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Conference Report

Academic and Policy Roundtable: Democratising ASEAN and the Role of the European Union (30 September 2013)

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Introduction

ASEAN, the ten-member Association of Southeast Asian Nations is adapting to the winds of political, social and economic change blowing across Southeast Asia. The rise of China, the geo-political and military repercussions of the US “pivot” to Asia and the emergence of a more vocal and self-confident civil society across the region – combined with external pressures for change – are challenging ASEAN’s traditional slow, consensual and inter-governmental methods of conducting regional governance. With its drive to create an ASEAN Economic Community by end-2015, the adoption of an ASEAN Charter and the establishment of a human rights body, ASEAN has come a long way in adapting to a rapidly-changing regional environment. The process is far from complete, however. Demands for a more participatory form of regional governance are likely to increase, whether from member states like Indonesia which is pushing hard on human rights issues or from ASEAN’s foreign partners, including the European Union.

As discussed at an Academic and Policy Roundtable organised on September 30, 2013 by Freiburg University’s Southeast Asian Studies Programme sponsored by the German Federal Ministry of Education and Research, changes in ASEAN governance are slow, incremental and not immediately visible. ASEAN members’ different political systems, diverse economic development levels and the strong divide between “old” ASEAN members and “new” entrants mean that ASEAN governance reform is patchy and painful. As such, change does not come easy to ASEAN. However, driven by internal and external drivers, ASEAN governance and decision-making structures are under pressure to become more democratic, participatory and people-centred.



Keynote speaker Dr TAN (left), Dr RÜLAND

The ASEAN Charter

The quasi-constitutional ASEAN Charter adopted in 2008 is the most visible and obvious example of the changes underway within ASEAN as well as in the grouping's relations with civil society and in interaction with a closely-watching world. The Charter effectively ensures ASEAN's transformation from an informal "soft law" regional grouping, with a poor record of implementation, into one that is more rule-based and effective. It has also encouraged ASEAN to switch course from being an elitist, state-centric organisation to one that is more participatory and people-centred.



Roundtable Participants

Much still needs to be done, however. As Dr TAN See Seng from the Rajaratnam School of International Studies in Singapore pointed out, there is a disconnect between the stated aspiration of the Charter to create a "rules-based, people-oriented and more integrated" ASEAN and the blueprint's codification of standard international diplomatic and traditional ASEAN-styled conventions.

The jury is still out on the Charter's long-term impact and standing. Supporters describe it as a "living document" and a "work in progress". Others view it as "ASEAN gone backwards", arguing that it institutionalises the so-far ineffective "ASEAN way" by abandoning flexible consensus in favour of rules-based unanimity. It is still not clear if the Charter affirms and enshrines ASEAN's inter-governmental brand of regionalism or marks the first steps of an incremental but ultimately progressive regionalism.

Over the years, changes in regional governance in Southeast Asia, including the Chiang Mai Initiative, the multilateral currency swap arrangement agreed after the 1997-98 financial crisis, have been in direct response to crisis, said Dr TAN. In the security sector, the East Asia Summit reflects regional concerns over China's dominance while the 16-nation Regional Comprehensive Economic Partnership (RCEP) is a direct response to the US-led Trans-Pacific Partnership trade initiative. Regionalism in Southeast Asia is still ad hoc and a reactionary force which is nudged and pushed by crisis but the process was now becoming more pro-active although Southeast Asia still views its regional governance mechanisms as secondary compared to those on the multilateral level.

Human rights

Once a taboo question in ASEAN, human rights is now moving up the agenda, largely due to a pro-active Indonesian foreign policy and demands by internal and external norm entrepreneurs. The ASEAN Intergovernmental Commission on Human Rights (AICHR) set up in 2009 with a mandate to "promote and protect human rights and fundamental freedoms of the peoples of ASEAN" – with due respect for the sovereignty of member states – reflects a change in ASEAN's earlier approach on



Speakers Dr JETSCHKE, Dr DOSCH (Moderation), Dr REITERER

human rights issues. “Member states for the first time explicitly commit themselves to human rights,” said Dr Anja JETSCHKE of the University of Göttingen and the German Institute of Global and Area Studies (GIGA) in Hamburg. The rights granted are substantial – but they are balanced against “duties” which are not yet specified.

Although it has no mandate to conduct independent fact-finding in member states and no procedure for member states to submit state reports, the AICHR is active in liaising with civil society organisations, developing strategies to encourage ratification of international legal instruments and develop the capacity of small member states as well as to undertake studies. ASEAN’s human rights agenda is being pushed largely by Indonesia and to some extent by Thailand and the Philippines. External criticism of Myanmar helped the process since it “affected the reputation of ASEAN as a regional grouping,” said Dr JETSCHKE.

ASEAN Inter-Parliamentary Assembly

Set up in 1977 as a forum for deliberation on transnational issues and composed of national parliamentary delegations, since 2007 the ASEAN Inter-Parliamentary Assembly (AIPA) is on the way to becoming a more effective and closely integrated institution. It is recognised as an “entity associated with ASEAN” by the ASEAN Charter and since 2010, the AIPA president participates in ASEAN summits.

AIPA’s development is part of a broader trend towards regional parliamentarisation and its future role depends on the organisational authority and quality of democracy in the region. The parliamentarisation of regional governance through an effective influence of AIPA on ASEAN’s decisions is unlikely under current circumstances, said Dr Tobias LENZ of the University of Amsterdam, adding, however, that this could change if there is progress in the development of democracy in the region.



