shows that the neighboring country lacks empathy for Indonesia, which is still struggling to overcome the bitter aftermath of the tsunami disaster, the most tragic calamity that country has ever suffered.

Many Indonesians are enchanted by the Malaysian terms used to describe Indonesia, such as negeri jiran ("next-door neighbor"), serumpun (of the same ethnic stock) and seagama (of the same religion -- Muslim), not realizing that the last two terms are contrary to the Indonesian concept of nationhood. Indeed, mainly because of its economic success and a lack of understanding about other important aspects of the country, many Muslims in Indonesia tend to look up to Malaysia as a model to emulate.

Because of their Islamic aspirations, many of them tend to ignore Indonesia's Youth Pledge of 1928, which declared that Indonesia’s young generation were determined to have one nation, the Indonesian nation, one fatherland, Indonesia, and one language, the Indonesian language, never “one ethnicity” nor “one religion”, a pledge that perhaps Malaysians fail to understand. By contrast, we never hear the term "Malaysian nation". And it is indeed doubtful if, in theoretical terms, we can call Malaysia a “nation state”.

In fact, in terms of anthropology and in the context of the language family tree, I may well be a Malay, although I am a non-Muslim. But in Malaysia, a Malay is by definition a Muslim. A Chinese is called a Malay only after he embraces Islam.

This commentary is not a recommendation for war. But any form of peaceful solution to the present conflict over Ambalat must begin with Malaysia abandoning its unilateral claim to sovereignty over Ambalat. Then we can begin to talk about cooperation. This is essential.

It is to be noted that Indonesia consists of around 17 thousand islands, only about four thousand of which are inhabited. And thousands of these uninhabited islands are even as yet unnamed. For Indonesia to give way at this stage would render itself more vulnerable in the future to the threat of another infringement on its sovereignty.

Indonesia at the moment is very weak, especially with the threat of national disintegration hanging over it and with a new leader weak in leadership and lacking in competence. But one positive implication of this crisis may well be that it will help strengthen our national unity and inculcate a greater awareness of the value of our national identity. I am not thinking in terms of chauvinism, but patriotism. More than the Malaysians, Indonesians are mostly acutely aware and proud of their long and bitter struggle for sovereignty and independence from colonialism.

Malaysia may be thinking of the possibility of depending on the assistance of the other member states of the FPDA (Five Power Defense Arrangement) in the event of an armed conflict with Indonesia. But anyone with a sound mind should be aware of the likelihood that to let the current crisis between Malaysia and Indonesia degenerate into a major war would certainly create serious instability in the whole of Southeast Asia, and indeed ultimately the whole world.

Thus it would be too costly to let the current confrontation over Ambalat to escalate by providing support for Malaysia in its daring, reckless and irresponsible adventure. But sovereignty is the life and identity of a nation state.

3.1 The ASEAN Charter – Chapter XII External Relations

Note:
Although the ideas of ASEAN's common position and collective action have existed for a long time (as can be seen in the 1976 Declaration of ASEAN Concord), the 2007 ASEAN Charter and other recent documents
seek to realize these ideas and render them important regional goals. The ASEAN Charter, for instance, has 13 chapters and 55 articles. Chapter XII deals specifically with ASEAN’s external relations and signals the direction and character of ASEAN as a collective actor in international fora.

Questions:
1. What are the bases of ASEAN identity as can be seen from the Charter?
2. What do you notice about the ordering of the purposes and principles in the Charter?
3. What are the means or mechanisms ASEAN member states use in acting collectively in international organizations?

Preamble

WE, THE PEOPLES of the Member States of the Association of Southeast Asian Nations (ASEAN), as represented by the Heads of State or Government of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist republic of Viet Nam:

[...]

MINDFUL of the existence of mutual interests and interdependence among the peoples and Member States of ASEAN which are bound by geography, common objectives and shared destiny;

INSPIRED by and united under One Vision, One Identity and One Caring and Sharing Community;

UNITED by a common desire and collective will to live in a region of lasting peace, security and stability, sustained economic growth, shared prosperity and social progress, and to promote our vital interests, ideals and aspirations;

RESPECTING the fundamental importance of amity and cooperation, and the principles of sovereignty, equality, territorial integrity, non-interference, consensus and unity in diversity;

ADHERING to the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms;

[...]

