Sovereignty in ASEAN’s Regional Order -Building

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ABSTRACT
With ASEAN now promoting the concept of an ‘ASEAN Community’, greater theoretical and empirical attention to the complexity of sovereignty issues is imperative, enabling a more comprehensive analysis of ASEAN regionalism to be formulated and applied. This study attempts to analyse the relationship between the ideas of sovereignty and security community building in the pursuit of regional order. This will initially identify the characteristics of sovereignty relevant to this study. It will then examine the characteristics of sovereignty as it exists between ASEAN members. The methodology employs histories, archival documents, interview transcripts and other sources to see whether the causal process or theory hypotheses implied in a particular case is, in fact, evident in the sequence of intervening variables relevant to that case. The study concludes that ASEAN’s experience of community building has shown that the member-states still have insufficient will to act to reconcile the existing regional system with a capacity for deeper security cooperation because the predisposition of ASEAN members for Westphalian style sovereignty restricts this possibility.

Key words: sovereignty, regionalism, Westphalian, ASEAN.

Practitioners and academics in international relations have long debated whether the idea of sovereignty is ‘divisible’ or ‘indivisible’. In this regard, it is useful to categorise at least four different views of sovereignty, the traditional/Westphalian, the realist/neorealist, the liberalist/interdependence and postmodernist. The traditional view of state sovereignty is that it is indivisible. Hans J. Morgenthau (1967:312), the dean of modern realist thought, asserts that sovereignty cannot be shared and cannot be subordinated to any higher supranational order. The traditional concept of sovereignty or Westphalian sovereignty is commonly related to the view that the authority of the state is supreme within its territorial boundaries and should also be legally immune from intervention by external forces. In this context John Ruggie (1986:143) asserts that sovereignty as traditionally been viewed as the institutionalisation of public authority within mutually exclusive jurisdictional domains. Janice E. Thomson (1995:219-220) insists that various actors within an international system recognize that the state has the exclusive authority to intervene coercively in activities within its physical territory. Central to these elements of the Westphalian notion of sovereignty is the preservation of territorial and political integrity. In such contexts, sovereignty underlines the exclusiveness of state power over its territory and the principle of non-intervention in the internal affairs of the state.

Significant understanding of traditional state sovereignty is linked, moreover, to the perception of the nature of the state relationship within a system of sovereign states. This traditional view of state sovereignty adopted by the realist school of thought commonly accepts the world as an anarchical system. In this view, which is predominantly derived from Hobbes (in Brown, 2005:339) the nature of the international system will naturally lead to the conflict and war. The absence of any ultimate power and authority over states provides no protection to the states and they are therefore structurally insecure. In order to survive in this environment where there is no higher structure of power and authority, states must inherently possess offensive military capability, which gives them the wherewithal to hurt and possibly destroy each other (Mearsheimer, 1994:9). A preoccupation with sovereignty is natural for states within such a system. The competitive nature of the system creates fear and generates conflict and states must make preparations for their survival.

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Understood in this way, the Westphalian system provides states with a mechanism that can support the existence of the state within the competitive international order. For fragile states, such as those within ASEAN, the adoption of traditional state sovereignty will assist their effort to survive in an anarchic world. Even though they are without power and material capacity to compete with larger states and have minimal desire to ally with external powers, the constructs of Westphalian sovereignty provide them with a means to contest physical attacks against their territory and to resist other forms of unwanted interference. The success of them doing so, however, is predicated on other more powerful states accepting this logic and on the UN endorsing it.

For many realists and neo-realists, however, the notion of sovereign states led by internal actors completely free from external influence is by and large an artificial construct. They believe that the idea of state sovereignty is pointless without the power to exercise it because states cannot always do as they please nor are they invar iably free of outside influences. The sovereignty of states has never entailed their insulation from the effect of other states’ actions (Waltz, 1979:96). Sovereignty is dependent upon the capability of a state to exercise it. Robert Jackson (1990:26-31) differentiates the phenomenon of sovereignty between developed and developing states into negative sovereignty (the passive freedom from outside interference) and positive sovereignty (an active ability to act and collaborate domestically and internationally).

Some international relations analysts remain doubtful whether the process of interdependence really affects the divisibility of sovereignty. The idea of offensive realism proposed by neo-realist John J.Mearsheimer (200:4-8) insists that the important actors in the international system are sovereign states which do not recognize superior authority and merely seek as much power as they can acquire. If interdependence is growing, he reasons, it is only a reflection of state power and interests. Any international economic system is predicated on the exercise of state power. Furthermore, realists assert, the Westphalian model is consistently violated rulers have issued invitations that compromise their autonomy by joining conventions or signing the contracts, and they have intervened in the internal affairs of other states through coercion and imposition (Krasner, 1999:27). According to realists, immunity from external interference is profoundly compromised by power differentials. For them it is clear that exercising sovereignty is dependent on the dimension of power.

Methods and Approaches
This research employs histories, archival documents, interview transcripts and other sources to see whether the causal process or theory hypotheses implied in a particular case is, in fact, evident in the sequence of intervening variables relevant to that case.

