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Are we still in charge, Mr. President?

How regime stability shapes regional policies of the ASEAN member states

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 Abstract

Since the end of the 1990s, the member states of the Association of Southeast Asian Nations (ASEAN) have been increasingly divided over the organization's long-cherished code of conduct (known as the ASEAN-Way). For thirty years, a strict policy of respect for each other's sovereignty, non-interference in domestic affairs of other member states and decision making by consensus characterized the organization. As of late however, a number of member states have been challenging and defying these rules, which are widely perceived to be of primary importance for the organization's functioning. This thesis argues that a key determinant in explaining the changing ASEAN policies of a number of member states is alteration in, and a strong discrepancy between, the stability of the various ruling regimes of the ASEAN member states. These alterations in regime stability are strongly related to changes in the political legitimacy of a regime. This theory is tested by first examining developments in the regime stability of four ASEAN member states: Indonesia, Thailand, Malaysia and Vietnam. Subsequently the policies of these states towards ASEAN's pariah member Myanmar are analyzed – functioning as a proxy for state behavior with regard to the larger ASEAN-Way issue – in order to assess whether expected behavior on the basis of a state's regime stability aligns with member state attempts to alter ASEAN's status quo.

Keywords: regime stability; political legitimacy; ASEAN-Way; democratization; Myanmar

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List of abbreviations

AIPMC	ASEAN Inter-Parliamentary Myanmar Caucus
APEC	Asia-Pacific Economic Cooperation
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
BN	*Barisan National*; National Front
EU	European Union (AANPASSEN P.13)
GAM	*Gerakaan Aceh Merdek*; Free Aceh Movement
HINDRAF	Hindu Rights Action Front
MP	Member of Parliament
NCCC	National Counter Corruption Mission
NGO	Non-Governmental Organization
NLD	National League for Democracy
NRC	National Reconciliation Commission
SPDC	State Peace and Development Council
UMNO	United Malays National Organization
UN	United Nations
UWSA	United Wa States Army
VCP	Vietnamese Communist Party
VPA	Vietnamese People's Army

1. Introduction

"Unity in diversity" has long been the device of the Association of Southeast Asian Nations (ASEAN), a regional organization consisting of ten Southeast Asian nations.[1] Although from a geographical perspective the formation of ASEAN makes perfect sense, the diversity amongst it member states takes such great forms that when taken into account, a regional organization comprised of these states becomes less obvious. Both demographically and economically the member states are often worlds apart. Nonetheless, from Indonesia with its 237 million citizens to tiny Brunei Darussalam with a population of only 400.000 and Singapore's GDP per capita of US$ 60.744 to Myanmar's trifling US$ 1.393, these countries had, for a long time, one thing in common: their political systems were all based on authoritarian rule. This meant that leaders of the ASEAN member states shared a great concern with regard to regime stability.

The fear for both external and internal threats to their power enabled the political elites of the member states to develop a code of conduct that allowed them to engage with each other in a constructive and meaningful way, without fear of any threats to their regimes. This code of conduct was based on three important rules: a strong commitment to the respect for the sovereignty of the member states; non-intervention in each other's internal affairs; and consensus among the member states as a necessary basis for decision making (Emmerson 2008a). It has become known as the "ASEAN-Way" and is widely regarded as the one reason that ASEAN has been able to function as an organization that has maintained peace and stability amongst its member states. In 1998, Singapore's Foreign Minister Jayakumar warned that abandoning the policy could lead to the break-up of ASEAN: 'Internal political developments', he argued, 'will remain a particularly sensitive area with the potential to set up centrifugal forces that can pull ASEAN apart' (*Business Times*, July 25, 1998).

Since the end of the 1990s however, ASEAN's code of conduct has gotten increasingly under pressure. A number of prominent member states have started to

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[1] In 1967 ASEAN was established by Indonesia, Thailand, Malaysia, the Philippines and Singapore. In 1984 Brunei Darussalam joined the organization. During the 1990s ASEAN was expanded with its newest four members: Vietnam, Laos, Cambodia and Myanmar.

[2] Although in the past few years the junta has shown cautious signs of improving the domestic political

neglect and challenge the rules on which the ASEAN-Way so heavily depends. This development coincided with great domestic political turmoil and messy processes of democratization in several of the member states, following the 1997-1998 Asian financial crisis that severely shook the region. As a consequence, long-ruling dictators were toppled and replaced by democratically elected governments. But at the same time, other authoritarian governments proved their resilience by defying calls for increased democracy, and yet others started moving in the opposite direction, with democratically elected rulers increasingly showing authoritarian tendencies.

The primary way in which the debate around the ASEAN-Way has been reflected is in ASEAN's Myanmar policy – the organization's most controversial member state due to the relentless military junta ruling the country.[2] The issue of Myanmar has, since the country's accession into ASEAN in 1997, caused much controversy and discussion within the organization about how to approach Myanmar and whether or not to interfere in the country's domestic affairs by pressuring or even forcing the ruling generals to change their behavior. The split that the Myanmar issue has caused within ASEAN poses an interesting question, for what makes some member states willing to disregard the ASEAN-Way, cherished for over three decades, while others keep insisting on strict adherence to this code of conduct? Moreover, what is the role of democratization in this development?

This thesis aims to examine the link between the domestic developments in the member states that followed the financial crisis, and the changing behavior of a number of member states within ASEAN. The thesis does so by developing a theory that centers on regime stability as the key variable in determining a state's regional policies. Hence, the research question this thesis aims to answer is: How do changes in regime stability affect ASEAN members' behavior in and towards the organization?

The main argument of this thesis is that the variation in state behavior can be explained by changes in the stability of the ruling regimes of the respective member states. Advancing a theory centered on governing elites' security considerations about the survival of their own regime, this thesis argues that so-called 'internal threat perceptions' of a regime are a key determinant in explaining the regional policies of

[2] Although in the past few years the junta has shown cautious signs of improving the domestic political system, the situation with regard to civil and political liberties is still far from optimal, the country still being rated as 'not free' by Freedom House.

the ASEAN member states. In relation to this, democratization has a positive influence on a regime's stability, by increasing a regime's legitimacy and by providing previously excluded actors a stake in the political process, reducing incentives to subvert or pose violent threats to the regime.

In order to assess this argument, the thesis examines the regime stability of four of ASEAN's member states – Indonesia, Thailand, Malaysia and Vietnam – and subsequently assesses whether the expected behavior based on the stability of the regimes is in line with their actual policies. As to be able to assess these states' preferences on altering or retaining the status quo with regard to the ASEAN-Way, their policy regarding Myanmar serves as a proxy. Hence, the second part of the analysis applies process tracing to examine the different positions of these four ASEAN member states with regard to a number of Myanmar controversies, including their run-up and aftermath, during the decade between 1997 and 2007.

The thesis is outlined as follows. The next chapter provides the reader with a review the existing literature on ASEAN and democratization and hybrid regimes in Southeast Asia. The subsequent chapters elaborate on the theoretical framework and the research design of this thesis. The fourth and the fifth chapter comprise the main part of the study. First, an analysis is made of the domestic political systems, and the way they have developed, of the four ASEAN member states in order to provide an assessment of their regime stability. The chapter is concluded with a section on the expected behavior of these states with regard to Myanmar. The next part examines whether the expected behavior is in line with the actual behavior of these states between 1997 and 2007. The final chapter provides a conclusion.

2. Literature Review

A predominant question in the literature on ASEAN is to what extent, and in which way, the organization has been meaningful during its more than four decades of existence. It follows that assessments largely dependent on the scholar's definition of "meaningful". This, in turn, depends on the theoretical perspective through which ASEAN is examined.

To start with, it is relatively well established that the primary reason for ASEAN's foundation was a shared security concern about domestic and regional stability (Leifer 1989; Kivimäki 2012; Emmerson 2008a; Acharya 2000; Wah 2007). This is however where the consensus stops. Scholarly assessments on the success of ASEAN's functioning greatly differ in their conclusions. Part of the explanation for this is that, depending on their theoretical perspectives, scholars tend to attribute importance and meaning to different factors and outcomes.

Authors that focus on power, and define this as a regional organization's ability to act, tend to be disillusioned with the organization and portray it as a talking shop with little to show for itself. Notwithstanding some minor accomplishments, the achieved regional stability should first and foremost be attributed to exogenous factors such as balance-of-power dynamics, both within the wider region and globally (Emmers 2003). Whereas this conclusion is largely based on the assumption that regional stability entails the prevention of inter-state conflicts, other scholars that define stability in broader terms go a step further in arguing that ASEAN is a meaningless exercise. From this point of view, ASEAN's inability to *resolve* territorial disputes amongst its member-states, and the organization's lack of action during the 1997-98 Asian financial crisis make the organization little more than a rhetoric shell that 'give[s] form but no substance to domestic and international arrangements' (Jones and Smith 2002).

Contrary to this, there is a group of scholars that judges more positively on ASEAN's achievements. These scholars emphasize the value and success of the ASEAN-Way (Acharya 2001; Stubbs 2000; Wah 2007). Again, the reason for this conclusion can be explained by differing definitions of success. In this sense, ASEAN does indeed not function as a conflict-resolution mechanism. It does however,

function as a valuable conflict-*management* tool (Jetly 2003). This argument is substantiated by the observation that ASEAN members have never fought a single conflict with one another since the founding of the organization. Moreover, the value of the ASEAN-Way is reflected in the success of ASEAN initiatives in the wider East Asia region, where the organization is at the heart of regional platforms of engagement such as ASEAN+3 and the East Asia Summit. Within these multilateral initiatives, the ASEAN-Way is widely regarded as one of the reasons that regional rivals Japan, China and South Korea are able to engage with each other in a constructive way (Kuik 2005).

A number of authors have also addressed the question of whether domestic political and economic changes are eroding the ASEAN-Way. It is generally acknowledged that these developments have consequences for the organization (Kivimäki 2012; Ahmad 2012; Wah 2007). More specifically, it is argued that the old ASEAN-Way should be reformed into a 'set of new framings, norms and identities that better fit into the current societal and material realities'. This has to a large extent already happened, and the ASEAN-Way has been strengthened instead of weakened (Kivimäki 2012). Others are less convinced about the extent to which the organization has accomplished to make the necessary reforms, or what these reforms should entail. Wah (2007) argues that it is important for ASEAN to channel 'the current pluralisation of new actors who are seeking to lay their hands on foreign policy' in such a direction that it does not stall regional cooperation. Ahmad (2012) argues that ASEAN has to further integrate to prevent from 'sinking into oblivion'. The problem with these accounts is that they either have a strong normative, instead of explanatory focus, or that they are unconvincing in arguing that norms have changed, without assessing the effects these changing norms have on the relationship between the democratizing and authoritarian member states within ASEAN.

Assessments on ASEAN's relevance differ greatly in their conclusions. This can largely be attributed to different expectations and definitions of success. One thing that is clear however is that the authors that do judge ASEAN to be a meaningful undertaking, base their conclusion on the importance of the organization as a conflict-prevention mechanism (Jetly 2003; Kivimäki 2012; Leifer 1989). The foundation of this conflict-prevention mechanism is the ASEAN-Way. A second issue on which this group of scholars agrees, is that the ASEAN-Way has, in the recent

past, become increasingly challenged by a number of important ASEAN member states.

In order to examine the regional policies of the individual ASEAN states it is useful to briefly assess a selection of the literature on foreign policy making in states that are not full grown liberal democracies nor full-fledged authoritarian: so-called hybrid regimes. Hybrid regime theory has in a short period of time become relatively well established as a research area. Despite this, it cannot be argued that there exists much theoretical consistency in the field. A turning point for hybrid regime research has been Thomas Carothers' call to 'end the transition paradigm' (2002). Policy makers and aid practitioners had come to see states affected by the 'third wave' of democracy to be on a clear path of transition, away from dictatorial rule towards liberal democracy. This paradigm, perhaps useful in a time of momentous and surprising political upheaval, did at the start of the twenty-first century, no longer reflect a far more messy reality (Carothers 2002).

Although one can debate whether policymakers and aid practitioners took Carothers' call to heart, he did find a willing ear amongst academics (Levitsky & Way 2002; Boogaards 2009). Previously, scholarly research on hybrid regimes largely held a view comparable to those of policymakers. Whereas many scholars pointed out the importance of hybrid regimes, their analyses were similarly characterized by a democratization bias (Case 1996; Zakaria 1997; Means 1997). Mixed regimes were often seen as partial or diminished forms of democracy, or indeed, undergoing a prolonged transition to democracy. Moreover, terms like semi-authoritarian, illiberal democracy and semidemocracy were often used as residual categories and did little to take into account important differences amongst hybrid regimes. Consequently, scholars have attempted to get rid of this democratization bias by conceptualizing new types of hybrid regimes, outlining the mechanisms and character of such regimes in much greater detail (Levitsky & Way 2002).

While important as one of the first attempts to theoretically develop the concept of hybrid regimes, such works have given way to complaints by other scholars who argue that analysts devote yet more time coining new terms, instead of explaining truly relevant issues such as the proliferation of hybrid regimes (McMann 2006). So far, attempts to approach this issue in a truly systematic way are thinly spread. One exception is Boogaards' embedding of the concepts of defective

democracy and electoral authoritarianism in a 'double-root strategy' that maps contemporary regimes from both sides of the spectrum (2009).

Approaching hybrid regime scholarship from a theoretical rather than a conceptual angle, one can distinguish between two broadly definable theoretical perspectives. On one side of the spectrum we find the institutionalist approach (Case 2009a; Acharya 2003; Levitsky & Way 2002; Dosch 2006; Caballero-Anthony 2009; Boogaards 2009). This approach centers on an assessment of the development and functioning of state institutions as the key variable in understanding state behavior. Where this approach focuses on ASEAN, it the idea of a direct connection between democratization and a more open and politically liberal approach in the organization. For instance, Caballero-Anthony argues that democratization and participation of non-governmental organizations (NGOs) in the policy-making process means 'the closed black box of high policymaking inside ASEAN has finally been cracked open' (2009, pp. 216-127). Hence, with regard to ASEAN, the institutional approach focuses on the way changes in structural factors and domestic and external institutional mechanisms are expected to lead to 'participatory regionalism' (Acharya 2003).

On the other side of the spectrum, we find a group of scholars opting for a historical sociology approach (Jayasuriya & Rodan 2007; Brown 2007; Hewison 2007; Jones 2009; Rodan 2012). This school varies from liberal to Marxist perspectives on society, but has in common a focus on the way political struggle between domestic interest groups shapes a regime. Born out of discontent with the institutional approach for not moving beyond consideration of 'how closely institutions mirror or depart from ideal regime types' (Rodan 2012, p. 313), the historical sociology approach argues that regimes should be understood in terms of conflict through various modes of political participation. Jones (2009), for instance, argues that 'a focus on the constellation of social forces underpinning regimes, and the conflicts over power and interest within them tells us more about state policy than the mere presence or absence of democratic institutions' (p. 388). Consequently it is not democratization that leads to a more liberal foreign policy, but the way different socio-economic interest groups struggle to 'shape and delimit formally "democratic" institutions and their foreign policy outputs' (Ibid., p. 402).