CONVINCED of the need to strengthen existing bonds of regional solidarity to realise an ASEAN community that is politically cohesive, economically integrated and socially responsible in order to effectively respond to current and future challenges and opportunities;

COMMITTED to intensifying community building through enhanced regional cooperation and integration, in particular by establishing an ASEAN Community comprising the ASEAN Security Community, the ASEAN Economic Community and the ASEAN Socio-Cultural Community as provided for the Bali Declaration of ASEAN Concord II;

[...]

Article 1 Purposes

The Purposes of ASEAN are:
1. To maintain and enhance peace, security and stability and further strengthen peace-oriented values in the region;
2. To enhance regional resilience by promoting greater political, security, economic and socio-cultural cooperation;
3. To preserve Southeast Asia as a Nuclear Weapon-Free Zone and free of all other weapons of mass destruction;
4. To ensure that the peoples and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment;
5. To create a single market and production base which is table, prosperous, highly competitive and economically integrated with effective facilitation for trade and investment in which there is free flow of goods, services and investment; facilitated movement of business persons, professionals, talents and labour; and freer flow of capital;
6. To alleviate poverty and narrow the development gap within ASEAN through mutual assistance and cooperation;
7. To strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN;

8. To respond effectively, in accordance with the principle of comprehensive security, to all forms of threats, transnational crimes and transboundary challenges;

9. To promote sustainable development so as to ensure the protection of the region's environment, the sustainability of its natural resources, the preservation of its cultural heritage and the high quality of life of its peoples;

10. To develop human resources through closer cooperation in education and life-long, and in science and technology, for the empowerment of the peoples of ASEAN and for the strengthening of the ASEAN Community;

11. To enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice;

12. To strengthen cooperation in building a safe, secure and drug-free environment for the peoples of ASEAN;

13. To promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building;

14. To promote an ASEAN identity through the fostering of greater awareness of the diverse culture and heritage of the region; and

15. To maintain the centrality and proactive role of ASEAN as the primary driving force in its relations and cooperation with external partners in a regional architecture that is open, transparent and inclusive.

**Article 2 Principles**

1. In pursuit of the Purposes stated in Article 1, ASEAN and its Member States reaffirm and adhere to the fundamental principles contained in the declarations, agreements, conventions, concords, treaties and other instruments of ASEAN.

2. ASEAN and its Member States shall act in accordance with the following principles:
   (a) respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States;
   (b) shared commitment and collective responsibility in enhancing regional peace, security and prosperity;
   (c) renunciation of aggression and of the threat or use of force or other actions in any manner inconsistent with international law;
   (d) reliance on peaceful settlement of disputes;
   (e) non-interference in the internal affairs of ASEAN Member States;
   (f) respect for the right of every Member State to lead its national existence free from external interference, subversion and coercion;
   (g) enhanced consultations on matters seriously affecting the common interest of ASEAN;
   (h) adherence to the rule of law, good governance, the principles of democracy and constitutional government;
   (i) respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice;
   (j) upholding the United Nations Charter and international law, including international humanitarian law, subscribed to be ASEAN Member States;
   (k) abstention from participation in any policy or activity, including the use of its territory, pursued by any ASEAN Member State or non-ASEAN State or any non-State actor, which threatens the sovereignty, territorial integrity or political and economic stability of ASEAN Member States;
   (l) respect for the different cultures, languages and religions of the peoples of ASEAN, while emphasizing their common values in the spirit of unity in diversity;
   (m) the centrality of ASEAN in external political, economic, social and cultural relations while remaining actively engaged, outward-looking, inclusive and non-discriminatory; and
   (n) adherence to multilateral trade rules and ASEAN’s rules-based regimes for effective implementation of economic commitments and progressive reduction towards elimination of all barriers to regional economic integration, in a market-driven economy.

[...]  

**Article 41 Conduct of External Relations**

1. ASEAN shall develop friendly relations and mutually beneficial dialogue, cooperation and partnerships with countries and sub-regional, regional and international organisations and institutions.

2. The external relations of ASEAN shall adhere to the purposes and principles set forth in this Charter.
3. ASEAN shall be the primary driving force in regional arrangements that it initiates and maintain its centrality in regional cooperation and community building.

