

Why does ASEAN need a Charter? Pushing actors and their national interests

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Summary

After forty years of its existence ASEAN decided to draft a Charter. In November 2007, the heads of state and government of the member states signed the Charter, the national ratification processes are going on. For forty years, the Association has been known for the highly informal 'ASEAN Way' of diplomacy. By introducing a Charter and giving the association a formal framework, this informality is abandoned to a certain extent. The article examines the question why ASEAN introduced a Charter. Based on interviews, newspaper articles and speeches, the article analyses which ASEAN member states have been pushing for the Charter and why. Firstly, the article formulates the assumption that Singapore and Indonesia are the most important actors that pushed for the Charter. Both of them have the capabilities and the political will to influence on ASEAN and to push for more integration. The second part examines the interests Indonesia and Singapore pursued in pushing for the Charter. Cooperation is always a means to realize interests, which are essential to understand why ASEAN has introduced a Charter. This article concludes that Singapore has mainly economic interests that it wants to realize through the Charter, or more specifically through the image Singapore hopes ASEAN will get by adopting the Charter. Indonesia has mainly security interests, which include democracy and human rights, as Indonesia adheres to the concept of human security. Hence, Singapore and Indonesia have different interests but both have the interest to improve the image of ASEAN and of themselves in the world and in their countries.

Keywords: ASEAN; ASEAN Charter; Singapore; Indonesia; interests

1 Introduction

Forty years after its foundation, the Association of Southeast Asian Nations (ASEAN) drafted a Charter. The heads of governments and states of its ten members signed the Charter on the 20th of November 2007 and the national ratification processes are proceeding.¹ The idea to give ASEAN a Charter is not a new one. In the early 1970s, the five founding members of ASEAN considered the possibility of developing some constitutional document to formalize the establishment of ASEAN. However, at the time the leaders decided to adopt a far less institutionalised means

¹ The ASEAN members that have ratified the Charter until July 2008 are in the following timely order: Singapore, Brunei Darussalam, Malaysia, Lao PDR, Viet Nam, and Cambodia. The ratifications of Thailand, Philippines, Indonesia and Myanmar are still awaited: For information about the ratification processes see: www.aseansec.org/AC-update.pdf.

of further cooperation through 1976, the Treaty of Amity and Cooperation.² For the next thirty years the ASEAN members did not consider a charter or a constitution necessary for ASEAN; at least, it was not on the official agenda. Instead, ASEAN became famous for its so called 'ASEAN Way'³ of diplomacy. This term describes the informality of cooperation, the adherence to the principle of non-interference, the greater reliance on personal relations than on institutions and the decision-making through consultation and consensus that characterizes ASEAN's patterns of integration. The reluctance to come to formal agreements and legally binding treaties was one of the main features of this ASEAN Way of cooperation. In spite of being criticised for this informality, the heads of states and governments of the member states of ASEAN seemed to be convinced that this is the best way to cooperate. Accordingly, the success of this kind of cooperation was stated many times.⁴ The ratification of the Charter would formalize the cooperation of ASEAN, thus introducing a major change of character of this informal institution.⁵ Changes of institutions or the new building of institutions like the Charter are first of all made by actors.⁶ Why did the member states of ASEAN, the actors, decide after forty years that a Charter is necessary now?

„Cooperation is viewed by policymakers less as an end in itself than a means to a variety of other objectives“⁷. As ASEAN is an intergovernmental organization, and its main decision-making body is the ASEAN Summit, the policymakers in ASEAN are the heads of states and governments of the member states. Formally, all ASEAN members are equal but there are some members who have more influence on the outcomes of negotiations than others. As „institutions reflect the preferences of powerful actors“,⁸ the first question to be answered is: which of the member states are powerful actors and have the capability and the political will to influence ASEAN? Who has pushed ahead the Charter? The second and main task of this article is to clarify the interests and motivations of these actors. Both of these

² See: Chalermpanupap, Termsak 2008: In Defence of the ASEAN Charter; unpublished document.