The criticism of the historical sociology school on the institutional approach is justified. Democratic transitions are hardly ever straightforward or clean and

democratic institutions are often abused, not functioning the way they were designed on paper. Hence, assessing the mere existence of democratic institutions can often be misleading. The historical sociology approach, nonetheless, poses different problems in accounting for the ASEAN policies of the organization's member states. The most fundamental is that this school primarily centers on the way regimes are shaped through political representation, but that there's a lack of focus on the way this shapes foreign policy. Where there is a focus on foreign policy, the conclusions are hardly generalizable. Assessing the space allowed to liberal legislators in the ASEAN states (Jones 2009) is interesting on itself, however, it tells us little about the way foreign policy is generated in states where legislators on average exert very little influence on this process.

Strikingly, despite a consensus on the security focused nature of ASEAN, neither of these approaches take security factors into account in explaining alterations in state behavior within ASEAN. To fill this gap in the literature, this thesis examines the issue through a security lens in order to assess what such an approach tell us about the changing regional policies of a number of ASEAN member states.

3. Theoretical framework

Taking third world security theory as progressed by such scholars as Ayoob (1995) and David (1991) as point of departure, this thesis puts forward a theory of state's altering security perceptions that provides an explanation for their changing ASEAN policies.

The fundamental assumption is that the foreign policy of states is primarily shaped by a small group of rational political and business elites. This elite group can be seen as a tight network of politicians, big companies, think tanks and influential academics. The primary objective of this small elite group is to stay in power. In the words of Bueno de Mesquita et al. the desire to survive 'shapes the selection of political institutions and the objectives of foreign policy' (2003, pp. 8-9). Hence, the most powerful determinant of state preferences is the rational calculation of elites of what is required to stay in power. The kind of political system through which elites govern predetermines the type of calculations they will make. The authoritarian states that have long characterized the developing world share a number of characteristics that 'have created a situation in which internal threats (with or without external backing) are far more likely to challenge a [developing world] leader's hold on power than are threats from other states' (David 1991, p. 238).

The first characteristic is the importance of the colonial past. The independence of former colonies created states where non had existed. Whereas Western states developed over centuries, developing states were established more as an artificial construct than a coherent unit. This artificiality 'has created a situation in which subnational groups owe allegiance to and act on behalf of interests other than the national interest' (David 1991, p. 239). Second, developing world elites face stark problems of legitimacy. The exclusion of a large part of society from the decision-making process results in dissatisfaction amongst the excluded. Elites often use force and violence to establish and retain their position in power and there is a great inequality gap between elites and the rest of society. Third, there is a strong interrelationship between internal and external threats to the regime. Both domestic challengers and elites often seek (and are granted) support from external actors in advancing their interests. Internal threats are an important vehicle for outside states,

as it determines whose is in power. Because policy is made by a small elite, it is attractive for third states to influence the outcome of internal power strives (David 1991, p. 240).

The lack of ability to acquire power through peaceful means results in excluded groups turning to violence in order to achieve their goals. Thus, (in)security is defined in relation to vulnerability of the ruling elites. These 'threaten or have the potential to bring down or weaken state structures, both territorial and institutional, and governing regimes' (Ayoob 1995, p. 9). What's more, history has demonstrated that the loss of power in authoritarian regimes often goes accompanied by the loss life or imprisonment of the ruler and his associates (Bueno de Mesquita et al 2003, pp. 16-18). It follows that elites in authoritarian developing states conduct a policy that is focused on alleviating these threats to their regime. Conceptualizing security as threats to regime stability has the benefit of going beyond the narrow focus of traditional military security issues and interstate conflict. This way, minority movements or environmental destruction can become a security issue when they 'acquire political dimensions and threaten state boundaries, state institutions, or regime survival' (Ayoob 1995, p. 9).

Third World security theory provides a strong explanation for the policy-making process in authoritarian developing states. This conclusion can also be drawn with regard to regional cooperation amongst authoritarian developing states. Whereas liberal democracies' understanding of regionalism is often based on the European Union (EU) model, with its clear pooling of sovereignty and strive for ever closer cooperation between the member states, regionalism by authoritarian developing states serves the exact opposite end: increasing their hold on power. Or as Kelly puts it: 'weak-state [regional organizations] are mutual sovereignty reinforcement coalitions not integrationist regional bodies' (2007, p. 218).

Authoritarian developing states conduct foreign and regional policy focused on alleviating domestic security threats to their regime. These internal security threats stem from the weak legitimacy inherent to the authoritarian nature of the elite's claim to power. In other words, *the foreign policy of a developing state is predominantly determined by the stability of its regime*. It follows from this that if we want to explain shifts in a state's foreign policy, we have to look for significant alterations in the stability of a regime. Significant changes in regime stability come about through the transformation of institutional structures of a state. Besides full-grown revolutions, as

for instance witnessed during the Arab Spring, another option for this to happen is through a (more gradual) process of democratization.

Democratization affects regime stability through the following causal mechanism. First, democratization increases a regime's legitimacy. Whether it is through the organization of elections, allowing for increased press freedom, reducing corruption and cronyism or strengthening the rule of law, democratization increases a regime's legitimate hold on power and allows governing elites to decrease societal support for domestic conflicts by publicly emphasizing these positive developments and alleviating incentives to pose threats to the regime. In other words, it reduces the chance of subversion and consequently a regime's obsession with it's own vulnerability.

Second, it does on the other hand increase the chances of a regime losing power through more democratic means. In the words of Dosch: 'While the conduct of foreign policy is mostly free of domestic constraints in authoritarian regimes, in a democracy and even in semi-liberal polities, foreign policy choices are linked to the interests of other key actors, their perceived effect on the decision-makers' political standing and the views of constituencies' (2008, p. 530). Consequently, although the decision-making process remains dominated by a small elite group, democratization offers previously excluded societal actors an indirect stake in this process by reducing the rationality for elites to continue fully excluding them.

In sum, democratization alters a regime's perception of security threats because it increases regime stability. It does so because (1) it reduces subverting threats to the regime and (2) it decreases the incentives for elites to fully ignore the interests of other societal groups. Here, an important footnote should be made: processes of democratization are hardly ever as straightforward in practice as theory might suggest. In most cases the democratization process is everything except a clearly defined path from autocracy to properly functioning democracy. A considerable number of states that embarked on this path have developed into hybrid systems: neither autocracy nor full-fledged democracy. Hence, in the case of state's that fail to develop into functioning democracies, we can expect shifts in foreign policy only if the changes in the political structures of a state have benefitted the stability of a regime. With regard to ASEAN, the following hypotheses can be drawn up:

H1: The higher a state's regime stability the more reform minded its ASEAN policies are.

H2: Democratization influences a state's ASEAN policies through its positive effect on the stability of a state's regime.

4. Research design

Variables and concepts

Before further outlining the research design, it is important to elaborate on the variables and a number of key concepts used in this thesis. To start with, the independent variable is a state's *regime stability*. A regime is defined as the small elite group residing over the state apparatus, allowing them to raise revenue and extract resources within a state. It is important to note however, that it concerns *perceived* regime stability here. Foreign policy is not a direct result of the stability of a regime, but of the extent to which the elites comprising the regime feel secure of their position. The calculation of elites about the stability of their regime is directly related to the elite's internal threat perception: the perceived vulnerability of elites to domestic security challenges to their possession of the state apparatus.

The dependent variable is a state's *attempts to change the status quo within ASEAN*. This status quo has been established through a code of conduct that forms the fundament of the organization, often referred to as the ASEAN-Way. The ASEAN-Way is seen as the primary reason the organization has been successful in the realm of regional stability and security, but is at the same time perceived to be the biggest obstacle for breaking the status quo and hence deeper integration. In sum, the above leads to the following sequence: Internal threat perception → Regime stability → Foreign policy → Changing/retaining ASEAN's status quo.

The intervening variable can be characterized as significant shifts in a state's regime stability. These shifts come about through revolution, through more gradual democratization: a process of political liberalization through which previously excluded societal groups increase their influence on the regime's decision-making process, in turn reducing internal security threats to regime stability.

Case selection

The method applied to test the hypotheses outlined in the theory section is the conduct of elaborate case studies on four ASEAN member-states selected on variation in the independent variable. These states are Indonesia, Thailand, Malaysia and Vietnam. Within ASEAN they represent developing middle-income states. With GDP's per

capita of respectively US$ 3563 (Indonesia), US$ 5116 (Thailand), US$ 9941 (Malaysia) and US$ 1403 (Vietnam) (Chia 2013). Although these differences might still seem large, they are not compared to some other possible cases. Singapore, with its GDP per capita of US$ 60744 or Cambodia with a mere US$ 879 GDP per capita pose these four states strongly in the middle income segment of the ASEAN member states. These states are, however, to various degrees expected to differ on the independent variable: the stability of the regime. Whereas Indonesia has developed into ASEAN's only functioning democracy, both Thailand and Malaysia are hybrid regimes and Vietnam is deemed to be fully authoritarian.

Needless to say, absolute case similarity is virtually impossible to achieve in the real world. Hence, possible differentiations within the similar characteristics of the cases will be taken into account during the case studies that follow, and it should be possible to draw a number of interesting conclusions about the influence of regime stability on the behavior of these states within ASEAN.

The case studies exist of two parts, first examining the independent variable, regime stability of a state, and subsequently assessing the dependent variable, a state's attempts to alter the status quo within ASEAN. The first part consists of a structured comparison of the differences between the regimes, whereas the second part applies process-tracing in order to examine the respective ASEAN policies. The structure of the case studies is outlined in more detail below.

Observable implications

Unfortunately but unsurprisingly, directly assessing the threat perception of governing elites in these states is not feasible. Records of meetings and policy documents are, for understandable reasons, not readily available. Hence, in order to draw conclusions about elite threat perceptions, and subsequently regime stability, three factors serving as proxies are assessed. The combination of these proxies indicates the extent to which elites are concerned with internal threats to their regime. These proxies are (1) the degree of disenfranchisement amongst a state's population; (2) the severity of political repression; and (3) the nature of military-civil relationships. Together, these factors provide us with a strong indication of the extent to which elites consider their regime to be stable. A more elaborate outline of these factors is provided in the chapter on internal threat perception and regime stability.

In order to assess the preferences of the respective states with regard to reforming ASEAN, their policies towards Myanmar serve as a proxy. Myanmar functions as an excellent proxy for wider ASEAN reform because throughout its membership of the organization, Myanmar has confronted the other members with a number of situations in which the limitations of the current code of conduct became embarrassingly visible. Hence, the way Indonesia, Thailand, Malaysia and Vietnam responded to the troubles caused by Myanmar's membership of ASEAN tells us a lot about the intentions of these states with regard to the ASEAN-Way and the future of the organization more generally.

The Myanmar policy of these states is examined through process-tracing the developments during a decade of ASEAN-Myanmar relationships: from 1997 until 2007. This period was chosen because it provides a suitable framework for analysis. First, during this decade, there was sufficient variation in the domestic political situations of the member states under examination and the period contains a number of defining moments for ASEAN-Myanmar relations. Second, both 1997 and 2007 proved to be watershed years for the organization. 1997 was both the year of Myanmar's accession to ASEAN and the start of the Asian Financial Crisis, which would turn out to be a region-wide political and economic earthquake. In 2007, ASEAN celebrated its 40th anniversary and it adopted its first ever charter, which included explicit references to human rights and democratic development.[3]

As mentioned, the analysis centers on five defining moments in the ASEAN-Myanmar relationship: (1) Myanmar's accession to the organization in 1997 and the subsequent international outcry over its admission into ASEAN (2) the 2003 Depayin massacre, in which over seventy supporters of Burmese opposition leader Aung San Suu Kyi were killed by government organized mobs, where after Suu Kyi herself was rearrested (*Democratic Voice of Burma* 2010). The Depayin massacre caused much international dismay and put the other ASEAN member states in a truly awkward position for the first time since Myanmar's controversial accession to the organization in 1997; (3) the lead-up to Myanmar's supposed assumption, and subsequent renunciation of the ASEAN Chair in 2005. The debate about whether to grant Myanmar's military junta the chair of the organization put ASEAN in the limelight

[3] Article 1, paragraph 7 states that one of the purposes of ASEAN is to 'strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms' (Charter of the Association of Southeast Asian Nations, December 2007).

and posed a dilemma for the other member sates; and (5) the Saffron Revolution, in which the military junta violently cracked down on protesting monks, who demanded democratic reforms (*The Economist* 2007), as well as the lead up to the ASEAN Charter.

Sources

This thesis draws upon a number of different sources. First, it uses the already existing academic literature on ASEAN and the domestic political systems of the states comprising the case study. Second, it draws upon articles of a large number of established newspapers and press agencies, both Western and regional ones. The majority of these articles can be found in the LexisNexis newspaper database. A search, ranging from 1997 until 2008, was conducted using three key words: "ASEAN, Myanmar and Burma". This in order to prevent a strong selection bias of either outspoken opponents or defenders of the military junta. Third, this thesis uses official documents of both ASEAN and the national governments of its member states. It should be stressed however, that no direct conclusions are derived from these documents, and that they are primarily used to substantiate conclusions drawn from more neutral sources. Fourth, this thesis draws upon reports from both regional and international NGOs, such as Human Rights Watch, the International Crisis Group and Freedom House.

5. Internal threat perception and regime stability

This chapter assesses the internal threat perception and regime stability of the four states that form this case study. It starts by elaborating on the three different factors used to examine these issues and continues with providing separate analyses of the four states. The chapter ends with a conclusion summarizing the findings and, on the basis thereof, outlining the expectations with regard to the states' Myanmar policies.

All three indicators are derivatives of a core concept within the analysis of political power: political legitimacy. In the words of Beetham: 'Since the dawn of human history, those occupying positions of power, and especially political power, have sought to ground their authority in a principle of legitimacy, which shows why their access to, and exercise of, power is rightful, and why those subject to it have a corresponding duty to obey' (2001, p. 107). Hence, it can be argued that political legitimacy lies at the core of any regime's stability, as a lack of legitimacy is the primary motive for internal challenges to the regime. If one's right to exercise power is acknowledged by the ones that need to obey it, there exist no rational reasons for other actors to challenge this right in an unlawful way. Beetham provides us with a very useful typology of legitimacy. Political authority, he argues, is legitimate to the extent that:

1. It is acquired and exercised according to established rules (legality);
2. The rules are justifiable according to socially accepted beliefs about (i) the rightful source of authority, and (ii) the proper ends and standards of government (normative justifiability);
3. Positions of authority are confirmed by express consent or affirmation of appropriate subordinates, and by recognition from other legitimate authorities (legitimation) (2001, p. 110).

Beetham adds that 'the three levels are not alternatives, since all contribute to legitimacy; together they provide the subordinate with moral grounds for compliance or cooperation with authority' (Ibid.). Because political legitimacy is so strongly related to the origination of internal threats and regime stability, the indicators

outlined below are derived from the concepts of legality, normative justifiability and legitimation.