4. In the conduct of external relations of ASEAN, Member States shall, on the basis of unity and solidarity, coordinate and endeavor to develop common positions and pursue joint actions.

5. The strategic policy directions of ASEAN’s external relations shall be set by the ASEAN Summit upon the recommendation of the ASEAN Foreign Ministers Meeting.

6. The ASEAN Foreign Ministers Meeting shall ensure consistency and coherence in the conduct of ASEAN’s external relations.

7. ASEAN may conclude agreements with countries or sub-regional, regional and international organisations and institutions. The procedures for concluding such agreements shall be prescribed by the ASEAN Coordinating Council in consultation with the ASEAN Community Councils.

**Article 42 Dialogue Coordinator**

1. Member States, acting as Country Coordinators, shall take turns to take overall responsibility in coordinating and promoting the interests of ASEAN in its relations with the relevant Dialogue Partners, regional and international organisations and institutions.

2. In relations with the external partners, the Country Coordinators shall, inter alia:
   (a) represent ASEAN and enhance relations on the basis of mutual respect and equality, in conformity with ASEAN principles;
   (b) co-chair relevant meetings between ASEAN and external partners; and
   (c) be supported by the relevant ASEAN Committees in Third Countries and International Organisations.

**Article 43 ASEAN Committees in Third Countries and International Organisations**

1. ASEAN Committees in Third Countries may be established in non-ASEAN countries comprising heads of diplomatic missions of ASEAN Member States. Similar Committees may be established relating to international organisations. Such Committees shall promote ASEAN’s interests and identity in the host countries and international organisations.

2. The ASEAN Foreign Ministers Meeting shall determine the rules of procedures of such Committees.

**Article 44 Status of External Parties**

1. In conducting ASEAN’s external relations, the ASEAN Foreign Ministers Meeting may confer on an external party the formal status of Dialogue Partner, Sectoral Dialogue Partner, Development Partner, Special Observer, Guest, or other status that may be established henceforth.

2. External parties may be invited to ASEAN meetings or cooperative activities without being conferred any formal status, in accordance with the rules of procedure.

**Article 45 Relations with the United Nations System and Other International Organisations and Institutions**

1. ASEAN may seek an appropriate status with the United Nations system as well as with other sub-regional, regional, international organisations and institutions.

2. The ASEAN Coordinating Council shall decide on the participation of ASEAN in other sub-regional, regional, International organisations and institutions.

**Article 46 Accreditation of Non-ASEAN Member States to ASEAN**

Non-ASEAN Member States and relevant intergovernmental organisations may appoint and accredit Ambassadors to ASEAN. The ASEAN Foreign Ministers Meeting shall decide on such accreditation.

### 3.2 The 2011 Bali Declaration on ASEAN Community in a Global Community of Nations “Bali Concord III”

**Note:**

The second document is the Bali Declaration on ASEAN community in a Global Community of Nations adopted in 2011. The document highlights the need for ASEAN members to adopt a unified position and specified the areas where coordination and cooperation among the member states may be made at the global level.

Questions:

1. What are the issues within which ASEAN members seek to coordinate or cooperate at the global level?
2. What is the timeframe to realize the ASEAN common platform on global issues?

………..
WE, the Heads of State/Government of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of ASEAN, at the 19th ASEAN Summit;

REAFFIRMING our commitments to the purposes and principles of the Charter of the United Nations and international laws subscribed to by the ASEAN Member States;

REAFFIRMING FURTHER our commitment to the purposes and the principles enshrined in the ASEAN Declaration (Bangkok, 1967), the Declaration on Zone of Peace, Freedom, and Neutrality (Kuala Lumpur, 1971), the Treaty of Amity and Cooperation in Southeast Asia (Bali, 1976), the Declaration of ASEAN Concord (Bali, 1976), the Treaty on the Southeast Asia Nuclear Weapons Free Zone (Bangkok, 1995), the Declaration of ASEAN Concord II (Bali, 2003), and the ASEAN Charter (Singapore, 2007);

[...]