³ For more details see: Acharya, Amitav 2001: Constructing a Security Community in Southeast Asia. ASEAN and the problem of regional order; London/New York.

⁴ See Severino, Rodolfo C. 2006: Southeast Asia in Search of an ASEAN Community. Insights from the former ASEAN Secretary-General; Singapore: p. 35.

⁵ Institutions can be defined as „persistent and connected set of rules, formal and informal, that prescribe behavioural roles, constrain activity, and shape expectations“. Koehane, Robert O./ Nye, Joseph S. 2001: Power and Interdependence; 3rd edition; New York: p. 732; for further definitions and differentiations between different type of institutions see: MacIntyre, Andrew 2003: The Power of Institutions. Political Architecture and Governance; New York and North, Douglass 1990: Institutions, Institutional Change and Economic Performance; Cambridge.

⁶ Jachtenfuchs, Markus 1999: Ideen und Integration. Verfassungsideen in Deutschland, Frankreich und Großbritannien und die Entwicklung der EU; retrieved from www.hertie-school.org/binaries/addon/321_habil.pdf; : June 17, 2008: p. 46.

⁷ Koehane, Robert O. 2005: After Hegemony. Cooperation and Discord in the World Political Economy; Prince-ton/Oxford; 1st edition 1984: p. 10.

⁸ Milner, Helen/ Koehane, Robert 1996: Internationalization and Domestic Politics: A Conclusion; In: Milner, Helen/ Koehane, Robert (eds.) 1996: Internationalization and Domestic Politics; Cambridge: p. 244.

questions are difficult to answer because all members of ASEAN are officially equal and rarely declare openly which interests motivate their actions. Nevertheless, it is possible to formulate assumptions based on interviews with academics and policy makers⁹ and on speeches of the heads of states and governments of the member states. An analysis based on interviews and speeches can only draw a picture of the views of the interviewees and of the official statements of the governments. For this reason this article will only talk about assumptions and not about proven facts.

2 Actors pushing ahead the Charter

As mentioned earlier, the ten members of ASEAN are officially equal. They all contribute the same ASEAN dues¹⁰ and they all have an equal voice in decisions. Nonetheless, there are some member states which influence the outcomes more and which have a stronger political will to enhance integration. According to Donald Emmerson, „acknowledging the formal equality and autonomy of member states need not deter big states from informally ‘persuading’ small ones. Because of their differing endowments, some members can afford to be less polite than others.“¹¹ Emmerson shows in his article that Indonesia has a lot of possibilities to influence ASEAN because of its size, population and history. But not only is the possibility to influence decisive, also the political will. The Singaporean Solicitor-General Walter Woon, who was part of the Charter’s High Level Task Force, said that during the negotiations some people were „undiplomatic“ and that the Charter has to be seen as a compromise between countries who did not want to move at all and those who wanted to move with big steps.¹² Without clarifying the role of the different countries, this shows that there were some countries pushing for the Charter and some that were more reluctant and had to be persuaded.

All of my interviewees mentioned that there were some countries pushing for the Charter. These countries were the founding members of the organization. Their aim was first of all to have a Charter that furthers the integration of the region. But different countries also had different issues they wanted to be included in the Charter. I will clarify this aspect later. Interestingly, none of the interviewees identified one of the new members as pushing for the Charter. At the same time, they all agreed that Singapore and Indonesia were pushing ahead the Charter. Some

⁹ The 30 interviews with experts of ASEAN were made between February 15 and April 15, 2008. The academics from ISEAS, NTU, RSIS in Singapore and CSIS in Indonesia were from all ten members of ASEAN besides Laos. The policy makers included staff from the ASEAN Secretariat and the Foreign Ministry of Indonesia.