To start with, the degree of disenfranchisement amongst a state's population indicates to what extent a population (or parts of it) has a stake in the political system. It is likely that an individual or a group of individuals is unwilling to accept a regime as the rightful source of authority as long as they are systematically denied a stake in its affairs. Here the following question should be asked: is there a voting system and if so, how fair and inclusive are the elections? It is well established that one important source of legitimacy stems from the idea that a regime represents "the people". This is perhaps best reflected by the fact that even the most totalitarian states often refer to themselves as so called "People's Republics"; the clearest example probably being the *Democratic Peoples Republic* of North Korea. Thus, being denied influence on who comprises a government increases the likelihood that individuals or groups of individuals refuse to recognize its lawfulness. Second, the emphasis should be on the possible exclusion of certain groups. Whereas individuals might feel excluded, they are less likely to pose a threat to regime stability than groups. These groups can be based on ethnicity, religion, and class but are often a combination. A third, related, question concerns the extent to which power is centralized. A strong centralization of power indicates a lack of checks and balances, and hence accountability, within the political system. Moreover, 'decentralization is also regarded as a way of diffusing social and political tensions and ensuring local cultural and political autonomy (Bardhan 2002, p. 185).

Second, the severity of political repression indicates to what extent a regime allows criticism towards its policies to be voiced. A government's response towards critics and protests relate to whether they exercise their power according to established rules and to whether these rules are justifiable according to socially accepted beliefs about the proper ends and standards of governments. Few will agree that the violent repression of political opponents or merely individuals or groups that disagree with a government's policies belongs to these proper ends and standards of government. Moreover, the harshness of a regime's repression indicates how threatened it feels in its existence, for there is no rational reason to defend yourself from something that is not perceived to be a threat. Hence, the following questions are asked: what space is there for individuals and groups to publicly voice their disagreement with a regime's decisions? And, depending on the limits of this

protesting space: how harsh are a regime's crackdowns on protesters and political opponents?

Third is the nature of the relationship between the regime and the military, which relates to the confirmation of authority by affirmation of appropriate subordinates. Perhaps the sole reason a government is able to exercise authority is through its monopoly on the use of force (Weber 1947). The military has since the early days of modern society functioned as the primary tool through which this monopoly on the use of force is exercised and is thus an essential factor in the functioning of a regime. Consequently, when a regime is unable (or no longer able) to secure strong support of the military, or when the military refuses to any longer subordinate itself to the authority of the ruling-elites, it has grave consequences for a regime's stability. Although Southeast Asia in general has a long history of coup politics, some states have proven more prone to coups than others (Mietzner & Farrelly 2013). This is primarily due to historically shaped underlying structures of civil-military relations (Beeson 2008). Therefore the following question is examined: what is the underlying nature of the relationship between the military and the governing regime?

Indonesia

The year in which Indonesia embarked on a path of significant changes to its political system was 1998, when student-led urban protests caused the toppling of long-term president Suharto. His New Order government had been in charge for the past three decades, but Suharto failed to provide a satisfying answer to public discontent about Indonesia's economic state, which had been badly affected by the Asian financial crisis of 1997/98 (Heiduk 2011, p. 255). After Suharto's fall, the leadership of the *Reformasi* movement, which had originated with students, was transferred into the hands of the Indonesian elites, who agreed on the implementation of a large number of institutional reforms, transforming Indonesia into 'Southeast Asia's strongest and most stable democracy' (Mietzner 2013, p. 216).

Disenfranchisement

After Suharto's fall, Indonesia developed an electoral system which is relatively free and fair. In 1999 parliamentary elections were held, while the president was still picked through elite consensus. Although this President, Habibe, was in 2001

impeached by Indonesia's parliament, this move did not lead to a new democratic crisis. This was followed by elections in 2004, in which the president was directly elected for the first time. Contrary to the three political parties allowed by Suharto, a large number of new parties was allowed to participate in the elections, leading to 48 contenders. Furthermore, although there were reports of small scale attempts to bribe voters and the usage of illegal funds for campaigning, these seem to have been minor incidents in a largely free and fair process (Freedom House 2001). Importantly, although the 1999 elections were far from flawless, they were judged both domestically and internationally to have been acceptable and to have reflected the will of the people (Ellis 2000). These democratic reforms have persisted and were expanded in 2004, when after civil-society pressure, it was decided that the presidency from now on would also be subject of direct elections, instead of being picked by both houses of parliament (Slater 2006). Hence, it can be concluded that Indonesia has developed a meaningful electoral system which has been consolidated and expanded throughout the decade after its origination. In the words of Carnegie: 'two consecutive free and fair elections and a transfer from incumbent opposition means that Indonesia has passed a key litmus test of democratic consolidation' (2008, p. 523).

Nonetheless, it is important to note that although Indonesia's institutions underwent a profound transformation, underlying power structures remained largely unchanged. That is, the elites comprising Suharto's New Order have proven to adapt well to the new democratic rules. According to Slater, 'Indonesia's pre-eminent political figures have remained practically irremovable trough the electoral process, even though elections themselves have been commendably free and fair' (2006, p. 208). The primary cause for this is the persistence of money politics and the high costs of running for office, which have made it increasingly difficult for new comers to successfully enter the electoral contest (Hillman 2006). It should be emphasized however, that this development has primarily manifested itself at the regional and local level. This leads to a third important factor in Indonesia's institutional transformation: a policy of strong decentralization of power.

Introduced in 1999 by Suharto's successor, Habibie, the decentralization policy forms one of the most profound alterations in Indonesia's political system. Decentralization comprised a devaluation of government authority accompanied by the establishment of new fiscal and revenue-raising powers. The policy has made

provinces, regencies and cities into important political and fiscal actors in the newly devolved structure. Decentralization has not met all expectations initially voiced by 'good governance' proponents. Instead of the expected local community empowerment, it has instead provided a 'lifeline to New Order-nurtured local elites', allowing them to reinvent themselves in accordance with the new democratic system (Hadiz 2007). Nonetheless, even though the decentralization process has not fully answered to the expectations, it has to a large extent decreased the power of the central authority and consequently the checks and balances build into the political system.

Democratization and decentralization have also profoundly influenced Indonesia's separatist and communal conflicts. During the Suharto era, Indonesia fought a number of battles with separatist movements in different provinces, of which the most significant were those in East Timor, Aceh and Papua. All three conflicts have been strongly affected by a change in Indonesia's policy towards separatist movements in the post-1998 era.

The most radical change can be seen in East Timor, which had been occupied by Indonesia since the decolonization of Portugal in 1975. Ever since, the former colony demanded full independence, which Suharto had refused to discuss. According to Martin and Mayer-Rieckh (2005) the momentous political change setting in after the fall of Suharto opened the way for significant progress on the diplomatic front. When, after announcing a plan to grant East Timor a wide-ranging autonomy, the calls for full independence grew louder, president Habibie unexpectedly declared that if East Timor did not accept autonomy, he would agree on full separation of the territory from Indonesia. Hence, a referendum was organized (Smith 2005). However, when it was announced that 78.5 per cent of Timorese had voted for independence, pro-Indonesia militias, supported by the Indonesian army, went on a destructive rampage throughout East Timor. Hardly a week after the results were publicized, Habibie, under enormous international pressure, requested a United Nations (UN) intervention force to put an end to the violence (Martin and Mayer-Rieckh 2005). In 2002 East Timor became an independent state.

The internationally less controversial conflict in Aceh did not experience such a dramatic outcome, but here a clear distinction can also be made between Suharto and democratic Indonesia. Aceh had been a separate colony under Dutch rule, and was granted far-reaching autonomy after Indonesia became an independent state in

1949. This autonomy was however revoked under the Suharto regime in 1968, causing the birth of a separatist movement know as the Free Aceh Movement (*Gerakaan Aceh Merdeka*; GAM). After Suharto's fall, GAM gained new momentum and forced the new Indonesian authorities into negotiations. These led to a seizure of hostilities in 2000. Under President Megawati Sukarnoputri, the hostilities temporarily increased in 2003, when she launched a massive government strike on the GAM (*The Economist*, May 21, 2003). This event was followed two years later by an agreement between GAM and the Indonesian government about returning autonomy to the region (Hillman 2012).

The situation in Papua, Indonesia's most eastern province since 1963 has progressed less far, although a similar change in policy is visible. After East Timor's separation, Papuans increasingly demanded a similar route for their province. Whereas Habibie refused to negotiate with Papuan leaders, his successor, Adurrahman Wahid opted for a policy of accommodation and compromise. Wahid offered the Papuans similar autonomy as had been offered to Aceh (Carnegie 2008). However, contrary to developments in Aceh, Wahid's successor Megawati strongly complicated the implementation of the 79-article autonomy law (Scott & Tebay 2005). Hence, the conflict has so far not been brought to a satisfying solution. However, it has also not shown any signs of dangerous escalation. This is at the same time an important reason for the lack of willingness of the Indonesian authorities to follow up on the agreement. As Kennedy (2010) notes: 'Unlike the GAM group in Aceh, which was a direct threat to the Indonesian state, there is no serious Papuan group threat to the Indonesian state'.

Political Repression

Indonesia has also made huge improvements in the area of political freedoms. During Suharto's reign, the government had opted for a systemic disorganization of civil society and de-facto prohibition of all membership-based organizations autonomous of the government (Carnegie 2008). Besides freedom of organization, press freedom was another basic right thoroughly reigned in by the Suharto regime. Before 1999, the government and military had exerted all encompassing influence on the media through the ownership of newspapers, press permits and strict laws enforced by the Ministry of information. During Suharto's New Order, journalists and editors were

not allowed to openly discuss taboo topics such as government performance or military violence in Indonesia's outer regions (Tapsell 2010).

The downfall of Suharto's government has however resulted in a flourishing media. The Ministry of Information was disbanded and within the first nine months after the power transition 800 new newspapers and magazines were founded (Hamayotsu 2013). It should be noted though that, similar to the electoral system, the old power structures have not completely evaporated from the media arena either. The national broadcasting companies are all owned by former Suharto associates, and there has been a gradual increase in newspapers owned by rich politicians and influential businessmen. The most obvious example of such practices is the 2008 purchase of the *Subaraya Post* by Aburizal Bakrie, chief of Golkar, the former political party of Suharto. Bakrie bought the newspaper after it had been critical towards the Bakrie family business. Although this purchase has led to renewed self-censoring by the *Post*'s journalists on affairs concerning their new owner, it should be added that at the time Bakrie purchased the *Post*, it was an ailing newspaper threatened with closure (Tapsell 2010). Other, healthier newspapers continued their reporting on Bakrie owned businesses. Hence, although such developments are inhibiting press freedom in an indirect way, it can nonetheless be concluded that media freedom in Indonesia has significantly improved during the post-Suharto era. According to Freedom House: 'The private print press, while at times shoddy and sensationalist, generally reports aggressively on government policies, corruption, political protests, civil conflict, and other formerly taboo issues' (2004).

More broadly, Indonesia's civil society has also strongly developed since 1998. According to Mietzer (2013) civil society has played a critical role in turning the country into a functioning democracy, forcing sometimes reluctant elites to adopt new policies that undermine their political and economic interests. Although human rights abuses did not disappear, especially in the Aceh and Papua regions, 'Indonesia has many effective, outspoken human rights groups' (Freedom House 2006). What's more, 'Indonesian workers can join independent unions, bargain collectively and, except for civil servants, stage strikes' (Ibid.). Hence, although Indonesia's post-1998 record on civil liberties is far from perfect, the first decade of democratization witnessed a strongly increased ability for protesting and organizing against, as well as, openly criticizing the regime.

Civil-military relations

The military has traditionally played a huge role in Indonesia's political and economic affairs. Under Suharto, the military acquired a double function (*dwifungsi*), which allowed it representation in parliament, as well as key positions in the cabinet, the civil administration and state owned companies. Moreover, the military under Suharto also directly involved itself in all kinds of economic activity (Rabasa & Haseman 2002). This large military presence in the civil arena did not stop to exist during the first decade of democratization.

Heiduk (2011) states that clear attempts to reform the societal role of the military were made after 1998. He notes that due to the domestic unpopularity of the armed forces because of their close affiliation with the Suharto regime, the military came under increasing pressure to reform itself and pull itself out of politics. Consequently, the *dwingfungsi* doctrine was abolished and in 2004 the military officially withdrew from politics when it lost its 38 seats in parliament. Nonetheless, the military largely maintained its influence on society. Despite the promise of president Susilo Bambang Yudhoyono – Megawati's successor who came to power in 2004 – to initiate further reforms of the military, he did not manage to do so. According to Beeson, this failure is due to the fact that 'the military remains an organization with unmatched institutional reach and political influence in a country where state capacity remains limited (2008, p. 481).

Interestingly, however, the large military involvement in civil affairs seems to have little consequences for the regime's internal threat perception and stability. Beeson explains:

> Paradoxically enough […] one of the unpalatable realities about the Indonesian situation is that there is relatively little chance of direct military intervention, not because the army has a new respect for the democratic political process but because it has no need to. Although an emerging civil society may encourage the military to pursue its economic and political objectives more discretely, they are still capable of achieving them. Left undisturbed to operate their networks of patronage and privilege […] there is

little reason to fear the military will seek to overturn the current regime (2008, p. 482).

Thailand

Compared to Indonesia's relatively smooth democratic transition, Thailand's political development is much more ambiguous. With 18 military coups in its contemporary history, a monarchy that is strongly involved in politics and a polarized elite, Thailand's politics have swung back and forth between democracy and authoritarianism. The past decade has proved McCargo right when he observed in 2002 that 'the rapid pace of change in Thailand makes taking a long view extremely difficult; what appear to be robust processes of political liberalization can rapidly give way to crises of democratic confidence' (p. 112).

Initially growing out of opposition to military rule generated by the 1991 coup and a bloody uprising known as 'Black May', the 1997/98 financial crisis was the event leading to demands of constitutional reform. The result was the democracy enhancing 'Peoples Constitution' (Connors 2009). However, the in 2001 firstly elected Prime Minister under the new constitution, Thaksin Shinawatra, grew increasingly authoritarian during his time in office, resulting in another military coup in 2006, after which the People's Constitution was immediately withdrawn and a new government was established, existing largely of military men (Hewison 2007). Subsequently, new elections were organized, in which Thaksin supporters managed to regain power. In sum, the 1997 constitution caused a democratic reboot, after which Thai politics gradually slid back into authoritarianism, resulting in the 2006 military coup.

Disenfranchisement

The drafting of the 1997 constitution on first sight appears to have been a truly democratic endeavor. The constitution became known as the People's Constitutions because over two-thirds of the Constitution Drafting Assembly was not drawn from the Bangkok elite and there was significant public consultation over the articles of the draft document. Nonetheless, according to McCargo, 'despite these innovations, the drafting process remained elite-led, with the result being that the 336-article document rejected most of the more progressive and popular proposals' (2002, p. 9). This fact became most evident in the requirement of members of parliaments to hold a

university degree, de-facto preventing the mass of mostly only primary educated urban workers and peasants from running for parliament (Brown 2007). Despite the elite nature of the constitution, its passing could nonetheless be described as a cautious victory for liberalism (Connors 2002).