RECOGNIZING the strategic importance of the ASEAN Connectivity to strengthen ASEAN integration and to promote the role of the ASEAN Community in the global community of nations;

ENCOURAGED ALSO by the progress of ASEAN cooperation and partnership with its external partners in all of the three pillars of the ASEAN Community within the framework of ASEAN Plus One, ASEAN Plus Three, ASEAN Regional Forum, and the East Asia Summit, as well as other ASEAN-initiated regional processes, while maintaining ASEAN centrality;

MINDFUL OF the complex, multifaceted, and trans-national character of issues and challenges and greater opportunities, which require concerted and coordinated responses and efforts at the national, regional, and global levels;

RECOGNIZING the existing concrete contributions of individual ASEAN Member States on numerous global initiatives, which provide the basis to develop a common platform on various global issues as part of the solution in a rapidly changing world;

EMPHASIZING the need to enhance ASEAN coordination and cooperation on key global issues of common interest and concern in relevant multilateral fora and international organizations, including the United Nations, in accordance with the fundamental principles of international law and the domestic laws of ASEAN Member States;

HIGHLIGHTING the importance of the establishment of a comprehensive partnership between ASEAN and the United Nations;

MINDFUL that efforts to take forward ASEAN’s shared vision and coordinated action on various global issues of common interest and concern should complement continuing efforts to build and strengthen an ASEAN Community and to enhance and maintain ASEAN centrality and its role in the evolving regional architecture;

DO HEREBY ADOPT:

An ASEAN common platform on global issues with the following characteristics:

- A more coordinated, cohesive, and coherent ASEAN position on global issues of common interest and concern, based on a shared ASEAN global view, which would further enhance ASEAN’s common voice in relevant multilateral fora;
- An enhanced ASEAN capacity to contribute and respond to key global issues of common interest and concern which would benefit all ASEAN Member States and its peoples;
- A strengthened ASEAN Community centered on ASEAN as a rules-based organization, with the ASEAN Charter as the foundation, while upholding the fundamental principles, values and norms of ASEAN; and
- A strengthened capacity of the ASEAN Secretariat which is able to support the vision and development of the ASEAN Community in a global community of nations.
On the basis of these characteristics and drawn upon the experiences and endeavors of ASEAN, we are committed to collectively undertake cooperation at the global level on, but not limited to, the following areas:

A. POLITICAL-SECURITY COOPERATION

1. Peace, Security, and Stability

Consistent with the purposes and principles of ASEAN basic instruments to maintain and enhance peace, security, and stability, as well as further strengthen peace-oriented values, ASEAN resolves at the global level to:

a. Respect the principles of the independence, sovereignty, equality, territorial integrity, non-interference, and national identity of all nations.

b. Rely on peaceful settlement of disputes in accordance with international law.

c. Renounce aggression and the threat or use of force or other actions in any manner inconsistent with international law.

d. Promote the culture of peace, which includes, inter alia, respect for diversity, promotion of tolerance, and understanding of faiths, religions, and cultures, in accordance with applicable domestic laws.

e. Promote initiatives, such as the initiative on Global Movement of the Moderates, as part of ASEAN’s positive contribution to global peace and security.

f. Promote ASEAN Member States’ active participation in peacekeeping and post-conflict peace building efforts, based on the readiness of respective ASEAN Member States.

g. Respond effectively, in accordance with the principles of comprehensive security, to all forms of threats, transnational crimes, and transboundary challenges.

h. Promote maritime cooperation as well as combat piracy and armed robbery against ships.

i. Ensure peaceful, safe, free, and unimpeded international navigation in accordance with relevant international laws.

j. Intensify cooperation, in the framework of the applicable national and international laws, to combat corruption in the area of asset recovery and in denying safe haven to those found guilty of public corruption.

k. Promote non-proliferation and disarmament of weapons of mass destruction as well as peaceful uses of nuclear energy.

l. Support the establishment of regional nuclear-weapon-free zones and free of all other weapons of mass destruction within the framework of the applicable national and international laws.

m. Continue to work towards a consensus on the outstanding issues relating to the Southeast Asia Nuclear Weapon Free Zone (SEANWFZ) Treaty and its Protocol and pursue the early accession of all five nuclear weapons states to the Protocol in order to promote the effective enforcement of the SEANWFZ.

n. Develop a coordinated ASEAN approach that would contribute to global undertakings to improve nuclear safety, in cooperation with the International Atomic Energy Agency (IAEA) and other relevant partners, as well as promote and uphold IAEA standards of safety and security in the development of civilian nuclear energy.