The neoliberal/interdependence approach to sovereignty is likewise predicated upon the state-centric paradigm. State sovereignty is consistently being modified by intensifying interdependence at various levels of state-to-state interaction. The autonomy of states has been reduced by factors of interdependence, including monetary and economic factors (Keohane & Nye, 1977:100-162). The benefits of inter-state communications and transactions, particularly those relating to increased trade and prosperity, clearly diminish the instinct of national elites to sustain autonomy or extreme self-reliance in their policy-making and deepens regional cooperation (Mattli, 2000:150; Keohane, 1986:20). Expectation of diffuse reciprocity by the member-states in multilateral arrangements has gradually superseded the immediate and short-term calculation of state interest (Keohane,1986:20; Ruggie, 1992:571).

Two significant approaches to describe how state sovereignty has been exercised in the integration or institutional process are the: ‘functional’, and the ‘intergovernmental/supranational’ approaches. In explaining a security community, functionalists describe it as being constructed piece by piece, or from the ‘bottom-up’, through transnational organizations that emphasize the sharing of sovereignty instead of its surrender. Habits of cooperation learned in one technical area will, they assume, ‘spill-over’ into others especially if the experience is mutually beneficial and demonstrates the potential advantages of cooperation in other areas. (Lindberg, 1963:10).

Karl Deutsch (1957:66) however, has argued that in order for a security community to be successful, both the elites and people from different states should be able to communicate, respond and interact. The community building model actually requires two processes in which
the synergy of top down and bottom up process have to be realized. Deutsch’s thoughts on integration deal with the creation of ‘security communities’ among peoples who may or may not be unified under a single government.

The intergovernmental approach espouses that intergovernmental relations are predicated upon the ‘bargaining’ of state interests in a regional setting rather than a purely integrative process of tightening federation. Intergovernmental relations refer to mechanisms such as the European commission, which help define and shape the interests of the European union’s (EU) state actors. The supra national approach regards the emergence of supranational institutions in Europe as a distinct feature to explain the security community condition and turn these into the main object of analysis.

Variant approaches to the security community model have advanced the notion of a supra authority and non state actors which actually challenge state sovereignty. Here, politics above the level of states are regarded as the most significant, and consequently the political actors (institutions in the European example) are most relevant. For the proponents of security community theory, therefore, to create regional integration a multi-level integration process is needed to share various levels of state sovereignty. Regional security community building should be achieved by pooling part of state sovereignty, and creating an efficient coordinative body which is outside the direct control of states. In this situation, if states can not moderate their sovereignty by sharing, pooling or surrendering sovereignty, regional security community building, as the functionalists see it, could not be realised.

Robert Keohane (1984:246) rejects ideas of a strictly supra authority approach in the process of integration in after hegemony. He criticizes the attributing of state-centric cooperation strictly to building headquarters, imposing mandates, or centralising institutions. Institutions that facilitate cooperation do not mandate what governments pursue in their own interests through cooperation. This is because regimes provide information and reduce costs of transactions that are consistent with their injunctions. As Keohane (1984:246) observes, to evaluate the regimes on the basis of whether they effectively centralize authority is misleading.

Perhaps a more nuanced understanding about how states should behave in accordance with the concerns of state sovereignty and collectivity is presented by Muthiah Alagappa (2003:50-52) who proposes adopting the notion of ‘solidarist order’ to explain alternative types of cooperation among states where national goals and interest are not absent, but these are shaped by considerations of collective identity and shared identity. It is clear that liberal scholars entertain varying perspectives on how processes of interdependence and transnational relations affect sovereign prerogatives. They still, however, highlight the sovereignty of the state.

A dissenting category from which to define sovereignty is post modernism. In this approach, sovereignty rests upon intense cooperation between autonomous states. States tacitly bargain their sovereignty in the sense that they allow other states to influence the regulation of their domestic affairs in return for similar influence over the domestic affairs of these other countries. The post-Maastricht conceptual discourse has put forward alternative concepts such as post-sovereignty or governance beyond the state, late sovereignty, open statehood and ‘sovereignty belonging to the Member States jointly through the intergovernmental conference.’ (Wallace, 1999; Walker, 2003; Aalberts, 2005). Postmodernists argue that state actors are no longer the dominant actors in international affairs and that state sovereignty is obsolete. Growing interdependence through multiple channels of contact and communication over many issues, growing decentralisation through globalisation and localisation and, most importantly, empowerment of global nongovernmental organisation (NGOs) have all significantly changed the way sovereignty interest are managed across border. Along with this, the proliferation of transnational activities such as organised crime, drug trafficking, international terrorism, and computer hacking have posed new and difficult challenges to sovereign authorities.