Three key constitutional reforms were (1) the creation of a strong Election Commission empowered to oversee elections and decide on the organization of reruns in flawed contests; (2) a direct election of the Senate; and (3) the establishment of a number of other, new, independent bodies, including a Constitutional Court, a National Counter Corruption Commission (NCCC), and a National Human Rights Commission (Hicken 2006). Especially the Election Commission, independent and with far-reaching authority, was a remarkable invention and at first sight a clear dedication to democratic values. However, the success of the Election Commission has also had a considerable downside. One that contemporary Thailand has still not managed to fully cope with. In 2002, Freedom House wrote that 'Thais can change their government through elections that are marred by fraud, irregularities, and some political killings'. As a result, the Election Commission suspended a stunning 78 out of the original 200 winners of Thailand's first ever Senate-elections. This did much to establish public faith in the Commission. However, McCargo rightly observes that 'while widespread cheating surely undermines the legitimacy of elections, so can a readiness to set aside their results' (2002a, p. 119).

Under Thaksin, the increase in democratic legitimacy gained through the constitutional reforms was slowly but structurally diminished. Having won office through a landslide election, Thaksin's regime started demolishing the newly formed democratic institutions. According to Connors, Thaksin's politicization of the formal institutions of the 1997 constitution 'reintroduced in a new form the shadow of authoritarianism that circumscribed the space for liberalism premised on emerging but still very much flawed process for the application of impartial rules (2009, p. 365). This strategy was most evident through the partisan appointment of the second Election Commission, after the mandate of the first credible Commission expired, the marginalization of the National Human Rights Commission and the de-facto disablement of the NCCC (Hicken 2006). Hence, the replacement of a 'generally well-regarded team of commissioners by this second and far less credible team greatly reduced public faith in the Election Commission' (McCargo 2002a, p. 119). However,

it obviously did little to reduce the unwillingness to accept the results of elections, whether fair or unfair, and the tendency to challenge these outcomes.

Not only was Thaksin's increasing authoritarian rule reflected in his undermining and politicization of constitutional institutions but also in his centralization of power. One way in which power was centralized was by forming an inner circle of close ministers in the cabinet and by enlarging the political staff of the Office of the Prime Minister (Phongpaichit & Baker 2004). According to Lauridsen (2009), the centralization of power was not confined to the government and the independent watchdog mechanisms. Thaksin also moved to gain control over the media, NGOs, local strongmen and civil society more broadly. 'He looked on the country as a company and worked to centralize power in the hands of a single authority, namely "CEO Thaksin" himself' (Lauridsen 2009, p. 425). In sum, Thailand saw a strong centralization of power under the Thaksin government. This also became evident in the regime's handling of the conflict with a Muslim-separatist movement in the South of Thailand.

Thaksin's approach to the conflict, which escalated in 2004, can be described as confrontational and hawkish. Moreover, through replacing those who advocated a softer approach with fellow hardliners, he created 'a culture of sycophancy at the highest levels of policy-making' (Raslan 2004). Whereas perceptions of the true nature of the conflict differ widely, the Thaksin regime has depicted the violence as actions by a minority of extremists and terrorists (Srisimpob & Panyasak 2006). The renewed wave of violence began in January 2004, when a group of insurgents attacked an army base, resulting in four deaths. Other attacks followed, but the conflict truly escalated when in October a peaceful protest outside the police station in Tak Bai ended in the army rounding up a thousand protesters and piling them into trucks, after which seventy-eight protesters suffocated on the way to military camps. The Tak Bai incident resulted in a large wave of violence throughout the rest of 2004 and 2005 (International Crisis Group, 2009). As mentioned, Thaksin responded with a hard-line approach, including the use of martial law. Moreover, the regime systematically undermined a National Reconciliation Commission (NRC) initiated by the Privy Council, an organ of royally appointed wise men, through influencing public opinion towards the conflict and the NRC itself (Pathmanad 2006). In short, Thaksin's approach to the Southern conflict has been neither constructive nor efficient, and reflects the authoritarian nature of his regime.

Political Repression

Whereas the 1997 Constitution had done much to strengthen basic freedoms of organization and expression, the space for individuals and groups to publicly voice their disagreement with the government strongly declined under Thaksin's regime. This was due to a decrease in press freedom and attempts to undermine civil society (Brown 2007).

Thailand's civil society strongly developed throughout the 1980s and 1990s. According to the Asian Development Bank (2011), in 1989 Thailand counted 12,000 local NGOs. Driven by the economic growth of the 1990s, the focus of Thailand's civil society changed from welfare and development to political protests. The 1997 Constitution can be seen as an expression of the idea that it was permissible for the public to openly contest government policies (Asian Development Bank 2011). Well developed, Thai civil society remained prominent during Thaksin's rule, reflected in the ability to organize large street protests culminating in the 2006 military coup that removed Thaksin from power. Nonetheless, Thaksin's regime tried hard to reign in civil society. When criticized, for instance, Thaksin was ruthless in his counter-attacks, especially targeting NGOs, journalists and intellectuals (Hewison 2007). Moreover, the regime attempted to further limit and undermine labor participation through trade unions and other civil society organizations (Brown 2007).

The freedom for the Thai press also declined. Thaksin's attitude towards the press became clear early on in his rule. In early 2002 it looked like the regime was on the verge of evicting two correspondents of the Hong-Kong based *Far Eastern Economic Review,* because one of their articles had touched upon the sensitive topic of Thaksin's strenuous relations with the monarchy (McCargo 2002b). Although the regime stopped short of such a drastic step, it can be seen as a clear indication of where things were heading. During the same period, an edition of the *Economist* containing criticism on Thaksin was also banned from circulating (*BBC News*, January 29, 2009). In its 2005 report on press freedom, Freedom House noted that 'press freedom declined further in Thailand in 2004 as editors and publishers faced increased pressure from the government in the form of civil and criminal defamation lawsuits, as well as more subtle forms of editorial interference and economic pressure'. Thailand's press freedom worsened further under the military junta that

followed the fall of the Thaksin regime. In 2008, an international NGO monitoring press freedom noted that ‘fallout from the September 2006 military coup cast a chill over Thailand’s media throughout 2007, as the junta […] used its decretionary powers to censor broadcast news, seize control of the country’s only privately run television station, and pass new legislation that severely curtailed free expression on the Internet’ (Committee to Protect Journalists 2008).

Civil-military relations

Relations between the military and civilian government in Thailand cannot be separated from another prominent actor in Thai politics: the monarchy. Before the 2001 elections, political power had been in the hands of an elite consisting of a close network of bureaucracy, military and monarchy (Phongpaichit & Baker 2005). The primary task of the military is the protection of the monarchy, the traditional pinnacle of Thai society. As the guardians of the monarchy, the armed forces consider themselves to be a genuine political actor (Farrelly 2013).

What happened in 2001 was that newly elected Prime Minister Thaksin set out to change these old power structures, transferring power from the old elites towards his own regime and an upcoming business elite of which Thaksin himself was part. Through his increasingly centralized grip on power and authoritarian policies, Thaksin alienated large parts of the old elite (Heiduk 2011). Thaksin, however, was aware of the fact that few of his predecessors had managed to stay in power without the backing of the monarchy and military. Hence, the regime also attempted to gain full control of the military and police, by promoting cronies into leadership positions. This resulted in a political power play between Thaksin and a retired army general (as well as Prime Minister) and close advisor to the monarchy, Prem Tinsulanonda (Hewison 2007). The failure of Thaksin to transfer army loyalty away from Prem turned out to be an important pre-requisite for the 2006 coup. Nonetheless, the mere apprehension of the old elite for the regime is not a fully sufficient explanation for the removal of a head of government, who despite his authoritarian way of governing, had been democratically elected twice in a row.

An additional, more structural factor is the fact that Thailand has not managed to consolidate a democratic culture among its elites that would make coups inconceivable. Instead, Farelly argues, ‘episodic military interventionism – supported by persistent military influence in politics – is now part of a distinctive Thai coup

culture that has been reproduced over many decades' (2013, pp. 281-82). Here, an important part of the explanation for the relative tolerance of military interventions is the close relationship of the military and the monarchy. As in the 2006 coup, military interventions are often justified by claiming the protection of the monarchy, supposedly threatened by the governing regime. Hence, Thailand is likely to struggle in cultivating a political culture where coups would be unacceptable. Military interventions still play a major role in Thai mainstream politics. Therefore, 'Thailand's elite coup culture continues to produce high levels of political uncertainty' (Ibid., p. 292).

Malaysia

Similarly to both Indonesia and Thailand, Malaysia was strongly affected by the 1997/98 financial crisis. In the aftermath the country witnessed the growth of a *Reformasi* movement comparable to the one in Indonesia. The achievements of the protest movement, however, differed significantly from its Indonesian counterpart. Whereas the Suharto regime was toppled, the *Barisn Nasional* (National Front, BN), a multi-ethnic coalition of parties that had ruled Malaysia since its independence from British colonial rule in 1957, managed to stay in power and win the subsequent elections in 1999. Moreover, in 2004 the BN went on to win its greatest election victory in the coalition's history. This result was nonetheless reversed in the 2008 elections, ensuing in the BN's worst ever result and the loss of a two-third majority in parliament. This led observers to speak of a 'political tsunami' (*Newsweek*, March 10, 2008). The fact that such a statement was made after elections in which the BN nonetheless managed to hold on to 140 of the 222 seats (Abbott 2008) says a lot about the Malaysian electoral system.

The nature of this system is well described by Case. Noting that the Malaysian system has distinguished itself from other Southeast Asian cases by its persistence, he argues that '[b]racketed by harder forms of authoritarian rule and liberal democratic politics, this regime has mostly avoided steadfast coercion. Indeed, the country's dominant [coalition] has regularly held multi-party elections. And it has refrained from grossly rigging or stealing these elections, instead perpetuating its dominance through subtler stratagems' (2009, p. 312).

Disenfranchisement

One cannot understand Malaysia's electoral system, and the BN's ability to stay in power without large-scale vote rigging, without understanding the country's strong communal nature. Malaysia's population is made up of three ethnic groups, the largest being the Muslim ethnic Malays, whereas the other ones are the Chinese and Indians. The BN comprises a coalition of parties, each representing one of the ethnic groups. The largest one is the United Malays National Organization (UMNO), which is traditionally able to call on large parts of the ethnic Malay electorate. The other two main parties in the coalition are the Malaysian Chinese Association and the Malaysian Indian Congress. Whereas the BN is officially an alliance, it behaves like a single party. Within the coalition each party safeguards the ethnic interest it represents, and during elections the parties do not field candidates against each other, and each will contest where it is most likely to win (Moten & Mokhtar 2006). This way, the BN has managed to occupy the vast middle ground of Malaysian politics, leaving opposition parties polarized along the margins, from Islamism to socialism (Weiss 2007).

However, the democratic dominance the BN has established over the electoral system is kept in check through illiberal means and authoritarian policies. The spark that led to the *Reformasi* movement, for instance, was the dismissal and subsequent jailing of former deputy Prime Minister Anwar Ibrahim on charges of corruption and sodomy. The case was highly flawed and it's more likely that Anwar was jailed because he had increasingly alienated Prime Minster Mahathir Mohamad by criticizing the Prime Minister's policies (*The Economist* 2004). Besides curtailing political opponents, the regime has also strictly controlled the media, politicized the judiciary and reigned in the freedom of organization (see below) (Freedom House 2005). Hence, besides the release of Anwar, the *Reformasi* movement went on to demand systemic reforms in the areas of governance, civil liberties and the communal character of politics.

These demands led to moderate reforms by the government, but, as mentioned, the movement failed to achieve far-reaching changes. Moreover, although the BN clearly performed less well in the 1999 elections, it succeeded in hanging on to its important two-third majority in parliament. The elections nonetheless prompted the BN to initiate internal reforms, adopt new policy initiatives and make a switch in leadership. This way, the BN and its new leader, Abdullah Badawi, indicated to the public that they had received the message and, unlike their Indonesian colleagues,

managed this way to keep the *Reformasi* in check. According to Weiss, such efforts 'represent another core strategy by which the governing coalition sustains its dominance without recourse to coercion, but the strategy requires that opponents be able to express their concerns so the [BN] can redress (and hence, defang them' (2007, p. 33). Thus, by keeping this delicate balance between democratic elections and authoritarian rule, the BN succeeded both in preserving full control *and* creating the perception that democratic channels would suffice to instill the demanded change.

The success of the BN in the 2004 election was largely due to this strategy, which created a public perception that Abdullah would usher in a more liberal economic and political climate as well as being committed to tackling corruption (Mohamad 2008). The 2004 elections are a clear example of the BN's ability to fully exploit a majorly flawed system without losing its democratic credentials by resorting to increased coercion. The 2008 elections, to the contrary, provide an excellent example of how the regime is at the same time unable to unconditionally exert full control over the electoral system.

The main reason for the opposition's election success was the fact that Anwar, who's conviction of sodomy had been reversed by an appeals court in 2004, managed for the first time to unite the opposition parties in a coordinated front, known as the *Barisan Alternatif*. With hindsight, Anwar's release can be interpreted as a grave political misjudgment by Abdullah, who most likely deemed Anwar to be a spent force in Malaysian politics (Moten 2009). During the years that preceded the elections, Abdullah had not been able to live up to the public expectations he had created in the aftermath of the *Reformasi* protests. Moreover, the BN severely underestimated the depth of the discontent that had especially risen amongst the Indian and Chinese communities (Ibid.). Hence, incumbency arrogance and Anwar's ability to exploit this arrogance led to the first ever loss of the BN's two-third majority.

As the above suggests, the concentration of power has been strongly in the hands of the BN. Malaysia has a federal system in which the BN dominates on both levels (Chin Huat & Chin 2011). The multi-ethnic nature of the alliance, and the fact that all factions depend on each other to stay in power means that a strong centralization of power, such as happened under Thaksin in Thailand, is not a feasible option for the regime in Malaysia. On the other hand, the lack of any separatist movements or other insurgent groups combating the state has also made it

unnecessary for the BN to embark on a process of decentralization comparable to that of Indonesia.

Political repression

An extensive network of civil society organizations emerged from the 1970s onwards. These organizations have at times been catalyzed by events, such as the arrest of Anwar (Abbott 2008). However, the fact that they have not managed to bring about real political liberalization is due to the ability of the government to largely channel these demands into the democratic structures they control, while at the same time curbing civil liberties. This strategy is reflected in limitations on both the freedom of press and the freedom of assembly and association.

The latter is limited on the grounds of preserving national security and public order. All public assemblies require a permit, and the granting of these permits is sometimes politically influenced (Freedom House, 2005). Violations of this law are at times strongly repressed by the regime. When, in 2007, the Hindu Rights Action Front (HINDRAF) organized mass protests without government approval, the regime dispatched around 5000 riot police to disperse the 30,000 protesters. This was achieved by the heavy-handed use of tear gas and water canons, and the arresting of 240 people. Subsequently, five HINDRAF leaders were arrested without charges under the International Security Act; a law frequently used for political ends, rather than for the containment of threats to national security (Mohamad 2008). Moreover, the Societies Act of 1966 makes sure the regime is able to regulate and check the various organizations in the country. The law requires that organizations must be registered and approved by the government and the regime has refused to register organizations, or revoke the registration of existing associations, on political grounds (Taya 2010). Nonetheless, the vibrant network of civil society organizations demonstrates that the regime has judged it not feasible to act in a manner too repressive against human rights advocates and other kinds of organizations.