O. Support narrowing development gaps in the region to contribute to the promotion of sustained peace and stability in the region and the world at large.

p. Continue to enhance cooperation against terrorism in accordance with the ASEAN Convention on Counter Terrorism and the relevant domestic laws of ASEAN Member States.

2. Political development

Consistent with the purposes and principles of ASEAN basic instruments to ensure that peoples and Member States of ASEAN live in peace with the world at large in a just, democratic, and harmonious environment, ASEAN resolves at the global level to:

a. Adhere to the rules of law, good governance, the principles of democracy, and constitutional government.

b. Promote and protect human rights and fundamental freedoms, as well as promote social justice.

B. ECONOMIC COOPERATION
1. Economic Integration
Consistent with the purposes and principles of ASEAN basic instruments to implement the ASEAN Economic Community and to promote a region fully integrated into the global economy, ASEAN resolves at the global level to:

a. Enhance ASEAN’s effective participation in regional and global economic initiatives impacting on the region.

b. Advance ASEAN economic relations, in particular trade and investment, within the region as well as with the rest of the world in line with the general principles set out in the ASEAN Framework for Regional Comprehensive Economic Partnership.

c. Strengthen ASEAN’s capacity into becoming a more dynamic and stronger segment of the global supply chain.

d. Continue the adoption of international best practices and standards in production and distribution, where possible.

e. Intensify collaboration to adopt common position on issues of mutual interest in regional and international fora.

2. Economic Stability
Consistent with the purposes and principles of ASEAN basic instruments to advance ASEAN’s collective commitment on economic stability, ASEAN resolves at the global level to:

a. Emphasize the importance of complementing domestic macroeconomic policy with regional and global macroeconomic coordination and financial cooperation.

b. Strengthen macroeconomic coordination and promoting financial cooperation at the regional and global level.

c. Enhance cooperation among ASEAN Member States and with relevant international organizations and agencies to prevent future economic and financial crisis, including through continued active participation of ASEAN in the G-20.

d. Enhance collaboration to reform the international financial architecture.

3. Economic Development
Consistent with the purposes and principles of ASEAN basic instruments to advance ASEAN’s collective commitment on economic development, ASEAN resolves at the global level to:

a. Strengthen cooperation with relevant international organizations in promoting higher level of economic dynamism, sustained prosperity, and inclusive growth.

b. Ensure implementation of internationally agreed development goals and global commitment on financing for development.

c. Strengthen efforts to promote inclusive and sustainable growth in line with the principles outlined in the ASEAN Framework for Equitable Economic Development.

d. Ensure better access to technology, market, and especially financing such as internationally-funded financial inclusion program through regional programs for Small and Medium-sized Enterprises (SMEs).

e. Intensify collaboration in sub-regional initiatives which contribute to overall economic integration of the region.

f. Strengthen collective efforts in ensuring food and energy security at the regional and global levels.

g. Increase productivity and investment in the agricultural sector as well as promoting greater collaboration in research and development with the United Nations World Food Program (UNWFP), the Food and Agriculture Organization (FAO), the International Fund for Agricultural Development (IFAD), and other relevant international and regional organizations.

h. Enhance cooperation with the international community to ensure greater security and sustainability of global energy through diversification, research and development, conservation of resources, efficient use of energy, as well as wider application and transfer of environmentally-sound technologies.

C. SOCIO-CULTURAL COOPERATION
1. Disaster Management
Consistent with the purposes and principles of ASEAN basic instruments to promote disaster-resilient nations and safer communities, ASEAN resolves at the global level to:

a. Promote partnership with relevant stakeholders through established ASEAN mechanisms, including local communities, non-governmental organizations, civil society organizations, and private enterprises, as well as strengthen cooperation with the United Nations and relevant international agencies.

b. Strengthen efforts to address climate change adaptation needs, particularly by forging support for capacity-building, to ensure disaster and climate resiliency of ecosystems and communities.

c. Enhance public awareness and promote public participation in programs related to disaster risk reduction and emergency response in order to promote community resilience to disasters.

d. Enhance civil-military coordination in providing effective and timely response to major natural disasters and enhance cooperation among ASEAN militaries in Humanitarian Assistance and Disaster Relief (HADR) through the familiarization with each other’s model of operation as well as identified areas for improvement in HADR capacity-building and improved military-to-military and civilian-military communication and coordination.

e. Facilitate regional cooperation on disaster risk reduction programs particularly, but not limited to, the conduct and institutionalization of regional disaster risk assessment, early warning, and monitoring.

f. Strengthen cooperation between the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) and relevant regional and international organizations and agencies for ensuring prompt and smooth communication in times of disaster as well as enhancing coordination mechanisms to facilitate the flows of support in a timely manner.