Despite these transnational threats, the rise of the postmodernist concept of sovereignty is conducive to peace and security, according to its advocates, because it can improve the chances for a regional order based on solidarity or a security community that can subjugate individual national interest and goals to a collective identity and interests (Krasner, 1999; Moon & Chun, 2003:110-111). Post-modernists further argue that states have moved beyond sovereignty and have reached a status of post-sovereignty. The European union has been recognised as a major example of a post-sovereignty political community (Wæver, 1995:389).
For post modernists, state sovereignty is ‘dead concept’ that is no longer able to explain the relationship among the nations. Despite the view, and notwithstanding the implementation of the EU’s common foreign and security policy (CFSP), individual EU member states reserve the prerogative to manage their own diplomacies, defence budgets and other sectors involving critical material resources.

**Results**

As these various perspectives demonstrate, the idea of sovereignty is very complex and there is hardly any consensus on what constitutes it, the actual content of sovereignty, the scope of the authority that states can exercise, has always been contested (Krasner, 1999:235). The absolutist Westphalian system most familiar in the West does not apply everywhere. Globalisation, growing international interdependence and various effects of security cooperation among states has sometimes encouraged nations to reduce their exclusive control over aspects of their sovereignty. Shared interests and goals have also ensured that the exclusiveness of state interests does not always prevail. State sovereignty has been increasingly challenged by both voluntary initiatives such as when states become members of international or regional organisations and by coercive efforts such as humanitarian interventions imposed by the UN, the US or international community.

Numerous agreements and negotiations among ASEAN members provide examples that demonstrate state sovereignty is not immune from a range of external influences. There have also been instances of ASEAN states supporting each other to solve their internal problems. For example, Indonesia since the 1970s has facilitated negotiations with Muslim rebels, playing a major part in the 1996 Peace Agreement between Manila and the main insurgent organisation, the Moro national Islamic front. ASEAN was also involved in Cambodian affairs after Prime Minister Hun Sen’s power grab in July 1997. The Asian economic crisis, the international military intervention in East Timor and the Southeast Asian haze problem, as well as membership in organisation such as the world trade organization (WTO), international monetary fund (IMF) etc. all exemplify situations in which the traditional sovereignty of ASEAN states have not been immune to external influences.

Indeed, the traditional realist view of sovereignty - in which the idea of power is central - is becoming less applicable to Southeast Asia. Vietnam, for example, was forced to withdraw its forces from Cambodia in 1978, permitting the restoration of Cambodian sovereignty. ASEAN has been successful in creating the ASEAN Regional Forum (ARF) an extra sovereign institution that has successfully presumed upon most regional powers (US is an exception) to accede to its treaty of amity and cooperation (TAC), the symbolic brand of ASEAN member states’ collective sovereignty. Within ASEAN itself, a new member such as Myanmar, has been able to enforce the principle of non interference regarding domestic matters, notwithstanding immense international diplomatic pressure on other ASEAN states to change this posture. This situation indicates that within the ASEAN grouping sovereignty matters, but the degree to which it matters and how it is applied needs to be further explored.

The idea of a post-Westphalian order is problematic in the case of ASEAN because ASEAN does not literally meet the criteria of the post Westphalian order (Linklater, 1998:194; Caporaso, 2000:4-5; Wallace, 1999:503-513). In this new order sovereignties, in the words of Henry Summer Maine, (in Jutersonkel & Seward, 2007) as a bundle or collection of power that can be separated from one another. Under these conditions a ‘state may continue to have international legal sovereignty, but the element of territorial control that defies Westphalian conceptions of sovereignty no longer applies. However, even the most successful example of the integration of state sovereignty in the world, the European Union, does not fulfil all the characteristics of a fully post-Westphalian order. Indeed, the EU provides an example that demonstrates the complexity of sovereignty as it operates in the real world.

In the current international environment, the global war on terror has been described as a great challenge to state sovereignty (Mendelsohn, 2005:45). However, Amitav Acharya (2007:274) has argued that the George W. Bush administration, in commanding a global war on terror exaggerated the challenges posed by terrorist organisations to Westphalian sovereignty. Similarly, Robert Jackson (2007:297) argues that the West’s response to the terrorist attacks had been conducted within the existing framework of sovereign security responsibilities. This argument relates to the empirical evidence examined in this article. In fact, external pressure
such as the US global war on terror has not drastically changed the basic principle of state sovereignty as it operates in Southeast Asia security politics. The form of cooperation is still based on state interest rather than the genuine sharing of sovereign authority among ASEAN member-states. Thus to argue that the concept of state sovereignty has eroded misrepresents the true situation.

As these examples indicate, the issue of state sovereignty is very complex and cannot be fully explained by the concepts and ideas proposed by those who posit various and specialised theories. Neither is it obvious that this issue will simply wither away. The Westphalian system, although challenged, has by no means yet been transcended in contemporary politics. In fact claims even to old fashioned forms of state sovereignty are defended or asserted more diversely, more frequently, more visibly and often with greater urgency than ever before (Walker, 2003). On one hand, the idea of sovereignty is subject to growing challenges as an out-mode or inadequate way of making sense of emergent patterns of legal and political authority and imagining the future. At the same time, in both legal parlance and political application, sovereignty remains a key operating principle in constitutional, international and supranational law. In this broad context, the concept of sovereignty itself is, therefore, open to a range of interpretations, including how sovereignty is constructed within a particular polity, by what methods and on whose behalf it is constructed.