Freedom of speech has been constitutionally curbed by stating that this freedom can be limited to ‘protect national security, public order, and friendly relations with other countries’ (Taya 2010, p. 492). The primary means through which control over the press has been exercised is through government ownership of newspapers and press concerns (Case 2009b). Consequentially, this means that news

and commentaries unfavorable to the regime have been scarce and that news and public affairs programs have been heavily skewed in favor of the government (Taya 2010). Nonetheless, after the landslide election in 2004, Abdullah allowed a small increase in the amount of media space granted to them (Moten 2009).

Civil-military relations

Compared to Thailand and Indonesia, Malaysia's armed forces are much more constraint and a less powerful influence on society. According to Nathan and Govindasamy, '[t]he role of the armed forces and police in Malaysian society has been sufficiently constitutionalized and politically institutionalized to produce a fair measure of stability, predictability, and certainty' (2001, p. 259).

Whereas the Malaysian military shows some similarities to the Thai armed forces, the effects of these similar factors are profoundly different. Comparable to Thailand, the core principle of the Malaysian armed is loyalty to the country as well as to the monarch. Contrary to the heavy political involvement of the Thai monarchy, this oat of loyalty to the more ceremonial king in Malaysia has resulted in a deep-seated belief in subordination of the armed forces to the civilian administration. A second stabilizing element is the dominance of the ethnic Malay's within the armed forces. As long as the economic and political supremacy of the ethnic Malay majority is being preserved, there is little reason for the armed forces to meddle in politics (Nathan and Govindasamy 2001).

In sum, Malaysia's civil-military relationship is characterized by the predominance of the civilian government over the military. Hypothetically, a change in power balance between the different ethnic groups that harms the position of the ethnic Malays could draw the army into politics. However, the political interdependence of the major parties representing all three ethnic groups within the BN makes such a development unlikely in the near future.

Vietnam

The Socialist Republic of Vietnam is the only of these four states that can be truly called authoritarian. That is, the regime lacks any kind of democratic legitimacy, and unlike in Indonesia, Thailand and Malaysia, the regime has done little to change this state of affairs. In power since Vietnam's independence from France in 1954, and gaining control over the state as it currently is after the annexation of South-Vietnam

in 1975, the Vietnamese Communist Party (VCP) has governed continuously through a highly repressive system of ‘one-party democracy’ (Gainsborough 2002, p. 697). This is not to say however, that Vietnam has not witnessed some profound changes. The most profound reform took place in 1986, when the country embarked on a road towards economic liberalization. *Moi doi*, as this program was called, has inevitably also influenced the Vietnamese political system. The transition to a ‘socialist-oriented market economy has weakened the Party’s grip on society (McCormick 1999). This in turn, has put widening pressure on the Party’s claims to legitimacy. Nonetheless, Vietnam remains a state lacking any kind of democratic elections, let alone fair and free ones. Consequently the vast majority of the population is systematically denied any influence on the decision-making process.

Disenfranchisement

The regime in Vietnam consists of four formal structures: (1) the Vietnam Communist Party, (2) the state bureaucracy (central and local government), where the legislative branch consists of the unicameral National Assembly, (3) the military, and (4) the Vietnam Fatherland Front (an umbrella group of so-called mass organizations closely affiliated with the VCP). There exists a high overlap between these various organs, with senior party members holding leadership positions in two or more organizations. The VCP exerts control over all components comprising the state through party committees (Nguyen-Hoang and Schroeder 2010). Representatives on both the local and central level of government are selected through frequently held internal elections. The nomination system almost always produces candidates that have been approved by local party leaders or by the party’s Central Committee (consisting of around 150 members) and the Political Bureau (the VCP’s highest organ consisting of 16 members). Consequentially, the great majority of elected representatives are member of the VCP (Kerkvliet 2001).

What’s more, the regime attempts to have an all-encompassing grip on society. According to Marr (1994), the Party ‘still intends to play an interventionist role in society, on all fronts, at every level’ and ‘the idea that the state should limit operations to what it can do best, or what others in society refuse to do, is alien not only to Vietnamese officials but also to many intellectuals critical of the regime’ (p. 9). Whereas the *moi doi* reforms and Vietnam’s growing integration into the global economy have gradually made this statement obsolete in the economic realm – where

central planning was replaced by greater emphasis on the market to allocate goods and services – it still holds for politics (Gainsborough 2002). The reforms that have been made were confined to the internal structure of the Vietnamese state, as opposed to democratizing reforms aimed at greater societal engagement.

One area of reform has focused on enhancing the power of the National Assembly. In 1992 it became possible for independent and non-party candidates to contest a position through the nomination by a mass organization or self-nomination. Although each election has a high turnover of deputies, the number of party members in the National Assembly has been constantly around 90 per cent, and the number of successfully elected self-nominated candidates never exceeded three deputies out of a total of 500 General Assembly members. Moreover, direct Party intervention into the business of day-to-day governing has been reduced through a decrease of the commissions directly subordinate to the Central Committee (Thayer 2010).

Cautious internal decentralization is another way through which the regime has attempted to reform itself. This has primarily been done with regard to fiscal policy. Through the 2002 Law on the State Budget, a number of fiscal powers were relegated to the provincial and local level. Although decentralization of any kind quickly becomes noteworthy in a highly centralized system, when put in perspective the true significance of the relative budget autonomy gained by the lower levels of government becomes doubtful. The sub-national budgeting is seriously complicated by two additional requirements. First, the outcomes of the entire process must be integrated into a single state budget, over which the central government presides. Second, the budgets of lower levels are examined and can be altered by the next higher level of government, which then has to send it to the next level, creating a 'matruska-doll' model comparable to the arrangements in Russia (Nguyen-Hoang and Schroeder 2010, p. 701).

Despite the questionable magnitude of the reforms, their mere initiation begs the question of what led to these alterations. Crucially, these reforms are due both to societal protests as well as criticisms by senior party officials and heated internal party debates. Together with a small number of non-party intellectuals and pro-democracy democrats, the political legitimacy of Vietnam's one-party state has been continually challenged from within the Party itself. The main message of these critics was that the system had been corrupted and had begun to degenerate. They advocated thorough reforms of the party apparatus and leadership structure, and gradual political

reform leading to increased political pluralism (Thayer 2010). Thus, importantly, the image of a homogenous regime that is often painted towards, and sometimes assumed by, the outside world, is incorrect.

The first significant popular uprising took place in 1997 in Thai Binh province, where locals protested against corruption and unfair land rights policy. These protests were followed by similar ones in the Central Highlands in 2001 and 2004 (Luong 2005). According to Wells-Dang, the intent of the reforms was not to end the VCP's monopoly on power, 'but rather to preserve it, by preventing future conflicts such as the 1997 unrest in Thai Binh' (2010, p. 107). What's more, whereas criticism traditionally came from individuals or small groups isolated from each other, regime criticizers have increasingly started to cooperate and coordinate after the turn of the century. By 2006, this resulted in the establishment of the influential opposition group Bloc 8406 (named after the date of its founding) (Thayer 2009).

The fact that one of the loudest calls for reforms have resonated from within the highest ranks of the party is indicative of the doubtful state in which Vietnam's one-party democracy finds itself. Moreover, the failure of the regime to effectively address demands for increased democratic rights and civil liberties, as well as even more basic concerns such as severe corruption – in 2006 party Secretary General Nong Duc Manh stated that corruption is 'one of the major dangers that threaten the survival of our regime' (Thayer 2007) – arguably reinforces the regime's perception that its rule is under strain.

Political Repression

The little space the regime grants its citizens and the media to voice dissent largely confirms this conclusion. According to Fforde, '[g]overnment pressure against dissidents continues, with publicized arrests and prison sentences (2005, p. 151). This statement is confirmed by Cain, who states that '[d]espite the increasingly rambunctious rhetorical battles over the implementation and trends in government policy, the Communist Party remains the sole legitimate hand guiding national developments, and any voice diverging from this is an outlier in the sphere of deviance' (2014, p. 91). Nonetheless, there is room for some nuance here; primarily with regard to the way the regime chooses to respond to those outliers. Moreover, whereas press freedom remains restricted and firmly under control of the government, the regime has allowed the media more openness on the sub-national level (Ibid.).

The regime is generally unreceptive of civil society organizations. Seeing the party affiliated mass organizations as the proper alternative, it strictly controls the emergence of such organizations, who's right to exist acquire approval by state authorities (Landau 2008). Despite this law, there is some evidence that the Party tolerates NGOs as long as they limit their focus to economic and social issues. For instance, Blanc describes the local associations operating in a 'shadowy realm' between HIV positive persons and the Vietnamese state (2004, p. 163). This relative tolerance stops short however, when societal actors turn to political issues. In 2007, the government rounded up key figures of Bloc 8406 and imprisoned them without much of a trial (Human Rights Watch 2007). The 2001 and 2004 Central Highlands protests were met by a de-facto imposition of martial law (Fforde 2005) and in 2007, protests of the Catholic Church against confiscated property were dispersed by bulldozers and attacks of government sponsored mobs and riot-police (Amnesty International 2008).

Whereas the regime remains persistently repressive towards external criticism and opposition, it has at times taken a different approach in addressing internal dissent. According to Thayer, there are gradations in how repression towards internal dissent is applied: 'Party members who make their criticisms of one-party rule public are punished more than those who use approved internal channels' (2010, p. 439).

The freedom of the press in Vietnam is strictly controlled. Vietnam has no private media and the VCP controls the media through government agencies. The Central Committee of the Party supervises all media outlets (Nguyen 2010). Similarly to the restrictions imposed on civil society at large, journalists are prohibited to report on sensitive political issues or openly criticizing the Party (Freedom House 2009). However, the regime has allowed the press to report on low-level corruption. As mentioned, corruption is perceived to be a large problem and this way the party wants the media to function as a 'state-sanctioned watchdog' on the lower levels of the state (Cain 2014, p. 86). This has put the press in an awkward position: they are supposed to locate corruption inside the same institution that owns them and systematically scrutinizes their output (Ibid.). Despite this artificial freedom meant to serve the Party, it remains unequivocally clear that the regime does not in any way upholds true freedom of speech.

Civil-military relations

In Vietnam, as in other former communist and socialist countries, the Vietnamese People's Army (VPA) has traditionally played a considerable role in state affairs (Gainsborough 2002). The VPA has been viewed as the indispensable tool of the worker-peasant class to fight imperialist enemies within as well as outside the state. Naturally, the legacy of the anti-colonial struggle against France and the subsequent war with the United States that ultimately led to the reunification of North and South Vietnam has done much to strengthen this perception. Consequently, the VPA is integrated permanently into the infrastructure of the state, and its political influence has been relatively stable over time. Nonetheless, the collapse of the socialist systems in Eastern Europe and the Soviet Union during the early 1990s led to increased military influence within the regime (Thayer 2012).

The power of the VPA was extended in 1992, when the new constitution stated that the armed forces were no longer only charged with the defense of the fatherland, but also with the 'defense of the socialist regime' (Thayer 2012, p. 6). The new role was put in practice with the nomination of retired senior military officers as state president and CVP secretary general, and increased military representation in the Party's Central Committee at National Party Congresses during the 1990s. Another contemporary development was the entrance of the VPA into economic activities. Due to a substantial cut in military aid caused by a change in foreign policy and ultimately the collapse of the Soviet Union, and enabled by the *moi doi* reforms, the VPA took on the role of entrepreneur (Vasavakul 2001).

Military influence declined slightly during the early 2000s, when growing internal Party disenchantment over the uninspiring leadership of Secretary General Phieu was supplemented with the news that Phieu had ordered military intelligence to wire tap a number of his Political Bureau colleagues. Phieu lost his position, but the military largely managed to hold on to its power. This was reflected in the fact that VPA representation on the Central Committee did not decline, but even slightly rose during the 2006 Party Congress. Moreover, despite the size of the scandal, the Minister of Defense, presiding over military intelligence, was allowed to keep his portfolio and stay a member of the Political Bureau (Thayer 2012).

It is highly likely that the strong military presence in the state has contributed to the lack of political liberalization, as this would threaten the VPA's preservation of key leadership positions. On the other hand, the strong integration in the state system

makes it less likely that the military will pose a direct threat to the regime, as this would automatically also pose a threat to their own interests.

Regime Stability and regional policy

Based on the assessment of internal threat perception and regime stability of Indonesia, Thailand, Malaysia and Vietnam outlined above, what kind of regional policy can we expect these ASEAN member states conduct?

Clearly, Vietnam has the government with the lowest political legitimacy and consequently the regime with the greatest internal threat perception and least stability. Despite its relatively late entrance into ASEAN (it officially acceded on 28 July 1995), the continuous authoritarian nature of the regime should make Vietnam's policies an appropriate reflection of the overall pre-1997/98 "non-intervention and unconditional respect for sovereignty" status-quo in ASEAN. With regard to Myanmar, it is expected that this translates into an unconditional support for the military junta in order to uphold the norms embedded in the ASEAN-Way. Needless to say, this will not always be expressed in big words and public statements about the great achievements of the military junta and close ties between Myanmar and Vietnam. More often this will be reflected in silence, a lack of condemnation, or lack of support for proposals to breach the norms of the ASEAN-Way.

Indonesia, on the contrary, is the state with the most straightforward development towards democracy. Hence, its regime has significantly increased its political legitimacy during the post-1998 events, accompanied by a strong decline in internal threat perception and a growing regime stability. This development is strengthened by the overall improvements in its internal battles with separatist movements – although the return of the Aceh conflict in 2003 should not be overseen – and the lack of incentives for the armed forces to intervene in politics. It should be emphasized however that even though Indonesia's development has been relatively straightforward, it has also been accompanied by large political turmoil in the early phase of the transition. With regard to ASEAN and Myanmar, it is expected that this translates in Indonesia *gradually* becoming the strongest proponent of confrontation with, and condemnation of, Myanmar's military junta and consequently of altering the status-quo in ASEAN.

Thailand's development can be said to be the least straightforward. The 1997 Constitution made Thailand the most democratic state by the end of the 1990s, giving its regime strong political legitimacy and a relatively low internal threat perception. However, after the turn of the century, the Thaksin regime steadily regressed into authoritarianism, decreasing its political legitimacy and contributing to its internal threat perception. The destabilization of the regime finally resulted in the 2006 military coup, removing the last bit of political legitimacy for the new regime. Thailand's Myanmar policy is expected to develop accordingly, altering from condemnation and willingness to intervene by the end of the 1990s, to a more conciliatory and friendly stance towards Myanmar's military junta, increasingly confirming the values of the ASEAN-Way.