¹⁰ As Donald Emmerson puts it: „Presently, Laos pays in ASEAN dues as much as Singapore does. Assessing members in proportion to their GDP would ... free the Association’s budget from being limited to ten times what the poorest or least supportive member is willing to pay.“ See Emmerson, Donald K. 2007: Challenging ASEAN: A „Topological“ View; In: Contemporary Southeast Asia Vol. 29, No.3 (2007), pp. 424-446: p. 438.

¹¹ See Emmerson2007: p. 438.

¹² See: Au Yong, Jeremy 2007: Charter drafter: Sense of family the driving force; In: The Straits Times: November, 24 2007; Singapore.

also mentioned Malaysia, Thailand or the Philippines. This leads to the assumption, based only on the interviews, that Singapore and Indonesia were decisive actors pushing for the Charter. Malaysia, Thailand and the Philippines also had influence on the drafting process and in different stages pushed for certain issues. But as Singapore and Indonesia were the only countries mentioned by all interviewees I will focus on them without denying the influence, interests and motivations of the other members of ASEAN.

ASEAN has a rotating Chairmanship. One of the Chairman's task is to organize the yearly ASEAN Summit, which is the highest policy making body of ASEAN. The agenda of the Summit is always discussed by the ten members before the Summit but the Chairman has a lot of influence on the decision about the theme and the agenda of the Summit. As a result, the country holding the Chairmanship has the possibility to push forward certain issues it is interested in.¹³ The Chair of the Summit, at which the Charter has been signed, was Singapore which strongly implies that Singapore was one of the member-states pushing for the Charter. A second hint is the fact that Singapore was the first country to ratify the Charter after the Summit.¹⁴ The Second Minister for Foreign Affairs of Singapore Raymond Lim told the Parliament on January 21, 2008 that Singapore will continue to push for important initiatives like the ASEAN Charter.¹⁵ His statement is one of the rare official statements that Singapore has been pushing for the Charter. Another point Rodolfo Severino mentioned is the fact that states who are better prepared and „do their homework“ can give more initiatives. As Singapore is „extremely well organized“, it is in the best position to put across its initiatives. Therefore, „in recent years almost every important initiative in ASEAN came from Singapore“.¹⁶ This is a decisive factor because Singapore not only has the political will but also the capability to push for its interests in ASEAN affairs.

Indonesia always played a key role in ASEAN. Under Suharto, it was the stabilizing and pushing factor for ASEAN cooperation. After the fall of Suharto, the loss of economic and political stability leads to the loss of this leadership role.¹⁷ Still Indonesia is a key actor in Southeast Asia and in ASEAN in particular, as it is by far the biggest country and one of the biggest economies in the region, has experienced

¹³ Interview with Termsak Chalermpananupap; March 19, 2008; ASEAN Secretariat, Jakarta.

¹⁴ See the ASEAN Charter process on the official website of the ASEAN Secretariat under: www.aseansec.org.

¹⁵ See: Ministry of Foreign Affairs Singapore: Transcript of Replies by Second Minister for Foreign Affairs Raymond Lim to Questions in Parliament on 21 Jan 2008; retrieved from http://app.mfa.gov.sg/2006/press/view_press_print.asp?post_id=3613; July 10, 2008.

¹⁶ Interview with the former Secretary-General of ASEAN Rodolfo C. Severino; March 4, 2008; Singapore.

¹⁷ See: Anwar, Dewi Fortuna 2005: Indonesia at large. Collected Writings on ASEAN, Foreign Policy, Security and Democratisation; Jakarta: p.20f./ Interview with Ambassador Mark Hong; March 7, 2008; Singapore.

diplomats and is respected in the region and internationally.¹⁸ The overall picture is that no initiative in ASEAN can be realized without the approval of Indonesia because it has the capabilities to block or to enhance cooperation. Additionally, Indonesia has a strong will to influence ASEAN cooperation and wants to continue or to get back its leadership role.¹⁹ Consequently, even if it has lost its sole leadership role, Indonesia is still a decisive actor in every ASEAN decision.