In light of these contending views of sovereignty it is important to understand how the concept applies in the case of Southeast Asia. These various explanations of sovereignty link to this study of ASEAN in several important ways. First, if sovereignty is not absolute but is more divisible than indivisible then state sovereignty in ASEAN might also be expected to exhibit these characteristics. It is argued here that the traditional meaning of Westphalian state sovereignty does apply in ASEAN, but this is not the only characteristic of sovereignty to be found in Southeast Asia. Sovereignty in ASEAN also operates within the similar parameters as those described in the institutionalist or liberalist and intergovernmental perspectives. For example, the rigid and strong territorial claims on the South China between some ASEAN countries and China have been modified by the claimants agreeing to explore and share the resources in the area. ASEAN has developed economic integration in various sectors custom, tourism, financial, transport, investment etc. The organisation has also developed functional cooperation across many fields education, women, health, drug prevention, etc.

As such, Westphalian and intergovernmental types of sovereignty are the most significant features of sovereignty as they consistently are applied by the ASEAN member states. Post-Westphalian sovereignty has not been clearly articulated by Southeast Asian nations, but, indeed, has been mostly rejected, as will be discussed below. Second, ASEAN member-states’ traditional emphasis on sovereign prerogatives may have complicated the institution’s role in regional security community-building, but it has not fatally compromised the process. This is because the member-states have increasingly recognised the value of developing means for maintaining control over sensitive sovereignty issues while simultaneously exploring ways to gradually transform their traditionally narrow national interests into more ecumenical approaches increasingly broaden reflecting region-centric concerns. Third, deepened regional cooperation among ASEAN countries can be developed because their varying national outlooks and identities can be conditioned to constitute a more distinct collective identity.

The Nature of Sovereignty among ASEAN Member-States

Sovereignty has been represented as a key idea in the formation of ASEAN’s normative framework. ASEAN members view the mutual respect of sovereign prerogatives as integral to maintaining and promoting the Westphalian notions of state-centric relations which they revere (Narine, 2004:437; Moon & Chun, 2003: 106-140). The collective commitment by Southeast Asia’s elites to the Westphalian system means non-interference is still sacrosanct to the grouping (Ramcharan, 2000:60). Compared to other norms, sovereignty still enjoys the highest position in ASEAN member-states’ hierarchy of values. Evidence of this commitment can be examined through looking at how declarations or treaties between them have been embodied into the ‘ASEAN way. In addition, the preservation of sovereign prerogatives have been influenced by important ideational and material factors, including colonial memories, the cold war experience, priority for domestic or regime stability and the nascent institutions of state.
Agreements and Declarations

One way to demonstrate that sovereignty in ASEAN is closest to traditional meaning of state sovereignty is by tracing the content of the organisation’s declarations and the agreements. ASEAN’s adherence to traditional understandings of Westphalian sovereignty is strongly apparent throughout the formal-verbal histories that such agreements provide. This can be seen by reviewing documents such as the 1967 Bangkok Declaration and the 1971 Kuala Lumpur Declaration. Both of these statements emphasise ASEAN member-states’ national existence free from outside interference. The document that most obviously underscores ASEAN member state sovereignty, however, is the ASEAN treaty of amity and cooperation (TAC) in 1976. Article 2 mandates, respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations; non-interference in the internal affairs of one another; settlement of disputes by peaceful means and renunciation of the threat or use of force (ASEAN, 1976). Article 11 of that same document stipulates that the member-states, shall endeavour to strengthen their respective national resilience in their political, economic, socio-cultural, as well as security relations in conformity with their respective aspirations, free from external interference as well as internal subversive activities in order to preserve national identities (ASEAN, 1976).

There is no doubt that these interpretations of the shared principles embodied in the TAC have greatly helped to establish and improve friendly relations between the nations of ASEAN. The most recent agreement that pertains to ASEAN member-states’ sovereignty is the ASEAN Charter, which was released in Singapore, 21 of November 2007. In Chapter 1, Article 2, it is mentioned that: 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, and (b) non-interference in the internal affairs of ASEAN Member States (ASEAN, 2008:6).

The ASEAN charter clearly defines the commitment of ASEAN members to uphold state sovereignty, even while the organisation is facing criticism of its poor performance in collectively facing new regional security issues and building a regional security community. These documents together demonstrate the enduring strength of ASEAN’s commitment to a very traditional Westphalian concept of state sovereignty. ASEAN has also adopted the UN Charter of state sovereignty as an important organisational norm. The right to sovereign nationhood was enshrined in the charter of the United Nations (26 June 1945) which proclaims that its members must: “develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. According to article 2 of the charter (26 June 1945), the UN and its members are to pursue its purposes according to certain principles, which include: (1) principle of the sovereign equality of all its members; and (2) to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state. By adopting the norms embedded in the UN charter ASEAN demonstrates that it respects international agreements and reinforces the organization’s concern for the primacy of state sovereignty.