Although Malaysia's regime is hardly more democratic than the regime in Thailand, the BN has largely managed to guide societal grievances towards the democratic channels they almost fully control. This way, despite the BN's authoritarian tendencies and limitation of civil liberties, their political legitimacy is considerably higher than that of Thaksin's regime. It should be emphasized nonetheless, that Malaysia's development is not completely straightforward either. The 1997/98 financial crisis also significantly affected the Malaysian regime, resulting in the *Reformasi* movement, which in its early phase appeared to be a serious challenger to the regime. During the subsequent elections in 2003, on the other hand, the BN acquired the clearest license to govern in its entire history, increasing the regime's political legitimacy to an all time high. Together with the lack of separatists conflicts, and the strong civilian control over the armed forces, the Malaysian regime can be characterized as one with a relatively low internal threat perception and high regime stability. Hence, with regard to Myanmar, Malaysia's policy is expected to start out supportive of the military junta, coinciding with the aftermath of the financial crisis and the *Reformasi* movement. Afterwards, however, the regime's policy is expected to become increasingly condemning and confrontational, reflecting a willingness to alter the status quo in ASEAN.

6. Myanmar and the ASEAN-Way

This chapter examines the Myanmar policy of the respective states during the decade from 1997 until 2007. It does so in order to assess the preferences of these states with regard to wider ASEAN reform. Using Myanmar policy as a proxy for wider regional policy is fruitful but not always equally straightforward, hence a number of reservations and clarifications should be made before this chapter turns to an assessment of the Myanmar policies.

First, unfortunately, foreign policy is hardly ever as straightforward as many academics would often like it to be. Analyzing actions is subject to a strong degree of interpretation and policy itself can be contradictory. Therefore, this chapter is aimed at discerning the broader lines of a state's policy over the years, without, at the same time, becoming too general. What's more, it is focused on developments within this policy. In other words, how (or whether) a state's policy vis-à-vis its earlier positions is in accordance with alterations in the stability of the respective regime.

Second, it should be emphasized that this thesis does not argue that alteration in regime stability is a sufficient variable in explaining the changing and varying Myanmar policies of the respective ASEAN states. Ever since Myanmar's accession in 1997, the organization has been severely pressured by the United States and the EU to speak out and act against the military junta in order to move the regime to grant Myanmar's society more civil liberties and democratically reform the political system. However, this international pressure has been a mere constant throughout the period examined in this chapter and thus, on itself equally fails to provide a sufficient explanation for altering and varying policies. Even more so because the international pressure has always been exerted on to ASEAN as an organization, contrary to the individual member states.

Third, it is important to note that policy of ASEAN states should be measured in comparison to each other. ASEAN's position differs significantly from those of the EU and the United States, and the ASEAN member states have been strongly marked by a three decades old policy of non-interference, consensus decision-making and an almost sacred respect for sovereignty. In other words, expecting the ASEAN states to

adopt an equally strong policy towards Myanmar would be both unrealistic and analytically useless.

Contrary to the preceding chapter, this one is not divided in separate parts for all different states. As events and actions constantly converge with each other this would cause significant overlap. Therefore this chapter is organized chronologically around four defining events, their run-ups and aftermaths. These are: (1) Myanmar's accession to the organization in 1997 into ASEAN; (2) the 2003 Depayin massacre; (3) the lead-up to Myanmar's supposed assumption, and subsequent renunciation of the 2006 ASEAN Chairmanship; (4) the Saffron Revolution of 2007 and the lead up to the ASEAN Charter.

1997-1999: Myanmar's accession and "flexible engagement"

Ever since the possibility of Myanmar's accession became apparent it has been controversial. With the EU and the United States actively pushing for sanctions, ASEAN justified Myanmar's admission into the organization on the ground that through its own principle of "constructive engagement" – 'a subtle, behind closed doors prodding towards political reform' (Kuhonta 2006, p. 347) – it could gently push the military junta towards political liberalization. Needless to say, the admission of Myanmar was far from being an idealistic matter. More importantly were Myanmar's possession of valuable natural resources and the aim of curbing Chinese influence over the military junta (McCarthy 2010). Moreover, this way ASEAN could claim to speak on behalf of the complete Southeast Asian region. Nonetheless, the trouble that Myanmar would cause its fellow member states was translated into practice only a few months after its entrance, when the EU cancelled an ASEAN-EU summit in Bangkok on the grounds that EU governments could not accept 'a high profile participation by Myanmar in the Bangkok discussions' (*Associated Press International*, November 14, 1997).

Despite the complications on the international stage, the move was rather uncontroversial within ASEAN, with none of the members opposing Myanmar's accession. Importantly, the decision on Myanmar's accession was made prior to the Asian financial crisis and was in accordance with an anti-Western posture that had been consistent throughout the preceding decade amongst the member states (McCarthy 2010). Besides regular criticism on Western human rights policy this attitude was also reflected in the justification the member states gave for their

decision. Malaysia's Prime Minister Mohamad for instance, stated that 'I certainly will make a very strong stand on this. I don't want people to tell me whom I should have as a friend and whom should be my enemy. I develop my own enemy' (*Xinhua News Agency*, April 24, 1997). In accordance with this, both Thailand's and Vietnam's Foreign Ministries reiterated the importance of 'a strong policy of non-interference in the internal affairs of neighboring countries' (*The Straits Times*, April 28, 1997). In sum, shortly prior to the 1997 political earthquake that was the financial crisis, the ASEAN-Way was the unchallenged norm within the organization.

As demonstrated in the previous chapter however, the financial crisis caused great economic and political turmoil throughout the region, primarily in the more open economies of the original ASEAN member states. Generating two *Reformasi* movements, toppling a government that had been in power since the 1960s and producing a new democratic constitution in Thailand, this event had a profound affect on the stability of the various regimes. These developments are also reflected in the debate around Myanmar in the two years that followed the crisis. Here, Thailand made the first clear attempt to alter the ASEAN-Way, by advocating a new policy framework which it dubbed "flexible engagement" (Kuhonta 2006).

The proposal, put forward by Thailand's Foreign Minister Surin Pitsuwan during an ASEAN Foreign Ministers Meeting in the Philippines was aimed at reviewing the non-interference policy in a way that would allow open discussion of internal developments that affected other member states (Katanyuu 2006). Partly, the proposal originated from the acknowledgement that ASEAN had failed to provide a sufficient answer to the region's contemporary problems, something that had become painfully clear by the lack of action the organization had demonstrated during the financial crisis (Rüland 2000). According to Pitsuwan, it was time to 'move ASEAN into a higher gear of regionalism' (*IPS*, July 24, 1998). However, equally important was Myanmar and ASEAN's lack of ability to reign in its military junta. Pitsuwan argued that instead of being the subject of international criticism ASEAN should have been on the offensive. Whereas ASEAN should keep its time-tested habits of consultation and respect for sovereignty, he added that 'like it or not, democratization and human rights are issues we have to deal with' (Ibid.).

Despite Pitsuwan's pledge, flexible engagement was strongly opposed by all other member states except the Philippines, and after extensive debate, the proposal was replaced by the much more meaningless "enhanced interaction". Indonesian

Foreign Minister Ali Alatas – who as a part of Suharto's New Order was still in power despite the government's fall a few months earlier – made clear how far ASEAN was willing to go: 'if the proposition is, within ASEAN, we should be more frank in discussing views that may originate in one country but have an impact on the other ASEAN countries, then let's do it … [but] using fancy names like flexible engagement and constructive intervention – that we cannot accept' (*Far Eastern Economic Review*, August 6, 1998). To this, Malaysia's then Foreign Minister Badawi added that 'to abandon this time tested principle would set us on the path towards eventual disintegration […] because criticizing loudly, posturing adversarially (sic) and grandstanding bring less results and does more harm than good' (*Business Times*, July 25, 1998). Importantly, Abdullah made this statement partly in response to Thai criticism on the arrest of Anwar, which was the trigger for the establishment of the Malaysian *Reformasi* movement.

Although the Thai proposal was shot down by most member states almost instantly, it reflects a clear attempt of one of ASEAN's member states to transform the ASEAN-Way. Explanations for the opposition of Malaysia, Indonesia and Vietnam are not very difficult to discern either. The regime in Malaysia was at this point confronted with the strongest challenge to its rule since the 1970s through the upcoming *Reformasi* movement. Although in the end it managed to channel the demands of this movement in a way the regime was able to cope with them, the formation of this movement undeniably led to an increased internal threat perception. Indonesia was in the midst of a tumultuous transition from an authoritarian regime towards one oriented at democracy, where parts of the old New Order regime were still in charge. While it is highly unlikely that the position of Vietnam would have deviated only slightly, the Party had been confronted with the first serious popular opposition to its rule only a year ago in the Thai Binh province. This all happened during a period in which the Thai government gained legitimacy through the new constitution, the watchdog commissions and the prospect of democratic elections.

Hence, two years after Myanmar acceded into the organization, little had changed. The *Bangkok Post* (July 11, 1999) concluded that ASEAN's constructive engagement was everything but a failure:

> The policy of engaging Burma in discussions of democracy, human rights, and international responsibility have failed – totally and spectacularly. The only

important changes in Burma in the two years as a full ASEAN member have been for the worse. Two years ago, Burma's senior dictator Khin Nyunt had opened exploratory talks with the nation's only independent democratic force, The National League for Democracy [NLD] of Aung San Suu Kyi; today, the regime will not talk to any democrat . . . Two years ago, Burmese cabinet ministers promised to investigate cases of forced labor; last month, the dictatorship claimed Burmese love to volunteer their labor for the glory of the Tatmadaw, Burma's army.

2000-2003: the Depayin Crisis

Shortly after the turn of the century, the situation in Myanmar deterred, when NLD leader Suu Kyi was once again put under house arrest, after she had been released in 1995 (Human Rights Watch, 2010). In April 2000 Kofi Annan appointed Razali Ismael as UN Special Envoy to Myanmar. Razali, a retired diplomat from Malaysia with close ties to Prime Minister Mahathir, managed after seven visits to come to an agreement with the military junta, leading to Suu Kyi's release in May 2002. Whereas this result was hailed as a triumph of ASEAN's constructive engagement approach (*Australian Financial Review*, May 6, 2002), the victory was short-lived. Only a year later, supporters of the junta attacked Suu Kyi and members and supporters of the NLD, killing over seventy people. Suu Kyi was again detained and put under house arrest and the NLD was emasculated (International Crisis Group 2004, p. 1). These events revealed significant shifts in the Myanmar policies of Thailand and Malaysia. Whereas Thaksin's regime, which came to power in 2001, gradually developed into one of the junta's primary apologist, the BN of Mahathir and Abdullah took on an increasingly hard line against the regime in Myanmar.

Malaysia's new line was first reflected by Razali's appointment as UN Special Envoy. Razali, a close advisor to Mahathir, subsequently took on an active role in encouraging democratization in Myanmar (Katanyuu 2006). Not yet the strong condemnations that would follow the Depayin massacre, this initiative nonetheless fits the more assertive stance the BN was willing to take when the *Reformasi* movement gradually subsided and it became apparent that the regime had successfully weathered the storm. Although the BN's policy appears ambiguous throughout 2001, when Mahathir once more emphasized the strong ties between his country and

Myanmar (*IPS*, January 4, 2001), the 2003 events truly highlighted Malaysia's new approach.

At first, Suu Kyi's arrest prompted a response characteristically of the ASEAN-Way. After its annual Foreign Minister in June, ASEAN Secretary-General Ong Keng Yong told the press that: 'All of us in ASEAN wish Aung San Suu Kyi will be free […] and in our own way, we have explained to the Myanmar foreign minister that wish. But we don't do it in a confrontational manner. We don't do it in a way that makes people feel completely unpleasant about it' (*Associated Press International*, June 15, 2003). By engaging Myanmar, ASEAN had put the issue in a Pandora's box, currently making it a manageable issue. The question was, according to Ong (*The Age*, June 17, 2003), whether the international community was prepared to open the Pandora's box?

A month later however, Mahathir seemed willing to. The Malaysian Prime Minister voiced the strongest condemnation of the junta's actions up to that point, arguing that ASEAN might be forced to expel Myanmar from the organization if the junta continued to defy calls for Suu Kyi's release and democratic reforms (*Agence France Presse*, July 20, 2003). Moreover, the Prime Minister stated that '[w]e have already informed them [the military junta] that we are very disappointed with the turn of events and we hope that Aung San Suu Kyi will be released as soon as possible' (*IPS*, July 24, 2003). Whereas part of this strong move might be explained by the personal touch the arrest had for Mahathir – as it underlined the fact that Razali's efforts had been largely futile – this was obviously not the first time Myanmar's generals had defied calls of their fellow ASEAN heads of state.

Meanwhile, Thaksin's changing policy on Myanmar was remarkable given that it represented a complete turn-around with regard to Thailand's earlier proposal of flexible engagement. According to Haacke: 'Having committed Thailand to non-interference shortly after his election victory, from February 2001 Thaksin's administration emphasized a policy of forward engagement' (Haacke 2007, p. 48). In the subsequent years, Thaksin's policy of forward engagement turned out to be an enhanced version of constructive engagement, in which Thaksin 'gradually muzzled liberal critics at home, purged the bureaucracy and reorganized the military' (Jones 2008, p. 277) in order to cozy up to Myanmar's military junta and defend their actions internationally. Hence, in 2002, 'Thaksin repeatedly stressed non-interference as part of Thailand's foreign and security policy and insisted that his country must no longer

be used for attacks on neighbors (Haacke 2007, p. 49). This last remark should be understood in the context of bilateral relations between the countries, as the military junta was widely regarded to have close ties with a drug trafficking network operating along the Thai-Myanmar border. The battle against this network, known as the United Wa States Army (UWSA) led to various border clashes with the Thai military. Whereas Thaksin's early friendly initiatives towards the junta could perhaps be interpreted as an attempt to generate good will with regard to Thailand's battle against the UWSA, it is highly unlikely that Thaksin would risk his regional and international credibility for an attempt to break the ties between the military junta and the UWSA; all the more because these attempts appeared to be everything but futile after two years.

Following the Depayin massacre, Thaksin could have stuck with the statement made by the Secretary-General. He choose however to take a clear soft line on Yangon's actions and sought a public confrontation with Mahathir over Malaysia's clear warning towards Myanmar. During a trade ministerial meeting of the Asia-Pacific Economic Cooperation (APEC) forum organized in Thailand in early June, the Thai Prime Minister hoped that business would soon continue as usual: 'I think the whole world is concerned and I think Myanmar's government understands it. The Myanmar government probably will have to do something to bring everything back to normal as soon as possible' (*Japan Economic Newswire*, June 2, 2003). Moreover, in a response to Mahathir's call for the possible expulsion of Myanmar from ASEAN, Thaksin argued that Myanmar's ruling military should be given more time to seek reconciliation, and that they must be given an opportunity to 'prove themselves' to the international community (*Voice of America News*, July 21, 2003).