3 Interests in the ASEAN Charter

Apparently it is impossible to speak about a sole leader in ASEAN. Instead, it is more accurate to understand the region as being based on sectoral leadership. The ASEAN Community as proposed in the Charter consists of three pillars and each of these pillars has different leaders. The Economic Community is based on an idea of Singapore.²⁰ All the interviewees see Singapore as the main pushing actor in the economic cooperation and integration. The initiative to build a Security Community in ASEAN came from Indonesia²¹ and until today, the interviewees see Indonesia as the main pushing actor in security cooperation. Rodolfo Severino sees the promotion of the ASEAN Security Community concept as the centerpiece of Indonesia's efforts to influence the agenda in ASEAN in recent years. According to him the aim of Indonesia was twofold. On the one hand the Indonesian officials wanted to balance the economic preoccupation of ASEAN. On the other hand, they wanted to introduce the democratic and human rights agenda in ASEAN in the context of an ASEAN Security Community.²²

The third pillar, the Socio-cultural Community, was introduced by the Philippines.²³ This pillar is the least developed of the three and the leadership role is not very clear. Actors pushing for certain issues have an interest in these issues. This leads to the assumption that Singapore has economic interests in the Charter and Indonesia has security interests in the Charter. Interestingly, the only speeches published on the website of the ASEAN secretariat since 2006 that are related to the ASEAN Charter are speeches from Lee Hsien Loong, Prime Minister of Singapore, and Susilo Bambang Yudhoyono, President of Indonesia. This is another indication for the important role of these two countries in ASEAN.

In his speech, Susilo Bambang Yudhoyono clearly states the reasons why ASEAN needs a Charter:

¹⁸ All interviewees agreed that Indonesia is still the most influential country in ASEAN, even if it has lost its sole leadership role. See also: Severino, Rodolfo 1999: ASEAN rises to the Challenge. A Selection of Speeches; Jakarta: p.234f.

¹⁹ Interview with Edy Jusuf, Director of the Department of ASEAN Economic Cooperation; Ministry of Foreign Affairs of Indonesia; March 24, 2008; Jakarta.

²⁰ Severino 2006: p. 344.

²¹ Severino 2006: p. 355.

²² Severino 2006: p.355ff.

²³ Severino 2006: p. 368.

„The attainment of the envisioned ASEAN Community would constitute the ultimate integration of ASEAN and the firmest guarantee that in a world of deepening globalization, ASEAN would never be marginalized. ASEAN would be a more effective player and contribute more to the cause of security, prosperity and social harmony at the regional and global levels. But such an intensive process of integration would be extremely difficult and slow if ASEAN remained the loose and largely informal regional organization that it is today. That is why at the ASEAN Summit 2005 we decided to write and adopt what will serve as a constitution – an ASEAN Charter.“²⁴

Consequently, the aim is to give ASEAN the institutional framework it needs for deeper integration to secure ASEAN an influential position regarding security, prosperity and social harmony in the region and in the world. Only an integrated ASEAN will be able to stay in the driver's seat of the ASEAN Regional Forum, the ASEAN plus Three Process and the East Asian Summit. According to Yudhoyono, these three processes need ASEAN „in the driver's seat“²⁵ because it gives them political cohesion and without that cohesion it would be difficult for these processes to function. Later in the speech, Yudhoyono states that „the glue that held ASEAN together was our economic cooperation, and to some degree, also our social and cultural exchanges“²⁶. In his view, the economic cooperation has been the most important common interest in the history of ASEAN. According to Yudhoyono, nowadays the most important pressure is human security which can be defined as a broadened concept of security including democracy and human rights. This speech of the President of Indonesia clearly shows that security, democracy and human rights are important for Indonesia. The Charter is seen as a means to strengthen these issues to avoid marginalization in the region and the world. For Yudhoyono, only a Charter can give ASEAN the possibility to integrate in a way that it will stay and become politically more relevant and an important partner in regional and global security cooperation. This in turn leads to a stronger and more influential position of Indonesia in the region and the world as it advocated for these issues. Economic pressure for integration is mentioned but it is made clear that other pressures, especially human security, are more important reasons for Indonesia to push for integration. Significantly, even the Director of the Department of ASEAN Economic Cooperation in the Ministry of Foreign Affairs of Indonesia focuses on concepts like a human rights body, democratization and good governance as Indonesia's main interests in ASEAN cooperation.²⁷