However, there are some important differences between ASEAN’s interpretation of this norm and that of the UN charter. While the UN charter (26 June 1945) mentions in chapter VII the role of UN security council to determine the existence of any threat to the peace, breach of the peace, or act of aggression and to take military and nonmilitary action to “restore international peace and security. ASEAN has not adopted any similar concept that would compromise its member-states sovereignty. In some ways ASEAN’s relative adherence to the concept of state sovereignty, even while attempting to create a security community, invites further comparison with the European Union. The EU symbolically removed the problem of state sovereignty through the Maastricht Treaty of 1992 and the further expansion of the European Security and Defence Policy (ESDP) in the Amsterdam Treaty of 1999. Even within the community’s founding document, the treaty of Rome of 1957, there is a commitment to merge sovereignties. In this sense, the European Union as Michael Leifer (1995:130) pointed out is a political community, a grouping of states which are committed ultimately to overcoming the sovereign divisions between them.
Despite such considerations, the European Union is not totally an appropriate model for ASEAN, since the latter organization was not established on the basis of a formal treaty (even though there are treaties between its member-state governments). ASEAN was founded through a common declaration which had the converse intention of strengthening the national entities that made up the membership of the Association through their elective support for non-interference in their individual internal affairs.

The Practice of Diplomatic Style: the ‘ASEAN Way’

Another way to identify the role of state sovereignty in ASEAN diplomacy is through examining diplomatic style. This is done by raising questions about: what most consistently cultivates and manages intra-ASEAN relations and how these relations are actually pursued. In ASEAN the answers for these questions can be answered by applying and assessing the term, ‘the ASEAN way’. This term is shorthand for the practice of inter-governmental relationships that are concentrated in the hands of state elites, who support such norms as non interference and consensus in the decision making process. The practice of ‘the ASEAN way’ among these elites is characterized by habits such as close consultation and accommodation that are fostered by frequent interactions which are multi-level as well as multi-dimensional. Typically, consultations between ASEAN member states will involve heads of government, foreign ministers, economic ministers and senior officials and encompass interactions that are simultaneously political, economic, social and cultural. At least around 700 intergovernmental meetings a year are conducted by ASEAN and these provide a mechanism for cooperation and conflict avoidance. Only rarely, however, do they result in binding de cisions or mandatory policies.

Furthermore, within ASEAN, these decision-making processes do not extend beyond the level of elites and government officials. The ‘ASEAN way’ can be contrasted with the decision making processes of the European Union, which frequently submits its policies and treaties to the parliaments of member-states or to popular phlebitis, thus ensuring the involvement of non-elites in such processes. Recently ASEAN has begun trying to involve other parties outside the elites and government officials. However, this move has still been criticized on the grounds that it did not allow any significant role for the non-elective groups in member-states.

Historically, the ‘ASEAN Way’ has been practiced among ASEAN’s elites with great value accorded to the principle of non-interference. This principle envisions ASEAN elites conforming to a behavioural pattern of no public challenges, comment, or criticism of other regimes legitimacy, domestic systems, conduct, policies or style (Antolik, 1990:156). Thus ASEAN’s diplomatic style can be characterized as quiet diplomacy in which government leaders generally refrained from open criticism of their neighbours (Funston, 2000:3). In the past this has meant that there was no open criticism of military coups in Thailand, martial law in Philippines, or Indonesian military actions in East Timor. Before democratic reforms in Indonesia, even critical commentary of other ASEAN states in the media was frequently followed by government apologies to the offended party. Such behaviour has strengthened perceptions of ASEAN as a grouping that does not wash its dirty linen in public.

As recent events have shown, ASEAN is still adhering to this principle of non-interference. The member states made no official statement to criticise, or place sanctions on Thailand after the military coup that occurred on 19 September 2006 against the government of Prime Minister Thaksin Shinawatra. This was the reaction even though the coup could have endangered the overall process of democratisation in Southeast Asia. At most, expressions of concern were conveyed privately. In an even more recent case involving suppression of democratic protests in the ASEAN member state of Myanmar, the organisation did not adopt the tough line which the international community suggested it should adopt. In their official statement released at the ASEAN summit in Singapore 2007, the ASEAN leaders agreed that ASEAN stands ready to play a role whenever Myanmar wants it to do so (ASEAN, 2007). In confirmation of ‘the ASEAN Way’ any involvement by the Association in the Myanmar case will be via constructive engagement, in which most of the action takes place in private, without a direct confrontation with Myanmar’s military regime (The Jakarta Post, 9 October 2007). This illustrates how the ‘ASEAN Way’ recognises and applies the principle of equality among its sovereign members. The policy of non-interference shows that ASEAN is not a higher authority
placed above its member states, but does intercede selectively and subtly to influence domestic conflicts in Myanmar and elsewhere within the member-states’ domain.