This opportunity was soon provided by Thaksin himself, who, together with the ruling generals, set out a seven-point road map that was to lead to democracy in Myanmar. The Bangkok process, as it was called, was however widely regarded as a farce. For one, the final road map failed to mention a possible release of Suu Kyi, nor did it offer a clear time frame in which the junta would work towards democratization (Katanyuu 2006). By organizing an international summit, which was attended by several European and Asian states as well as UN Special Envoy Razali, the Bangkok Process did allow the junta to regain some of its international legitimacy after the Depayin public relations disaster. According to Chongkittavorn (*The Nation*, December 30, 2003):

> The Thaksin administration has done a good job in deceiving the Thai people and the international community into thinking that the informal meeting on Burma recently was a triumph for democratic reform there. The Bangkok process, as it is now called, was the latest attempt by Prime Minister Thaksin Shinawatra to legitimize the military junta leaders in Rangoon and annihilate the opposition party led by Aung San Suu Kyi.

The approach of Indonesia during the Depayin Massacre can be found in the middle of the spectrum, in between Malaysian's confrontational line and Thailand's apologist approach. During the public disagreement between Mahathir and Thaksin about Myanmar's possible expulsion, Jakarta kept a low profile, abstaining from arguing in favor of one side or the other. Strong ambiguity can also be found in the actions that the Megawati regime did take. At the eve of the 2003 ASEAN Summit that was to be organized in Bali, Jakarta sent a special envoy to Myanmar, in an attempt to convince the junta of releasing Suu Kyi. The endeavor was unsuccessful, and it is not very difficult to understand why. As her special envoy, Megawati choose Ali Alatas, the former Minister of Foreign Affairs that had been one of the strongest opponents of Thailand's flexible engagement proposal in 1998. What's more, Alatas' primary motivation seemed to be the prevention of further embarrassment at ASEAN'S Bali Summit. This was well illustrated by Alatas' remark that ASEAN wanted to 'focus on the very important issues [on the forthcoming summit's agenda] rather than focusing on the irrelevant issues. Myanmar could understand this condition, and it promised to release Aung San Suu Kyi at the right time' (Jones 2008, p. 280).

Indonesia's ambivalence during this period parallels developments that influenced the regime's stability. On the one hand, the 1999 parliamentary elections had strongly increased the government's legitimacy. Moreover, despite the wobbly ground it was based on, the fact that the 2001 impeachment of President Wahid by this elected parliament had failed to cause renewed political uproar had also strengthened President Megawati's perception of regime stability. On the other hand, regime stability was negatively affected by events in Aceh, where a large government offensive against the GAM, after the breakdown of peace talks, coincided with the Depayin Crisis (*The Economist*, May 21, 2003). The significance of these events were such that the other ASEAN countries – at the same ASEAN Ministerial Meeting in

which they issued their declaration on Depayin – felt compelled to issue a joint communiqué in which they pledged their support for Jakarta's efforts to 'restore peace and stability' and their 'support to deny the separatist movement access to means of violence through, among all, preventing arms smuggling' (*Deutsche Presse-Agentur*, June 17, 2003).

Not surprisingly, Vietnam was largely absent during the Depayin Crisis and its relations with the military junta appears to have been largely unaffected by the international turmoil and the intra-ASEAN debate that subsequently took place. In March 2003, a visit to Hanoi of Myanmar's head of state Than Shwe resulted in a joint declaration in which '[t]he two sides agreed to promote their cooperation in the field of security through information exchanges and join efforts to fight and prevent terrorist activities against their respective Governments and countries' (Ministry of Foreign Affairs Myanmar 2003).

> The two sides agreed upon the need to strengthen cooperation on bilateral basis as well as in the ASEAN framework with a view to *consolidating unity and cooperation to cope with current challenges* and enhancing the role and position of ASEAN in the region and the world. The two sides also agreed to further their cooperation at regional and international political and economic fora (Ibid.).

Hence, the sole reference that was made to ASEAN was one that confirmed the importance of solidarity amongst the various regimes. Admittedly, this declaration dates from two months before the Depayin Crisis. However, there is little reason to assume that Depayin altered Myanmar-Vietnam relations. High-level officials of both countries kept meeting each other on a regular basis throughout 2003, exploring ways to enhance bilateral cooperation between the two states (*Communist Party of Vietnam Online Newspaper*, December 25, 2003).

2004-2005: Myanmar's ASEAN chairmanship

At the 2003 Bali Summit, ASEAN had managed to transcend its Myanmar issues by announcing a ambitious plan of transforming ASEAN into the ASEAN Community, a highly integrated body in the economic, security and socio-cultural area, to be in place by 2020 (Dosch 2008). The attention nonetheless returned to ASEAN's pariah before

too long. 2004 was a relatively “quiet” year within the organization, characterized primarily by a deteriorating situation in Myanmar, with the final collapse of the Bangkok Process and the hardliners within the junta grabbing full control by ousting a moderate Prime Minister.

The next year, on the contrary, witnessed a diplomatic crisis within ASEAN that had so far been unmatched. As ASEAN’s chairmanship annually rotated amongst the member states in alphabetical order, it would be Myanmar’s turn in 2006. This role would have enhanced the junta’s legitimacy by making it a full grown member of the organization and allowing it to host a number of high profile meetings, including the ASEAN Regional Forum (ARF), a summit attended by a large number of Western states including the US. Without strong improvements in Myanmar’s situation, it was likely that these countries would boycott such meetings, damaging ASEAN as a whole. Generating a lot of attention on the international stage, the matter promised to again greatly embarrass the organization if it failed to find a satisfying solution. This time moreover, the issue generated considerable attention within the domestic politics of several member states, leading to loud calls for democratization in Myanmar and a demand to otherwise forgo the ASEAN chair. This led in November 2004 to the formation of the ASEAN Inter-Parliamentary Caucus on Myanmar (AIPMC). According to Jones ‘[t]o illustrate their own frustration with Burma, ASEAN governments now gave unprecedented space to their legislators to protest the SPDC’s [State Peace and Development Council, the military junta’s highest organ] behavior and to generate domestic pressure to which governments could be claiming to respond as they moved to deny Burma the ASEAN chair’ (2008, p. 281).

During this period Indonesia clearly became more vocal, strengthened by successful parliamentarian and, for the first time in its history, presidential elections, together with a stabilization of the conflict in Aceh. A clear reflection of this development can be seen in June 2004, when Megawati, who would be replaced in September by Susilo Bambang Yudhoyono, clearly spoke out in favor of disregarding the ASEAN-Way. Having criticized the junta in May stating that ‘Indonesia is concerned that the National Convention [part of the Bangkok Process] and the existing process of democratization and national reconciliation in Myanmar is considered as falling short of an expectation widely shared by the international community’ (*Deutsche Presse-Agentur*, May 19, 2004), she added a month later with regard to ASEAN that ‘[w]e should be able to hold dialogue among ourselves openly

and frankly even on internal or domestic issues that, if left unsettled, can have severe impact on the region' (*Deutsche Presse-Agentur*, June 30, 2004).

The criticism intensified during 2005, as the question of Myanmar's chairmanship became increasingly acute. In June Indonesia's parliament issued a resolution urging the government to boycott ASEAN meetings if Myanmar would be allowed to take over the chairmanship. The chairman of the parliamentary commission, Hakim, stated that '[w]e feel that the struggle of the Burmese people to improve the democratic process in Burma should be supported by not only people in Burma, but also by people in Southeast Asian countries, including Indonesia' (*Voice of America*, June 1, 2005). It should be emphasized that due to the democratic nature of Indonesia's political system statements coming from parliament cannot be equated to those coming from the ruling regime. Therefore, in Indonesia's case, such statements primarily reflect the increasing importance of the problems caused by Myanmar's position in ASEAN. Nonetheless, considering the fact that the government issued similar declarations, it is highly unlikely that the Yudhoyono administration opposed such expressions of concern over the junta's policies. On the contrary, a few months earlier, Indonesia's Ministry of Foreign Affairs had again hinted at defying the ASEAN-Way when a spokesman stressed that, despite the fact that some developments may be considered internal to a member country, Indonesia has 'also emphasized the need to see things from the perspective of ASEAN as a collective family' (*Agence France Presse*, March 24, 2005).

The BN in Malaysia, strengthened by the largest election victory in its history, remained the greatest proponent of interference in Myanmar's politics. As in Indonesia, Members of Parliament (MPs) in Kuala Lumpur also started to become increasingly vocal and blunt towards Myanmar's ruling generals. In June 2004, a group of MPs argued that the military regime could cause untold political damage to the international reputation of the region and Yangon should 'respect ASEAN and international opinion and return to the mainstream of responsible international norms and behavior' (*IPS*, June 9, 2004). In comparison to Indonesia, MPs in Malaysia had considerably less space in which they could independently operate from the executive branch of the government, and the space that was allowed to them was strictly policed (Jones 2008, p. 281). Consequently, the fact that the BN allowed MPs to express themselves in such clear language reflects its own strong position on the issue.

The regime itself did also not refrain from putting pressure on Myanmar and the ASEAN-Way, openly asking for Myanmar's ASEAN chairmanship to be suspended and given to other countries until democratic reforms were carried out (*AFX International Focus*, March 22, 2005). Later that year, Prime Minister Abdullah Badawi, Mahathir's successor, reemphasized Malaysia's approach, demanding that the junta allow an ASEAN delegation into the country in order to assess whether the regime had made any progress on human rights and democracy, if it wanted to retain the support of the other member states. Abdullah stated that ASEAN was facing a lot of pressure and openly wondered how ASEAN could 'speak on behalf of Myanmar if we are not certain of what's happening there?' (*The Age*, December 12, 2005).

In Thailand, the Thaksin regime, with its ever-increasing authoritarianism and confronted with escalation in the Thai South, continued its role as the junta's apologist. Despite the now obvious failure of the Bangkok process, Thaksin upheld his public defense of the ruling generals, maintaining that change would come with patience and positive engagement. An event that, in this light, requires additional explanation is Thaksin's major election triumph in 2005, as the increased democratic legitimacy Thaksin got from landslide victory should have made him more confrontational towards Myanmar's generals. However, as the previous chapter argued, the nature of Thai democracy – the relative ease with which democratic outcomes could be disregarded and the decisive role of the monarchy and the military – made that the internal threat perception of the regime was not substantially reduced because of the election victory. Ironically, as it was exactly the still powerful old elite that felt increasingly endangered and angered by the 'arrogant' regime (*Newsweek*, February 21, 2005), its stability was actually lessened, culminating in the 2006 military coup.

Therefore, perhaps, it is of little wonder that Thaksin's justification of Yangon's actions took on new proportions. The Prime Minister's defense of the junta was no longer only expressed by indicating that Myanmar's regime was aware of the need for democratic change, but Thaksin now openly sided with the junta on the most sensitive issue: the detainment of Suu Kyi. After a visit to Yangon in December 2004, Thaksin told the Thai people in his weekly radio broadcast that unless stability was assured 'Myanmar will be torn apart into many different countries [...] These are the reasons they gave [for holding Suu Kyi], which are reasonable enough and convincing, because I have witnessed many things in their process' (*Associated Press*

International, December 11, 2004). The Thaksin government was also clear in its response towards the Malaysian proposal for Myanmar waiving its right to the chairmanship of the organization. Whereas Indonesia backed Kuala Lumpur, 'Thailand will not get involved in Malaysia's campaign', stated the new Thai Foreign Minister, Kanthati Supamongkhon. He added that '[w]e have to be careful; we cannot jump to conclusions' (*The Age*, March 28, 2005).

Next to the Thaksin regime, Yangon had other allies within the organization, as the regime in Vietnam remained an unequivocal supporter of the junta. Tellingly, in April 2005, in the midst of the chairmanship debate, Vietnam, together with Laos and Cambodia, was one of the three destinations for Myanmar's Prime Minister Lt. Gen. Soe Win in order to garner diplomatic support for his government assuming the ASEAN chair (Myoe 2006). Although there was probably little reason for cheerfulness within the organization in the spring of 2005, the two countries nonetheless went on to jointly celebrate thirty years of diplomatic relations between Vietnam and Myanmar on May 28 (Ministry of Foreign Affairs Vietnam 2008). Later that year the two states held another meeting in Yangon. According to a Vietnamese Ministry of Foreign Affairs spokesman, the visit helped 'to strongly speed up the fine traditional friendship between Myanmar and Vietnam' (*Deutsche Presse-Agentur*, August 3, 2005).

Vietnamese support for the junta is reflected most strongly in the complete absence of references to the on going situation and Myanmar's controversial status. Whereas the Thaksin regime felt obliged to at times openly refer to the fact that Myanmar had problems and should at some point democratize, Hanoi, far from democratic itself but at the same time coping with much less international controversy, decided to pretend these problems simply did not exist. This way, it proved to be the most convenient friend a regime under fire could have: one that doesn't judge you on your deficits.

In the end, the chairmanship crisis ended with a whimper. During the ASEAN Foreign Ministers' Retreat in April 2005 in the Philippines, the junta was told that the decision of whether or not to assume the chair was in its own hands. However, it was also emphasized that in reaching this decision, the junta should act in the interests of ASEAN (Haacke 2007). It long remained unclear what decision the junta would take. According to a senior ASEAN diplomat it was 'a matter of trying to find a face-saving solution' (*AFX,* July 25, 2005). Whether this was truly achieved in the end

remains doubtful, but the junta clearly bowed to the strong pressure of some of its fellow member states. On July 26, at the ASEAN Foreign Ministers Meeting in Vientiane, Laos, a joint communiqué was issued, stating: 'Myanmar had decided to relinquish its turn to be the Chair of ASEAN in 2006 because it would want to focus its attention on the ongoing national reconciliation and democratization process' (Joint Communiqué of the 38th ASEAN Ministerial Meeting Vientiane, July 26 2005).

2006-2007: the Saffron Revolution and the ASEAN Charter

With the decision of the junta to forgo the ASEAN chair, the other members had once again at the last moment prevented major diplomatic embarrassment and loss of credibility to the organization and themselves. Obviously though, the larger issue remained far from solved. In 2006 it took on greater international proportions when Myanmar was for the first time referred to the UN Security Council. Moreover, the military junta further widened the intra-ASEAN gap when it refused to allow Malaysian Foreign Minister Syed Hamid Albar into the country to conduct a fact-finding mission on the progress of democratization.

The next year, any progress that might have been made was wiped out by a harsh crackdown of the regime on protesting students and Buddhist monks that reminded the world of the bloodshed that had taken place in 1988. These protests had led to thousands of casualties and the emergence of Suu Kyi as a national opposition leader. Although the scale of the 2007 violence was smaller, the Saffron Revolution, as the events were called, once more confirmed Myanmar's status as the region's pariah state and managed to ruin ASEAN's 40th anniversary. Ironically, it was during this celebration, at the ASEAN Summit in Singapore, that the organization, including Myanmar, signed its first ever charter incorporating strong references to human rights and democratization (Roberts 2010).

Interestingly, a few months prior to the Singapore Summit, ASEAN as a group unexpectedly issued its strongest repudiation of Myanmar's actions up to that point. On the side lines of the UN General Assembly's opening session, ASEAN chairman Singapore issued a statement on behalf of the ASEAN Foreign Ministers in which he expressed their 'revulsion' at the junta's killing of protesters, and demanding an end to the violence (Emmerson 2008b, p. 72). Needless to say, this exceptionally strong language only reflected the preferences of part of the member states. Although it is impossible to discern the exact positions of the individual member states during the

undoubtedly heated deliberations in New York, the individual responses of both Thailand and Vietnam clearly reflected their actual stances.