²⁴ See: Yudhoyono, Susilo Bambang 2007: Keynote Speech at the ASEAN Forum: Rethinking ASEAN. Towards the ASEAN Community 2015; Jakarta; August 7, 2007; retrieved from www.aseansec.org/20812.htm; July 10, 2008.

²⁵ See: Yudhoyono 2007

²⁶ See: Yudhoyono 2007.

²⁷ Interview Edy Jusuf, Director of the Department of ASEAN Economic Cooperation; Ministry of Foreign Affairs of Indonesia; March 24, 2008; Jakarta.

Interestingly, many of the interviewees were convinced that Indonesia, whilst pushing for the Charter, will have problems in the ratification of the Charter.²⁸ The fact that the ratification is dependent on the parliament might cause problems because the parliament is mainly occupied with internal power struggles and domestic affairs. Therefore, the President of Indonesia not only had to convince reluctant neighbours but also the parliament and the society of Indonesia. A society supporting the Charter can put pressure on the parliament to ratify it. To convince the parliament and the society, the President needs to focus on the benefits Indonesia can gain from the Charter. An important gain would be the acceptance of Indonesia as a stable democracy and influential actor in the region and the world. Improving the image of Indonesia as stable democracy might even be the most important reason for Indonesia to push ahead the Charter.²⁹ This leads to the assumption that there are two main interests influencing Yudhoyono in pushing for the Charter: on the one hand, the interest to safeguard an influential role of Indonesia in political and security cooperation in the region and in the world. On the other hand, the interest to prove to the Indonesian society and parliament as well as to the outside world that Indonesia is a stable democracy, pushing for democratization and for adherence to human rights in the region through the Charter.

The speeches of Singapore's Prime Minister Lee Hsien Loong are preoccupied with economic affairs. In his opening remarks at the 13th Summit in Singapore, he refers to the economic pressure put on ASEAN by the economic rise of China and India in his first sentences. He clarifies later that „integration is not just an end in itself, but also a means by which ASEAN expands its economic and political space. A more integrated ASEAN will be in a stronger position to engage external partners, and enhance our links to the major economies in the region and beyond“.³⁰ In another speech held at the ASEAN Day lecture in 2007, Lee Hsien Loong states two reasons why ASEAN needs a Charter. Firstly, he identifies the need to survive in the light of the rising economies China and India and secondly, to strengthen ASEAN's credibility. This is important for being favourably positioned as the basis of the new regional architectures like East Asian Summit. Lee Hsien Loong points out that all East Asian countries place growth as their basic priorities and that regional stability is needed to underpin this growth. According to him, the Charter can realize this stability and strengthen ASEAN's role in the region. Later in the speech, the Prime Minister clarifies the aims of Singapore as Chairman of ASEAN. Summarized, these are to sign the ASEAN Charter and the Economic Blueprint for realizing the Economic Community of ASEAN, to deepen ASEAN's engagement of external

²⁸ Interview with Dr. Chin Kin Wah, Deputy Director ISEAS; February 29, 2008; Singapore/ Interview with Dr. Ralf Emmers, Senior Fellow RSIS; March 6, 2008; Singapore.

²⁹ Interview with Dr. Tin Maung Maung Than, Senior Fellow ISEAS; February 18, 2008; Singapore.

³⁰ See: Lee Hsien Loong 2007: Opening Plenary Remarks at the ASEAN Summit; Singapore November 20, 2007: retrieved from: www.4iamm.sg/amm/index.php/web/press_room/13th_asean_summit_document_archive/speeches_statements/opening_plenary_remarks_by_prime_minister_lee_hsien_loong_at_the_asean_summit_9am; July 10, 2008.

powers and to pursue global issues to ensure that ASEAN remains relevant and constructive within the wider international discourse.³¹ Other interests of Singapore are not mentioned.