The practice of the ‘ASEAN way’, with decision-making carried out strictly by consensus, has reinforced the maintenance of individual member-state sovereignty. The rule of consensus has been particularly important to the ASEAN political process but has also been described as producing ‘meat-grinder wisdom’, based on the lowest common denominator, when unity is not possible to achieve (Sopiee, 1986:25). Because only small demands have been made on member-states to date, stable regional relations have served both their national and regime interests well. Decisions based on consensus also avoid the impression that some merely follow or that the process is run by one member (Antolik, 1990:101). This has particular relevance to Indonesia whose recent history of relations with its neighbours and its overwhelming size would otherwise have generated suspicions of it practicing institutional hegemony (Snitwongse, 1998:184).

For ASEAN, a decision making style that could not protect its member-states’ national prerogatives by avoiding international pressure to force a government to adopt externally imposed policies would be currently unworkable (Katsumata, 2003:113). Reconciliation and decision-making through consensus provides ASEAN states with the reassurance that even the weakest member-state will not have unwanted policies imposed on it. To resolve possible differences between members ASEAN has relied less on formal institutions and treaties than on close personal ties at official, ministerial and head of government levels. This high level networking has facilitated the resolution of differences among the elites, reducing the need to resort to other forms of diplomatic pressure for achieving national goals. As the ‘ASEAN way’ became more prevalent, the raison d’être of non intervention began to shift from a mechanism to contain divisions between member-states to a means of supporting each other (Funston, 2000:5).

Practices associated with the ‘ASEAN way’ such as compromising behind closed doors are still perceived to serve the important and necessary function of helping to mediate estrangement and insecurity among various ASEAN elites. It is also viewed as limiting interference in the organization by non-ASEAN states. In this sense, pressure for rapid institutional reform has not been great until recently and the politics of security community formation remains a challenging proposition to ASEAN’s future identity. The legacy of the ‘ASEAN way’ is a unique testament to how jealously this institution’s member-states guard their sovereignty.

Material and Ideational Explanation

Another way to consider the characteristics of sovereignty within ASEAN relates to the ideational and material explanations underlying the concept of state sovereignty. Sovereignty, in this context, even where it remains a meaningful indicator of state capacity and independence, not only varies in intensity and scope. It is also constructed and constituted in highly distinctive ways that reflect ideational as well as material factors (Hill & Tow, 2002:161-183). This ideational perspective is relevant to explaining why ASEAN states have been keen to preserve their state sovereignty and also why it will be difficult to modify how the concept of sovereignty operates within ASEAN.

Sovereignty within ASEAN reflects Southeast Asia’s unique historical and geopolitical position. Historical experience has forced the ASEAN states to consider state sovereignty as an essential element of their national and regional security. Chief among these historical forces are the memories of their colonial experience. Until the middle of the twentieth century, with the exception of Thailand, all the ASEAN countries had been under colonial rule, though Thailand was quite clearly influenced by the potential for colonialisation. Colonial powers often undermined the rights and dignity of Southeast Asia’s indigenous peoples, extracted resources and often left nothing in return. In many cases the indigenous people were treated badly. Frequently, the concept of ‘divide et impera’ was applied with different classes and ethnic groups being set against one another by the imperial power. The painful memories of life under colonialism have created strong nationalist sentiment (Ramcharan, 2000:65; Moon & Chun, 2003:111-112) particularly in Indonesia, Vietnam, and Myanmar all of whom have developed a tradition of rejecting the involvement by external parties, particularly in their domestic affairs. To these states, such interference by other countries will be understood as a matter that brings disgrace and does not benefit the indigenous people’. As a consequence of these experiences,
nationalism in Southeast Asia (like in the case of Arab nationalism according to Barnett (1996:148) has nearly identical meaning with the notion of sovereignty. Historical memory of a common colonial past is a strong factor that unites the ASEAN states. Such memories make them constantly distrustful of external intervention, more respectful of one another’s sovereignty, and at the same time always ready to guard their own sovereignty.

Along with their collective historical memory of colonialism, the ASEAN states’ perspective of international relations has been shaped by great power military interventions during the Second World War and the Cold War. These memories explain why ASEAN members consider state sovereignty an essential element of national and regional security. Their national security has often been threatened by other countries’ interference or intervention in their domestic affairs (Katsumata, 2003). ASEAN countries were also the object of an ideological conflict between the super powers during cold war. This experience sometimes led them to adopt similar policies and strategies to those of their superpower sponsors in order to secure themselves.

During the cold war period in particular, the national security problems of most ASEAN states were directly linked to the politics of military intervention by outside powers. The war in Indochina and the subsequent division of Southeast Asia between the communist bloc and the capitalist world are illustrative. These interventions internationalised and intensified local conflicts and, as a result, the national security of each of the Southeast Asian countries was jeopardised. Furthermore, during this period, China’s interference in the domestic affairs of the ASEAN countries through supporting various communist insurgencies was viewed as a threat to their national security. The Chinese intervention to Vietnam in 1979 confirmed Hanoi’s perception that China was a threat. Western diplomatic intervention in Cambodia was ‘welcomed’ by ASEAN because the conflict was creating instability that also impinged on regional security. Similarly, confrontation between Indonesia and Malaysia in 1960’s which saw the secret deployment of the Indonesian army to Sabah and Sarawak cemented Malaysia’s perception that Indonesia was a threat. However, from an Indonesian perspective ‘ganyang Malaysia’ or ‘crushing Malaysia’ was about challenging the British control in the region. The significance of these historical experiences has been to make the ASEAN countries consider state sovereignty as an essential element of national and regional stability. Ever since the countries of Southeast Asia established ASEAN, they have been greatly concerned about each other’s sovereign integrity. This is reflected in policy choices that defend the concept of sovereignty as a fundamental international norm. Moreover, a concern to build and maintain domestic political legitimacy within ASEAN has contributed to a reinforcement of state sovereignty (Narine, 2004:424; Alagappa, 1995:2).