The year 2006 also witnessed a major political event in one of Myanmar's neighboring states. In September the Thaksin regime was removed from power and a military junta was installed. The new government, headed by the former general Surayud Chulanont, did not alter the line set in by Thaksin during the preceding years. Despite the quick announcement of new elections in December 2007, the Thai junta lacked any kind of political legitimacy and had opposed a large majority of Thai society by removing leader they had personally elected. Obviously, the military coup worked strongly to undermine the credibility of Thailand's democracy, for what was even a landslide victory worth if not respected by the losing end of elite and society? Hence, it is of little surprise that Thailand under military rule was 'reluctant to speak out' (*The Nation*, June 11).

Accordingly, when Surayud visited Myanmar in November 2006, he only hinted at the countries democracy issues by stating that he had asked Myanmar's head of state, General Than Shwe, to 'consider' democratic reform in Myanmar. Surayad's efforts were not only diplomatically very soft, but most likely also halfhearted, as he admitted that such demands would be a hard sell coming from another military junta (*Agence France Presse*, November 23, 2006). Nonetheless, the sole mention of democracy was more than many had expected. Prior to the Prime Minister's visit *The Nation* (November 1, 2006) observed that

> The new government under Prime Minister Surayud Chulanont has not yet done anything to correct the past administration's disastrous policy towards Myanmar (Burma). Worse, there have been some recommendations within the inner circle recently that the Thai leader should call on the Burmese junta leaders in Pyinmana as soon as possible to express solidarity with the neighboring country. After all, Burma is a member of ASEAN.

The fact that Surayad choose to address the issue briefly anyway is best explained by his wish to avoid too obvious comparisons between his government and Myanmar's ruling generals. Whether the regime had decided that this objective was reached by the time of the Saffron Revolution is a question that will remain unanswered, but its response to the violence certainly makes one believe so. In contradiction with

ASEAN's earlier expression of 'revulsion' regarding the violence, the Thai government again emphasized the value of the ASEAN-Way. In a direct reference to their own rule, the regime argued that: 'Other countries thought Thailand's coup was unnecessary, but we know better what was happening here. We should respect the right of the government of each country to rule their own nation' (*Agence France Presse*, October 2, 2007).

Predictably, the reaction in Hanoi was even less sharp. Relations with Myanmar fared well during 2006, when in August the two countries vowed to further increase their cooperation in the economic and security field (*VNA News Agency*, August 3, 2006). Twelve months later, only a few days before protests broke out, Vietnamese Prime Minister Dung congratulated the junta on the progress it had made towards democracy and hoped 'the Myanmar people would continue to advance steadily on the road to secure peace, national reconciliation, sustainable development, stability and prosperity'. Moreover, Dung and Than Shew shared the view that 'the two countries have coordinated closely at multilateral forums, such as ASEAN' (*NVA News Agency*, August 14, 2007). Tellingly, after the protests escalated in September, the Vietnamese media were ordered to report on the events only minimally. Vietnam's most popular newspaper allocated a mere five sentences to the violent events, while a second big newspaper only added an additional two sentences to this bare minimal (*BBC News*, September 26, 2007).

Hanoi also expressed its displeasure about a possible undermining of the ASEAN-Way in more direct ways. During a panel discussion at the 2007 World Economic Forum in Davos, Switzerland, Dung mentioned that a number of ASEAN member states were uncomfortable with the ability of states to discipline each other with regard to domestic issues. Referring to the negotiations about the upcoming ASEAN Charter, the Vietnamese Prime Minister argued that 'ASEAN's success over the past 40 years was based in part to upholding of the principles of non-intervention, consensus and mutual respect. The new decision-making mechanism […] should not counter the fundamental principles the organization was built on' (*Associated Press International*, January 26, 2007). In other words, despite the new developments both in Myanmar and on the organizational level in ASEAN, Vietnam continued its staunch defense of the ASEAN-Way as well as its good relations with the Myanmar's military junta.

The Thai and Vietnamese lines stand in stark contrast with those of Malaysia and Indonesia. Starting with the former, Kuala Lumpur played a prominent role in what was another formal breach of the ASEAN-Way, when it demanded that its Foreign Minister, Albar, in function as an ASEAN special envoy would conduct a fact finding mission on Myanmar's domestic developments. The mission was far from successful, as, when Albar was finally allowed to enter the country, he did not gain permission to meet with either the top of the military junta nor opposition leader Suu Kyi. Afterwards, the Malaysian Foreign Minister expressed his feeling that 'Myanmar is dragging us down in terms of our credibility and image', adding that the organization was being 'held hostage' by the ruling generals (*Associated Press International*, April 18, 2006).

Similar strong language was expressed a year later during the UN General Assembly meeting in New York. Commenting on ASEAN's unusual response to the junta's crackdown, Prime Minister Abdullah frankly admitted that ASEAN's policy of constructive engagement had failed: 'It has been the formula used when we deal with Myanmar but up to this stage it has not been successful although it has been many years already' (*The Star Online*, September 28, 2008). Abdullah added that the statement could be seen as the result of frustration with Myanmar that was long overdue. The statement was 'a climax, a result of the sentiments of ASEAN foreign ministers' (Ibid.).

Indonesia, under President Yudhoyono, continued to be ASEAN's other strong advocate for change on Myanmar and within the broader organization. Indonesia clearly wanted its foreign policy to reflected the domestic commitment it had made to democracy. Foreign Minister Hasan Wirayuda argued in his annual foreign policy speech that '[o]ne of the challenges for 2006 – and even the proceeding years – is the establishment of rule-of-law based democracy, along with sustainable electoral democracy'. With regard to ASEAN, and Myanmar more specifically, he warned that 'it is impossible to forge comprehensive relations if disparities among us are quite large' (*The Jakarta Post*, January 7, 2006). This was also confirmed by Rizal Sukma of the Center for Strategic and International Studies Jakarta, one of the most influential voices of Indonesian civil-society. Summarizing Jakarta's position during the critical phase of the negotiations on the ASEAN Charter, he emphasized that 'the inclusion of human rights and democratic principles in the charter is non-negotiable. Indonesia must fight for it because we will have no basis for protecting people's

rights if the principles are not included in the charter' (in Dosch 2008, p. 537). During the New York episode, Wirayuda wielded similar language as his Malaysian colleague. Asked to comment on the junta's crackdown, he stated bluntly that he did not believe the generals' take on the events, who argued that the uproar had been cause by a strong rise in fuel prices. 'If the reason given is the fuel oil price hike', Wirayuda commented, 'I will say I do not believe it. This involves something very fundamental, namely a flawed democratization process' (*Antara News Agency*, October 1, 2007).

Yet, at the same time Jakarta also pursued a policy that seems puzzling, as it appears to stand in stark contrast with the overall strong stance on democracy. At the time the situation in Myanmar was referred to the UN Security Council by the end of 2006, Indonesia happened to be a non-permanent member. Strikingly, Indonesia refrained from using its position to put additional pressure on the junta. Indonesia abstained from voting for a resolution in response to human rights abuses committed by the junta (Haacke 2010). One possible explanation is that, because of the expected veto's issued by China and Russia, Jakarta perceived a positive vote as an unnecessary provocation towards Myanmar's junta. Whatever the considerations, the Yudhoyono government was fiercely criticized by members of the AIPMC, who feared that 'Jakarta's actions would have negative repercussions internationally given the impression Indonesia did not support the enforcement of human rights in Southeast Asia and betraying its own reform agenda' (*Jakarta Post*, January 16, 2007). Nevertheless, despite this contradictory move, Indonesia during this period qualifies as one of the strongest proponents of a though and intervening line with regard to the military junta in Myanmar.

A Cataclysmic Event

As the above demonstrates, the policies pursued by the respective ASEAN member states align closely with alterations in internal threat perception and regime stability; providing significant support for the theory put forward in this thesis. One important issue, nevertheless, requires additional explanation: the fact that Myanmar was allowed into the organization without any notable intra-ASEAN controversy. Not only authoritarian Indonesia and Vietnam were in favor, but also, at that point in time, more democratic Thailand and Malaysia. This anomaly can best be explained by what Krasner (1976) called 'cataclysmic events'. In his classic study on the role of

hegemons in the international trading system, Krasner found that '[t]he structure of the international trading system does not move in lockstep with changes in the distribution of potential power among states. Systems are initiated and ended', he argued, 'not as state-power theory would predict, by close assessments of the interests of the state at every given moment, but by external events – usually cataclysmic ones' (p. 35).

This logic equally applies to ASEAN, which witnessed its last cataclysmic event with the Asian financial crisis. Despite differences in regime stability and internal threat perception prior to the crisis, their was little reason for relatively stable states like Malaysia and Thailand to press for organizational reforms or a stronger commitment to democracy and human rights: the member states and the organization fared well, while the discourse over these issues – opposing Western policies and views on democracy and human rights (McCarthy 2010) – differed strongly from what it would become post-crisis. It were the enormous political and economic consequences of the Asian financial crisis, and the lack of a common ASEAN approach to address these problems, that painfully demonstrated the need for change. Change however, despite the need for it, is a very sensitive topic in an organization like ASEAN, that comprises a high amount of regime instability and moreover lacked any serious reforms in its first three decades prior to the financial crisis.

In sum, in order for Thailand and (later) Malaysia to start pushing for altering ASEAN's status quo, something first needed to happen that provided them with a strong incentive to redirect their policies. This, despite the fact that their domestic political situation encouraged them to do so earlier on. The reason that Malaysia only became a proponent of change a few years after the crisis was because the regime itself was negatively affected by this cataclysmic event – challenged by the *Reformasi* movement.

7. Conclusion

This thesis has set out to examine how internal threat perceptions and regime stability affect the ASEAN policies of the organization's member states, focusing on four of them in special: Indonesia, Thailand, Malaysia and Vietnam. More specifically, it asked the following research question: How do changes in regime stability affect ASEAN members' behavior in and towards the organization? In addition, the following hypothesis were drawn up:

H1: The higher a state's regime stability the more reform minded its ASEAN policies are.

H2: Democratization influences a state's ASEAN policies through its positive effect on the stability of a state's regime.

In order to answer the research question and test the hypotheses, the nature of the various political systems was analyzed, by examining three factors: (1) the degree of political disenfranchisement of a country's society in general and minority groups and special regions in particular; (2) the severity of political repression, i.e. the extent to which such basic freedoms as freedom of speech and organization are respected or restricted in a state; (3) the nature of the civil-military relationship. Subsequently, expectations were outlined about the anticipated behavior of the four states with regard to Myanmar, and the ASEAN-Way more generally. In the ensuing chapter these expectations were tested, by analyzing the Myanmar policy of the respective states during the decade of 1997 until 2007.

On the basis of the research conducted, it can be concluded that regime stability is an important factor in shaping the regional policy of the ASEAN member states. The states with the highest regime stability were the greatest advocates of altering the status quo within ASEAN. Moreover, the policies of states also changed along with alterations in a state's regime stability. States got more in favor of maintaining a strict adherence to the ASEAN-Way when domestic developments caused a decline in a regime's stability. Likewise, enhanced regime stability, for instance through increased democratic legitimacy, the conclusion of a domestic

violent conflict, or the failure of a protest movement to challenge the regime, corresponded with a stronger line on Myanmar's military junta and louder calls for reform of the ASEAN-Way. Hence, hypothesis 1 can be largely confirmed. It should be noted however, that whereas weak regime stability provides a sufficient explanation for a state's willingness to maintain the status quo, large regime stability only shapes the preconditions for a more reformist approach. The direct incentives for states to take such a line are dependent on other factors, such as the fear to lose credibility on the international stage.

Hypothesis 2 can only be partially confirmed. Clearly in the case of Indonesia, democratization had a profound influence on the stability of the post-Suharto regimes and hence their policies. It should be emphasized though, that the role of democracy in increasing a regime's stability very much depends on a domestic perception of what democracy contains. Although Thailand was, until 2006, more democratic from an institutional perspective than Malaysia – with elections that were more free and fair and a more resilient free press – the stability of the Thaksin regime was much lower because of the fact that democratic results were easily disregarded by both Thailand's elites and society. Hence, as Indonesia, and to a lesser extent Malaysia demonstrate, democratization certainly can have a positive influence on a state's ASEAN policies through its effect on a regime's stability. However, this conclusion should be accompanied by a plainly visible footnote, making it clear that democratization in this regard is much less straightforward than it often appears to be.

With regard to the generalizability of this thesis' findings, it is self-evident that the main analysis is restricted to ASEAN. Similarly to the EU, ASEAN is fairly unique as a regional organization. The diversity of its member states remains unmatched, and the extent to which a pariah in their midst affected the organization and the other member states is exceptional, especially in an organization as institutionalized and prominent as ASEAN. Nonetheless, the connection made between regime stability and the way it shapes a member state's ASEAN policy is generalizable towards all other ASEAN members, including Myanmar itself. Although some regimes, primarily Singapore and Brunei Darussalam, are to a larger extent able to legitimatize their rule by providing an exceptionally high living standard to their population, even these regimes are in the end confronted with the issues of internal threat perception and regime stability. What's more, the theory advanced in this thesis does not solely apply to ASEAN, but has an equally large

potential to explain the regional cooperation behavior of authoritarian and hybrid regimes in other parts of the world.

The most obvious limitation of this study is the relatively limited number of cases examined. Even though there is no direct reason to assume that the findings of this thesis are very case specific, this possibility remains until additional cases, both in ASEAN and other organizations, are examined through a similar method. A similar observation can be made about the use of Myanmar as a proxy for ASEAN policies at large. Despite the many connections made between Myanmar and the ASEAN-Way by both analysts and decision-makers alike, it would increase the reliability of the argument put forward in this thesis if it was similarly examined through other proxies.

A second limitation can be found in the concept of legitimacy applied in this study. The scope of this thesis has allowed only for a focus on political factors affecting a regime's stability, leaving out the economic aspect. As briefly mentioned above, economical factors do to a certain point grant a regime additional legitimacy. It is the author's believe however, that legitimacy rooted in economic achievements is unable to in the long run replace political legitimacy. Hence, it is unlikely that a regime's successful economic record truly reduces a regime's internal threat perception. Nonetheless assessing a number of economical factors would have complemented the current analysis on the stability of the various regimes.

There are two avenues for potential further research. The first one should aim at advancing the theory on regime stability developed in this thesis. As mentioned, the theory could be expanded with a concept based on economic legitimacy. Additional research could also be put in the way democratization influences a regime's stability. As demonstrated, this issue is less straightforward than it looks. For instance, under what conditions exactly does democracy has either a positive or a negative influence on the stability of a regime? Moreover, it would be interesting to apply this theory to other regional organizations in Asia, but also in the Middle East, Africa and South America.

Secondly, a closer assessment of ASEAN through a regime stability lens would be interesting. This would primarily comprise a wider field of analysis, assessing additional member states, but equally important, other aspects of ASEAN. How do various member states approach the implementation of the ASEAN Economic Community, or the numerous ASEAN engagements with the wider region?

In short, this thesis has only explored the tip of the iceberg that the research field of regional cooperation and regime stability promises to be.

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