Speakers Dr LENZ (left), Dr COLLINS, Dr JETSCHKE (Moderation)

The drive to create an ASEAN Economic Community by end-2015 is also laying the foundations of greater economic cooperation and consultation among ASEAN states and prompting stronger governmental outreach to business, media and civil society.

Pressure for change in regional governance stems from internal ASEAN forces of transformation such as domestic and regional civil society networks, legislators, academic think tanks as well as local media. But while the process of

drafting the ASEAN Charter gave evidence of a growing involvement of civil society actors in general and think tanks in particular in the shaping of regional governance, optimism about the empowerment of the “non-state” voice in ASEAN has proved to be premature, with ASEAN remaining a government-centred organisation, said Dr Jörn DOSCH of the University of Rostock.

The opportunities for non-state actors to participate in ASEAN governance have grown, however, and think tanks in the region including ASEAN-ISIS, the only think tank network or academic organisation officially associated with ASEAN, are actively contributing to problem-solving, often with the help of foreign donors, including areas like climate change and maritime security.

The EU role

As an external norm entrepreneur, the European Union with its putative “normative power” – or even “transformative power” – also has a key role to play in driving forward ASEAN’s process of democratisation.

The EU is a source of inspiration for ASEAN’s integration process and is not suspected of pursuing a hegemonic agenda. Having overcome the decade-long blockage because of EU sanctions on Myanmar, the EU is engaged more forcibly and visibly in the region, according to Dr Michael REITERER of the European External Action Service. The EU is working to help ASEAN implement its connectivity agenda and is cooperating with the regional grouping in areas such as border management, higher education, building an internal market and on security issues, both traditional and non-traditional security questions related to disaster-preparedness, climate change, maritime security and cyber security. “In support of ASEAN as a driver for regional integration, the EU is the largest donor to the ASEAN Secretariat,” said Dr REITERER.

The EU’s influence in promoting a more participatory ASEAN is limited, however. While ASEAN policymakers may use “European sounding terminology” and there are numerous interactions between the EU and ASEAN officials, there is little evidence of an active promotion of regional democracy through the EU, said Dr Jürgen RÜLAND of the University of Freiburg. The EU’s focus remains on the democratisation of ASEAN member states. The democratisation of ASEAN as a regional organisation was never officially on the agenda “which may be attributed to the fact that the EU itself is criticised for its alleged democratic deficit”.

The focus is not on democratisation but on building a people-orientated ASEAN, a concept which represents the localisation of external liberal ideas and the fusion of old and new thinking. “People-orientedness in ASEAN is often equated with the process of awareness-raising, people-to-people exchanges, identity building, mobilising support and not to democratisation or empowerment,” said Dr RÜLAND. ASEAN civil society organisations do not have a regular interface with governments and their meetings with ASEAN leaders at summits are very short. There are also very strict and restrictive accreditation rules for civil society representatives.



Discussants

When it comes to popular participation in regional governance therefore ASEAN is not becoming similar to the EU. “It is still characterised to a considerable extent by the ASEAN Way even though the way ASEAN governments such as Indonesia frame government-society relations justifies speaking of a “New ASEAN Way”, Dr RÜLAND said.

However, what “people-oriented” community means is contested. For civil society organisations it means an influence over how the community is created and developed. For many ASEAN member states, the community-building project is a means of better management of transnational challenges they cannot solve on their own, said Dr Alan COLLINS of Swansea University. Calling it people-oriented is a means of drawing upon the expertise of non-state actors and a way of raising ASEAN’s profile and identity.

ASEAN Secretariat

Despite the talk of strengthening the ASEAN Secretariat, with their focus on an inter-governmental brand of regionalism and distrust of any notions of a pooling of sovereignty, ASEAN member states are unlikely to give more powers to the currently understaffed and poorly resourced secretariat. Increasing funding for the Secretariat remains a key challenge given ASEAN's current system of equal contributions and the fact that the current budget, albeit small, is not fully used. Some of the best and brightest people employed by the secretariat are recruited by other organisations who offer them higher pay and better prospects.

Conclusion

A policy panel which ended the Roundtable brought together the Ambassador of Thailand to Germany, H.E. Mme. Nongnuth PHETCHARATANA, Cambodian Ambassador, H.E. Dr Widhya CHIEM, and German Member of Parliament, Dr Thomas GAMBKE (Green Party). They stressed the reforms that ASEAN has conducted as it moves towards more people-oriented regionalism since the signature of the ASEAN Charter in 2008.

ASEAN has certainly come a long way in developing new regional governance structures, including the landmark ASEAN Charter. Indonesia's active promotion of democratic values and human rights across the region as well as political change in Myanmar have to a large extent transformed ASEAN's traditional non-interference and national sovereignty narratives. But much still remains to be done. Although it is an important step forward compared to the earlier quasi-exclusive focus on governments, ASEAN's notion of building a "people-oriented" community is more of an awareness-raising exercise than an attempt to open up the grouping to more participatory governance. Equally while institutions like the AICHR or AIPA are evolving, they are still trammelled by the overall democracy deficit in the region and states' wariness of regular and direct interaction with civil society. In conclusion, a greater democratisation of ASEAN will depend on progress in the spread of democracy and democratic values across the region.



Policy Panel Participants: Dr RÜLAND (Moderation),
Ambassador Dr Widhya CHIEM, Ambassador Mme. Nongnuth
PHETCHARATANA, Dr GAMBKE

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