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**ASEAN AFTER BALI CONCORD II:
CHALLENGES AND PROSPECTS**

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When it was established in August 1967, security cooperation had never been an official agenda of the Association of Southeast Asian Nation (ASEAN). ASEAN, which emerged out the ashes of confrontation between Indonesia and Malaysia, was meant as a collective effort to restructure regional relations by forging close cooperation among the member states on non-sensitive areas of economic and socio-cultural field. Even when security agenda was officially incorporated into ASEAN in 1992, it was primarily meant as a response to the changing international relations in the post-Cold War era rather than to foster intra-mural security cooperation among member states. For ASEAN, closer ties among member states were still sought through deeper cooperation in economic field. In other word, despite the changing strategic environment attendant of the end of the Cold War, ASEAN continued to travel “the economic road toward peace.”

After the outbreak of economic crisis in 1997, however, ASEAN could no longer pretend that it could do “business as usual.” The Association has become weak due to tremendous difficulties posed by several developments. The first is the hasty expansion of membership that covers all 10 regional countries. The second development is fundamental political and economic changes in some key member countries such as Indonesia, Thailand, and the Philippines. Finally, there are those who also argue that ASEAN became crippled due to the collapse of Indonesia’s leadership within the organisation. ASEAN began to loose the diplomatic centrality it had enjoyed during the most part of 1980s and early 1990s. Since September 11, challenges facing ASEAN have even become more complex as the strategic environment within with ASEAN operates has changed significantly, if not fundamentally. To embrace the new world, and address new challenges, ASEAN had no choice but to adapt and take bold initiatives to renew itself.

The agreement on the Bali Concord II, signed in Bali in October 2003, constitutes such an initiative. While the Bali Concord II provides a new vision and platform for ASEAN to transform itself into an ASEAN Community, it is the agreement on the political and security area that heralds a new chapter in ASEAN cooperation. The agreement to transform ASEAN into a security community by 2020 –as an integral part of the three pillars of the ASEAN Community–provides a comprehensive platform for ASEAN to formally incorporate security cooperation into its agenda. This paper examines recent developments in ASEAN after the declaration of Bali Concord II, with special reference to political and security dimension.

The ASEAN Security Community: A New Platform for Cooperation¹

The multiple threats and complex security problems facing ASEAN clearly requires the Association to rethink its rationale, strengthen its institutions, and embark upon a new course to renew itself. ASEAN can no longer be allowed to “float” without a sense of purpose; without a practical goal that needs to be achieved, without a future condition that needs to be realised. Within the intra-mural context, the idea of ASEAN Security Community (ASC), which was agreed upon by ASEAN leaders in October 2003, is meant to provide such a sense of purpose, a practical goal, and a future condition that all member states should strive for. It serves as a

¹ This section is drawn from Rizal Sukma, “The Future of ASEAN Security Cooperation: Is the ASC Sufficient?”, paper presented at “Experts meeting on the ASEAN Security Community”, organised by Lemhannas, UGM, and Frederick Ebert Stiftung (FES), Jakarta, 21-22 June 2006.

platform through which ASEAN political security cooperation could be moved into a higher plane. However, the challenge lies in the implementation of the ASC and in the commitment of all ASEAN member states to the idea.

The agreement on the ASC represents the clearest, and most comprehensive, response by ASEAN states to the need for a deeper regional cooperation in managing political-security challenges. The ASC, in principle, constitutes a promise by leaders of ASEAN member states to bring “ASEAN’s political and security cooperation to a higher plane to ensure that countries in the region live at peace with one another and with the world at large in a just, democratic and harmonious environment.”² In so doing, they promise that “ASEAN shall explore innovative ways to increase its security and establish modalities for the ASEAN Security Community, which include the following elements: norms-setting, conflict prevention, approaches to conflict resolution, and post-conflict peace building.”³ Such intention is, among others, based on the recognition that the security of ASEAN countries is “fundamentally linked to one another and bound by geographic location, common vision and objectives.”⁴ For that reason, ASEAN leaders explicitly assert that the Association “subscribes to the principle of comprehensive security...”⁵

The above passages, spelled out in the Declaration of ASEAN Concord II, do not provide a clear guidance on how the idea of the ASC would be put into reality. In fact, references to the familiar norms of ASEAN –such as non-interference, sovereignty, and consensus–still register a degree of ambiguity regarding the extent to which the idea could be translated into concrete actions.⁶ However, the ASEAN Concord II does provide some guidelines on how the idea should be put into practice. First, the adoption of the ASC signifies the agreement that ASEAN would pay more attention to strengthen security cooperation in a more institutionalised way. Second, the strengthening of security cooperation through the creation of ASC is based on the notion of comprehensive security, which suggests the recognition by ASEAN that intra-state security problems can no longer be viewed as having no bearing on regional security and stability. Third, it would develop programs on norms-setting, conflict-prevention, conflict resolution, and post-conflict peace building as the modalities of the ASC. These three elements of the ASEAN Concord II were later translated into a set of plan of action in November 2004 at the 10th ASEAN Summit in Vientiane, Laos.