2. Sustainable Development, Environment, and Climate Change

Consistent with the purposes and principles of ASEAN basic instruments to promote sustainable development, protection of the region’s environment, and sustainability of its natural resources, ASEAN resolves at the global level to:

a. Ensure a continuous effort towards a balance between economic growth and social development and environmental sustainability in order to reduce and not to create negative impacts to the attainment of the Millennium Development Goals (MDGs).

b. Contribute actively to the conclusion of a balanced, comprehensive, and legally binding agreement under the United Nations Framework Convention on Climate Change (UNFCCC) and under the mandate of the Bali Road Map, taking into account common but differentiated responsibilities and their respective national and regional development priorities, objectives, circumstances, and capabilities.

c. Ensure continuous efforts to conserve and sustainably manage ASEAN’s rich biological diversity toward enhancing social, economic, and environmental well-being.

d. Implement commitments to multilateral and regional instruments on sustainable development and environmental agreements by working through bilateral, regional, and global partnership.

e. Promote the development and transfer of low carbon and other climate-friendly technologies, as well as encourage innovative financing options to stimulate investment in climate-friendly technology research and development.

3. Health, Science and Technology, Education, Human resources, Culture, and the High Quality of Life
Consistent with the purposes and principles of ASEAN basic instruments to promote health, science and technology, education, human resources, cultural heritage, and the high quality of life, ASEAN resolves at the global level to:

a. Ensure access to adequate and affordable healthcare, medical services, as well as accessibility to safe, non-counterfeit, affordable, and effective medication.

b. Enhance collaboration in the fields of technology transfer, science and technology research and development, exchange of scientists, and commercialization with the active participation of the private sector and relevant international organizations.

c. Establish and strengthen international networks of scientific and technological institutions, as well as networking in various levels of institutions of higher learning.

d. Strengthen collaboration with other regional and international educational organizations to enhance the quality and adaptability of education, and to achieve universal access on primary education.

e. Continue existing efforts to promote regional mobility and mutual recognition of professional credentials, talents, and skills development.

f. Promote fair and appropriate employment protection for payment of wages, and adequate access to decent working and living conditions for migrant workers, who may be victims of discrimination, abuse, exploitation, violence, with adequate access to the legal and judicial system of the receiving states, without undermining the laws, regulations, and policies of the receiving states.

g. Promote the conservation and preservation of ASEAN cultural heritage; enhance awareness and understanding of the people and the unique history of the region; protect the distinctiveness of the ASEAN identity through unity in cultural diversity.

h. Strengthen ASEAN’s commitment in the attainment of the MDGs, such as poverty alleviation, underscoring the importance of better coordination and participation of all key stakeholders, such as public and private sectors, civil societies, and United Nations specialized agencies.

Building on current practice and achievements, we will identify key global issues of common interest and concern, enhance ASEAN coordination and cooperation on these key global issues in relevant multilateral fora and international organizations, such as the United Nations, and raise ASEAN’s profile and constructive role in the global stage. We will undertake an assessment of key long-term trends, including the evolution of the global architecture, and develop appropriate adjustment and response strategies to such trends.

We hereby pledge to our peoples our resolve and commitment to bring the ASEAN common platform on global issues into reality by 2022. For this purpose, we task the concerned Ministers to follow-up and implement this Declaration with the coordinating role of the ASEAN Coordinating Council (ACC), supported by the concerned sectoral ASEAN Senior Officials, the Committee of Permanent Representatives (CPR) to ASEAN, and an enhanced ASEAN Secretariat whose capacity will be strengthened to provide effective support in projecting ASEAN’s collective undertakings at the global level.

The implementation of this Declaration shall be reported to the ASEAN Summits by the ASEAN Coordinating Council (ACC) taking into account the changing dynamics of the region and the global environment.

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