ASEAN states adopted the principle of state sovereignty in the context of their efforts to pursue nation building and state making. This was generally projected at two different levels of international relations. At one level, (and for most developing states in the Southeast Asia this was the more important consideration), non-intervention was a normative guarantee against superpower involvement in their internal affairs. At another level, it was represented as a political guarantee of peaceful relations between neighbouring states whose sovereign authority was being challenged from within their own borders (Kraft, 2000:2).

Emerging inter-state relations between the post-colonial nation states of Southeast Asia were complicated during the 1950s and 1960s by various internal challenges (communist subversion, secessionism and communal strife). Ethnic, religious and linguistic conflicts remain the source of serious political tension in every Southeast Asian state (Ling, 2001). Ethnic tensions are less significant issues in Cambodia, Vietnam and Laos (though these do exist) but for these three states the popular legitimacy of the government in power is fragile. There is tension between government and Islamic radicals in Malaysia, Indonesia and Thailand. For Southeast Asian states, there is no guarantee that intervention by either other ASEAN member states or external non member would help to settle these disputes. Part of the cause is that they believe that the party which intervenes will gain for their own benefit and that such intervention will undermine state legitimacy. For most ASEAN states, therefore, the consolidation of domestic socio-political forces is of most significance and will always be priority, and if the external parties are allowed to become involved it is because they will help the government.

Moreover, although Southeast Asian governments are keen to be involved in security cooperation with Western countries, such sentiments are not necessarily shared at the popular or
non-elite level of state politics. The outcry from Islamist groups in Indonesia, for example, has forced that country to downplay its security cooperation with the United States to combat terrorism. The cooperation has also become difficult since the United States has linked the security cooperation with the Indonesia’s human rights record. For example, between the late 1990’s until 2005 the US Senate banned providing military training or purchasing military equipment for Indonesia because of its human rights record in East Timor and due to current concerns about West Papua.

Their predominant concern with domestic stability has led ASEAN governments to perpetuate the exalted status of state sovereignty. This has been reflected in the policies they have adopted in response to various domestic security issues. These policies have, in the main, consolidated the principles of non-interference and the non-use of force, partly because their key security concerns are internal and result from their fragility in terms of socio-political cohesion. (Katsumata, 2003:113). ASEAN members advocate these principles in the context of their efforts at nation-building and this has enabled them to practically separate domestic matters from the task of developing co-operative relations with their neighbours. In other words, domestic national interests are the priority although they have to be developed in conjunction with pursuing common regional interests. External interference in one ASEAN state’s affairs by another ASEAN state-member, however, would have hindered overall institutional cooperation because, for each member, any interference from the other would have been an obstacle to their collective nation-building enterprise.

ASEAN states thus presume that an intervention applying force against any one of them will bring the credibility of the entire organization in to question. This is something that would endanger national security more than any internal problem. This also reinforces tendencies for the ASEAN governments to securitise domestic politics to emphasise the norm of non-interference in internal affairs. ASEAN states explicitly reject the norms of humanitarian intervention, because they recognise their vulnerability to such norms during the state-building process. They have deliberately limited the institutional power of ASEAN to prevent it from infringing on their sovereignty (Narine, 2004:16). In these circumstances, ASEAN member-states have been greatly concerned about each other’s sovereignty. The recent UN sanctioned humanitarian intervention in East Timor, which has been led by Australia, has only strengthened the idea within ASEAN that intervention by external parties will jeopardise the territorial unity and legitimacy of the state. ASEAN members such as Singapore, Thailand, the Philippines and Malaysia did send forces to support the international force for East Timor (INTERFET) and the United Nations transitional authority East Timor (UNTAET), but they did so at the explicit invitation of Indonesia. As Jurgen Haacke (2003:204) points out, the participation of ASEAN member-states in East Timor was conducted in a manner that respected Indonesia’s sensitivities on the matter. He concludes his discussion of the issue by noting that while this involvement ‘broke new ground it ‘... neither amounted to nor automatically heralds a major changes in the ‘ASEAN way’. Any involvement of external parties in other potential areas of secession, such as West Papua, would be understood as directly threatening to the unity of ASEAN itself because its member-states still contend with many of the problems associated with state and nation building.