The ASC then provides the basis for ASEAN to strengthen its capacity to prevent conflict, to resolve conflicts when they arise, and engage in post-conflict peace-building as a necessary measure to prevent conflict from reoccurring. Some have criticised this vision as an ambitious one, but it is not unattainable. Some programs enlisted in the ASC Plan of Action began to be implemented. The most important one was the first ASEAN Defence Ministers Meeting (ADMM) held on 9 May 2006 in Kuala Lumpur. Cooperation in combating non-traditional security problems, especially efforts to combat terrorism and trans-national crimes, has been stepped

² *The Declaration of ASEAN Concord II*, Bali, 7 October 2003.

³ *Ibid.* Indonesia originally proposed that the ASC should be comprised of five elements, but one element, Political Development, was dropped from the Declaration of ASEAN Concord II. Political development, however, was included again in the ASC Plan of Action.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ See, Jurgen Haacke, “‘Enhanced Interaction’ With Myanmar and the Project of a Security Community: Is ASEAN Refining or Breaking with its Diplomatic and Security Culture?”, *Contemporary Southeast Asia*, vol. 27, no. 2 (August 2005), p. 202.

up. Member states have taken the efforts to strengthen intra-departmental coordination among ASEAN countries in order to accelerate the implementation of the ASC. As the 2nd progress report should be submitted at the ASEAN Summit in the Philippines in December, it can be expected that more measures would have been implemented within the next three months.

The greatest promise of the ASC, however, lies in the commitment and the plan to strengthen the capacity of conflict prevention. In this context, ASEAN member states have expressed the commitment to deepen cooperation in six main areas: (1) strengthening confidence-building measures, (2) strengthening preventive measures, (3) strengthening the ARF process in support of the ASC, (4) enhancing cooperation on non-traditional security issues, (5) strengthening efforts in maintaining respect for territorial integrity, sovereignty and unity of member countries, and (6) strengthening cooperation to address threats and challenges posed by separatism.⁷ If cooperation in these areas can be strengthened, then the future of ASEAN is bright indeed. The key question, then is: can ASEAN move forward to strengthen political and security cooperation as envisioned in the ASC?

The Challenges of Implementation: The Promise of the ASEAN Charter

Sceptics have expressed their doubt that the ASC constitutes nothing but another ambitious plan of ASEAN that might not be fully implemented by member states. As with other cases, the ASC agreement is not binding so that it does not provide any incentive for member states to comply. It has also been argued that ASEAN member states are still post-colonial in nature and therefore attach paramount importance of the principle of Westphalian sovereignty and jealously adhere to the principle of non-interference in the strictest sense of the word. In that context, member states would not be obliged to pursue and implement any regional agreement that does not bring immediate and tangible benefit for narrowly-defined national interests. In short, sceptics maintain that the ASC has no chance to succeed.

Such pessimism is not without ground. Some past experiences do provide reasons for scepticism. Without being overly optimistic, however, one can also argue that there are developments that could prove otherwise. One of them is the decision by ASEAN leaders to draft a Charter. The key question is no longer whether or not ASEAN needs a Charter, but what kind of Charter that ASEAN ought to have. Two views are to be found within the current discourse and debate on the Charter. The first view maintains that the ASEAN Charter should only serve as a codification of the existing principles, norms, values, and objectives of ASEAN. This view argues that ASEAN has functioned well with the existing arrangement so that there is no need for a new, grandiose change that would undermine what have been achieved so far. This view also warns that ASEAN, due to its own unique historical experience and condition, should not try to emulate the experience of other regional organisations such as the European Union. In short, for the proponents of this view, the Charter should serve as an instrument to preserve *status quo*, only in a more legal sense. If this view is to be adopted, then the Charter will certainly pose a serious problem for ASEAN in its efforts to cope with the current and future challenges.

The second view argues that the ASEAN Charter should not be merely a codification of the existing norms, values, principles, and objectives of ASEAN. The

⁷ ASEAN Security Community Plan of Action, November 2004.

Charter in fact provides a golden opportunity for ASEAN to reinvigorate itself and once again demonstrate its maturity and efficacy as a forward-looking organisation. The Kuala Lumpur Declaration on the Establishment of the ASEAN Charter itself affirms that “the global and regional economic and political environment has changed and is constantly changing thereby requiring ASEAN and its community building efforts to evolve and adapt to these changes and challenges” and that the Charter is expected to “serve as a legal and institutional framework of ASEAN to support the realisation of its goals and objectives.”⁸ Therefore, for ASEAN to move forward and engage in a meaningful cooperation in the future, this opportunity should not be missed. In that context, the Charter should open to new ideas and forward-looking; amenable to adjustments as the situation dictates; based on the ASEAN Community which already provides a road-map for ASEAN; and people-oriented.