Lee Hsien Loong argues that ASEAN needs the Charter to stay competitive and relevant. „ASEAN is in trouble because China is not waiting, India is not waiting ... Unless ASEAN moves, we are going to be left behind and irrelevant, which is why we have the Charter.“³² All these speeches and quotations clearly show that the main interests of Singapore in pushing ahead the ASEAN Charter are of economic nature and that the economic growth of Singapore can only be maintained by a more integrated region in the face of a rising China and a rising India. The region needs to become more stable and credible to become more interesting for foreign investment and external economic powers.

Several interviewees mentioned another important economic reason for Singapore to push for deeper economic integration. Singapore is a very small country and it has always been very important for its survival to be friends with its giant neighbours. At the same time it has also been very cautious about integration because of the fear to lose its sovereignty. In recent years however, Singapore became a lot more confident about itself because of its economic growth. Singapore's large amount of surplus capital makes it increasingly dependent on foreign investment opportunities in neighbouring countries. As most of these countries are afraid of Singaporeans taking over national companies, as for example telecommunications companies, Singapore needs a more integrated region to invest without provoking a deterrent effect in its neighbouring countries.³³

In conclusion, Singapore has two main interests in pushing for the Charter: on the one hand, an open and integrated region would give Singapore's economy the opportunity to grow further by gaining access to foreign markets. On the other hand, there is the external interest in attracting external economic partners in competition with the rising economies of China and India. In order to achieve this, the ASEAN Charter is used to create an image of ASEAN as a stable, credible and reliable organisation and region.

4 Conclusion

Cooperation is never an end in itself but it is always the manifestation of interests pursued by actors who are convinced that their interests can be realized through cooperation. The two actors that pushed the most for the signing of the ASEAN

³¹ See: Lee Hsien Loong 2007a: Speech at the ASEAN Day Lecture; Singapore, August 7, 2007; under: www.aseansec.org/20822.htm; found October 12, 2007.

³² See: Zuraidah, Ibrahim 2007: Time to deliver on targets, says PM; The Straits Times, November 22, 2007; Singapore.

³³ Interview with Dr. Chin Kin Wah, Deputy Director ISEAS; February 29, 2008; Singapore, interview with Dr. Lee Hock Guan, Senior Fellow ISEAS; February 26, 2008; Singapore.

Charter are Singapore and Indonesia. The interviews and speeches indicate that both actors have twofold interests. On the one hand, as Tin Maung Maung Than put it, „the Charter is good for public relations“.³⁴ Expressed differently, the Charter is a means to improve the image of ASEAN in the external world. The aim is to boost its credibility by presenting a stable and efficient region. In spite of this common aim, the interests pursued differ in the two countries. Credibility means for Indonesia to present itself as a stable democracy with a democratizing impact on the region. For Singapore, the interest is to present the region as a credible economic partner.

On the other hand, both actors have domestic interests. Singapore aims at providing an economically open and integrated region for its national economy. For Indonesia, the aim is to prove to its society and its parliament that the government is pushing for democracy and human rights in the region what gives itself the image of a good democratic government.

Former Secretary-General of ASEAN Ong Keng Yong explains: „In essence, all the ASEAN Leaders believe that an ASEAN Charter will convince everyone *in and out* of ASEAN that the grouping is serious about itself and wants to strengthen its institutional capacity and capability to cope with the new challenges facing the region.“³⁵ Obviously, Singapore sees these challenges mainly in the economic sphere and Indonesia in the broadened concept of human security.

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³⁴ Interview with Dr. Tin Maung Maung Than, Senior Fellow ISEAS; February 18, 2008; Singapore.

³⁵ E-mail interview with Ong Keng Yong, former Secretary General of ASEAN; April 10, 2008 [emphasis added].

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