There is also sense shared by ASEAN member-states that looking after their own domestic problems is more important than becoming involved in others countries’ problems. Limited national resources are better allocated to deal with pressing domestic issues rather than helping others. Accordingly, the Philippines have not cooperated with Thailand in the case of the Muslim resurgence in South Thailand, because it needs all the resources it can marshal to focus on military operations and stabilisation campaigns in southern Mindanao. Similarly, with other security problems such as terrorism, ASEAN states may not always be keen to work cooperatively because they need to concentrate their efforts to deal with other, equally pressing, domestic problems. While public sensitivity about such issues varies between different countries, being weak states, Southeast Asian polities’ logical priorities will be directed toward achieving at least minimally acceptable levels of domestic well being and security, rather than becoming too involved with their neighbour’s security problems.

The very nascent character of domestic political institutions and structures within ASEAN also mitigate against intervention. Most of the ASEAN countries have different ideologies and not many of their governments could be categorised as liberal democratic’
(although some ASEAN countries may have more democratic governments than their ASEAN counterparts). Additionally, most ASEAN member-states have different levels of economic and security capacity. Different legal systems also create obstacles to greater coordination of security cooperation which further discourages the development of significant collective support. Differences in political and legal systems between Indonesia and Malaysia for example, have created disputes between these two countries on issues such as how to deal with illegal logging and illicit immigrant workers. In these situations, rather than choose to collaborate poorly and risk resultant tensions that might reflect badly on both nations, both Indonesia and Malaysia have tended to deal with such issues within internal parameters or boundaries because failed efforts in intra-state cooperation would not have been conducive to long-term harmony.

While it might seem logical that accepting assistance from states with greater capacity could be helpful in matters such as counter-terrorism, such arguments are often not effective within ASEAN. As junior partners’ in any such arrangements, the perception is that they would not have equal rights and position and they would be subject to pressure from the external parties. Illustrative is the rejection by Indonesia and Malaysia of an American proposal to upgrade the U.S. Navy’s involvement in securing the Malacca strait. Jakarta’s and Kuala Lumpur’s rejection of the U.S. Pacific Command’s Regional Maritime Security Initiative (RMSI) proposal in 2004 was a firm one even though both countries have since been condemned by the international community for their lack resource capacity to significantly secure the strait. The basis for this decision was that both states believed that their authority as independent nations would have been diminished if they accepted assistance from the U.S or other developed countries likely to be involved in this scheme.

Logically, such reactions challenge the notion of regional cooperation. When single states are unable to solve security problems, regional cooperation that draws on the resources of all the member-state would seem to offer a better capacity to deal with regional security challenges. However, due to the nascent condition of political structures in ASEAN, collective security action would highlight the internal and external vulnerability of the member states. There is a strong perception among the ASEAN members that cooperation, when it occurs should invariably strengthen state sovereignty, not risks undermining it.

In these circumstances, sovereignty has served as both a legal and practical framework for ASEAN states to overcome their previous dependency relationships and to gain a more equal status in the international system. Embedding sovereignty within institutional documents serves as an important protection against the internal and external weaknesses of the ASEAN states and this is reinforced by the ‘ASEAN way’. ASEAN’s socio-cultural norms emphasise states’ rights to make independent decisions without intervention or pressure from other members of the Association. However, as Shaun Narine (2006:213) points out, protecting sovereignty may at times require the involvement of other institutions. Throughout their history the ASEAN states have indeed acted, at least intermittently, in ways that violate the basic principles underlying their own organization and these actions have usually been undertaken in defence of individual state sovereignty. ASEAN was not only a product of great power conflict in the region; its existence is a testament to the profound difficulty of realising sovereign status and interest in Southeast Asia. The core member states have been united by the need to consolidate their authority as state’ which had been jeopardized by domestic threats (Beeson, 2003:365). ASEAN’s emphasis on principles and norms, as well as its conceptions of comprehensive security and national resilience, stem from the comparative weaknesses of ASEAN states in regional power relations and their fragility as modern states. ASEAN has therefore been used as a diplomatic mechanism to counter the greater structural power of larger regional neighbours (Narine, 2006:213). It is in this sense that ASEAN states are committed to traditional Westphalian sovereignty as the major organising principle in their international relations (Narine, 2004:444). They view international cooperation and regional cooperation including that in the economic arena - as a means to strengthen sovereignty, not dilute it.

**Conclusion**

All of these factors have contributed underscore the principle of non interference as the basis of ASEAN member-state relations. As a result, preserving sovereign rights has become the standard prescription for many political difficulties in the region and, as noted previously, the corner-stone of ASEAN’s attempts to create an enduring Southeast Asian regional order. From
this perspective, regional and international cooperation could only take place on the basis of respect for each other’s national independence and integrity.

The result is that on one hand, ASEAN can be categorized as preserving the sovereign prerogatives of its member states, while on the other they can also play the ‘sovereignty card’ in ways that differ from the accepted international norms. Inherently, sovereignty is more divisible than indivisible. The reality of building a security community in ASEAN, therefore, is that states have attempted to proceed towards building a security community without substantially sacrificing their sovereignty.

References