The discussion on the ASEAN Charter has so far been very encouraging indeed. Members of the ASEAN Eminent Persons Group (EPG), tasked to provide inputs to the drafting the Charter, appear to have been more sympathetic to the second view. Even though the Kuala Lumpur Declaration is meant to provide the framework for the Charter should, it does not mean that the Charter would only serve the purpose of providing the legal basis for ASEAN. As the leaders themselves have reaffirmed, the Charter is also meant to provide institutional framework of ASEAN. The principles and objectives of ASEAN need not radical change, but the way they are implemented should take into consideration the actual internal and external context of the day. At the same time, the Kuala Lumpur Declaration itself has included a number of new objectives of ASEAN such as the promotion of democracy, respect for human rights, and the strengthening of democratic institutions.

On the much-debated principle of non-interference, ASEAN should continue to adhere to the principle. These principles, however, should not become an excuse that hinders greater cooperation among member states in addressing matters with security implications between ASEAN states. However, these principles should be employed in a flexible way so that it will enable ASEAN to exercise a cooperative involvement in trans-boundaries issues (internal issues with clear regional implications) and issues with identifiable humanitarian dimension (such as gross violations of human rights and in the event of humanitarian crisis and the threat of terrorism) through an enhanced interaction and an agreed mechanism by all parties concerned. In other words, ASEAN should exercise the principle of non-interference in the context of interdependence among states.

On the decision-making process, some changes are needed. While continuing to subscribe to consensus, ASEAN should also begin to introduce the voting system. On matters related to the ASEAN Security Community, decisions should be made on the basis of consensus, except in deciding crucial matters, when consensus of all Member States except the Member State under consideration is required. Issues that can be regarded as “crucial matters” are, among others, when a government comes to power through unconstitutional means such as a military coup; when a democratically elected party (parties) is unlawfully prevented from constituting a government; when a government is engaged in a gross and sustained violation of

⁸ The Kuala Lumpur Declaration on the Establishment of the ASEAN Charter, Kuala Lumpur, 12 December 2005.

human rights; and when Member States fail to make financial contribution and pay their dues to ASEAN.⁹

In order to be effective, the ASEAN Charter should also address the issue of compliance and sanctions. As ASEAN began to strengthen the legal basis of the Association, there is a need to ensure greater compliance by member states. In order to reinforce this necessity, ASEAN needs to establish a sanction regime. Sanctions to be imposed on a Member State may include exclusion from participation in ministerial-level meetings; suspension from participation in all ASEAN meetings; limitation of government-to-government contacts and other similar measures; and any other measures agreed upon by the ASEAN Summit.¹⁰ One issue that is still being debated is whether or not ASEAN should recognise the member's right to withdraw from the Association.

Finally, some institutional adjustments are needed. Three issues are crucial for consideration in this matter. The first is the need to streamline the existing structures with a view to prevent the proliferation of uncoordinated meetings within ASEAN, and the need to confer a greater role and authority to the ASEAN Secretary-General. The second is the mechanism which will allow greater inputs and participation by the society in the ASEAN processes. The third, the need for a more institutionalised and legal mechanism for dispute-settlement in political and security areas, especially in settling inter-state disputes among ASEAN member states.

It is true that even with the Charter, there is still no guarantee that ASEAN will move forward quickly in a pace that many has expected. Nevertheless, one should not easily undermine the ability of ASEAN to adjust itself and respond to the new environment and challenges. Past experiences have also demonstrated that ASEAN is capable to find ways not only to improve itself but also to undertake bold measures to respond to challenges facing the Association. As ASEAN is now once again in the period of transition, it would be too early to judge that ASEAN has no future.

Concluding Remarks: Opportunity for ASEAN-EU Cooperation

Since its establishment in August 1967, ASEAN has come along way to become an indispensable regional institution in Southeast Asia. Much has been accomplished within four decades of its existence. As ASEAN's role has now expanded to the wider Asia-Pacific region as well, it is also bound to face and manage more challenges. That will require the willingness to adapt and change. More importantly, ASEAN can no longer afford to function only as an inter-governmental form of regional cooperation. The basis for support needs to be widened, and that would require greater participation from the people. Hence, the idea of a people-oriented regional organisation would complement the vision of a community of nations in Southeast Asia.

Greater institutionalisation of ASEAN, and a clear vision and platform for cooperation, also provides an opportunity for the Association to strengthen its inter-regional relations and cooperation. Here, the window for a much closer cooperation

⁹ ASEAN-ISIS Memorandum on The ASEAN Charter, Memorandum No. 1/2006, 18 April 2006.

¹⁰ Ibid.

with the European Union has now become wide open. First, there are lessons that ASEAN can learn for the European experience in institution-building. Second, as ASEAN has now committed itself to strengthen the capacity in conflict-prevention, conflict resolution, and post-conflict peace building, the EU clearly could serve not only as a repertoire of experience but also as a partner that can support ASEAN to transform itself into an ASEAN Community.