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## **The ASEAN Charter Controversy: Between Big Talk and Modest Actions**

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*In their forthcoming summit in Singapore, the ASEAN members are likely to set out an impressive charter. Their modus operandi in the post-Cold War era can be described as a “talk big and act modestly” approach. The real challenge for them is to translate their big talk into concrete actions after the summit.*

THE DRAFTING process of the Charter of the Association of Southeast Asian Nations (ASEAN) has reached its critical stage. In this month’s summit in Singapore, the leaders of the ten member states are expected to finalise and endorse the provisions of the ASEAN Charter. In anticipation of the announcement of the Charter, the focus of attention on the part of observers has been on its content. Will ASEAN modify its longstanding practice, in particular, the principle of non-interference in the internal affairs of member states? In the wake of the crushing of pro-democracy demonstrations by the Myanmar government, will the Charter contain provisions for the promotion of human rights and democracy?

In considering the issue of the ASEAN Charter, it is important to distinguish between “announcement” and “implementation”. It is not difficult to foresee what the leaders will announce in the forthcoming summit: they are likely to set out an impressive charter. They will probably announce that the Charter will transform ASEAN into a rules-based organisation with a legal personality. To be specific, the Charter will probably stipulate that ASEAN values international norms, such as human rights and democracy, and that the association will not tolerate the violation of these norms.

However, this does not necessarily mean that the ASEAN members will implement the provisions of the Charter. The announcement of an impressive charter does not necessarily guarantee its implementation thereafter.

### **ASEAN’s Modus Operandi: Talking Big and Acting Modestly**

In the post-Cold war era, the ASEAN members have adopted what can be described as a “talk big and act modestly” approach. That is to say, they have repeatedly announced their readiness to pursue new agenda items; however, in terms of implementation, they have taken few substantial actions.

The new agenda items of ASEAN cooperation, which have been announced by its members, cover a wide range of issues: preventive diplomacy, conflict-resolution, post-conflict peace-building, economic integration, environmental management, human rights and democracy. These new tasks have been stipulated in milestone documents, such as the Singapore Declaration of 1992, the 1995 Concept Paper of the ASEAN Regional Forum (ARF), the 2003 ASEAN Concord II, and the 2004

Vientiane Action Programme. The ASEAN members have been “talking big,” announcing their readiness to pursue these new agenda items, but have not taken concrete steps to implement these intentions.

The “talk big and act modestly” approach adopted by the ASEAN members reflect the policy dilemma which they have been facing. What has put them into this dilemma has been the pursuit of two contradictory goals – namely, the enhancement of ASEAN’s international legitimacy/reputation and the maintenance of the unity of the association.

On the one hand, the ASEAN members have been trying to strengthen the international legitimacy or reputation of their association. For this reason, they have been announcing their readiness to pursue new goals. In the post-Cold War era, ASEAN’s newly-announced tasks – such as preventive diplomacy, peace-building, environmental management, human rights and democracy – can be considered global agenda items. These are the tasks handled by prominent international institutions in today’s globalised society, such as the Organisation for Security and Cooperation in Europe (OSCE), the European Union (EU) and the United Nations (UN). The Southeast Asian countries have been adopting the global agenda items tackled by these prominent institutions, with the aim of attaining a level of prominence similar to theirs.

The pursuit of human rights and democracy by the ASEAN members is especially relevant here. In today’s globalised society, human rights and democracy constitute elements of international legitimacy. These principles have become global norms, which have been practised by prominent international institutions such as the OSCE, the EU and the UN. Taking into consideration the implications of these global norms for ASEAN’s international standing, it is understandable that its members have repeatedly expressed their readiness to address these norms.

On the other hand, the ASEAN members have been trying to maintain the unity of their association. It is for this reason that they have been careful not to implement the new agenda items abruptly. A drastic change in their existing diplomatic practice or a sudden departure from the principle of non-interference would be detrimental to the unity of ASEAN, since many of its members are reluctant to abandon this principle.

The unity of the ten Southeast Asian countries has been an important theme of ASEAN diplomacy. In the second half of the 1990s, the original five, together with Brunei, which joined the association in 1984, admitted four countries as new members, namely, Vietnam in 1995, Myanmar and Laos in 1997 and Cambodia in 1999. Since then, the strengthening of the unity of the ten countries has been crucial for all of them. After all, ASEAN has become a global player only because its members have been able to speak with one voice. Since its establishment, this association of minor powers, by acting as one body, has been able to ensure a bigger role for Southeast Asia than any member could have played alone.

With regard to Myanmar, the ASEAN members have been careful not to alienate this country. The worst scenario for them is that Yangon will become China’s proxy, speaking on behalf of Beijing. In this respect, ASEAN needs Myanmar as much as – or perhaps more than – Yangon needs the Southeast Asian association. This is why ASEAN has thus far avoided being intrusive. What it has done in the ASEAN Ministerial Meeting and the ARF is simply to include in the joint communiqué and the chairperson’s statement a clause “encouraging” the Yangon government to change its human rights practices.

### **After the Summit**

Coming back to the subject of the ASEAN Charter, given the concern for legitimacy of the ASEAN members, it is reasonable to expect an impressive charter which is comparable to the foundational

documents of prominent institutions such as the OSCE, the EU and the UN. ASEAN has been losing its credibility over the past decade, against a background of a series of unexpected events, notably the Asian financial crisis, terrorist attacks, and the outbreak of pandemic diseases. The crushing of pro-democracy demonstrations by the Myanmar government dealt another serious blow to the legitimacy of the Southeast Asian association. ASEAN is now seeking to reverse the trend of its declining credibility; therefore, the content of the Charter will probably be impressive.

Our central focus should, therefore, be on what the ASEAN members will do after the summit, rather than on what they will announce at the summit. The real challenge for them is to implement the provisions of the Charter, after announcing them in Singapore this month. In other words, their challenge is to translate their big talk into concrete actions, and to take concrete steps to reform their association.

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