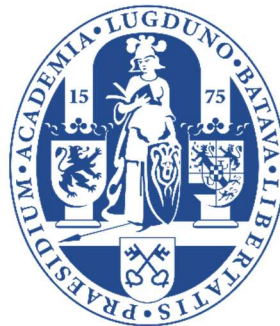


Losing Face and the 'ASEAN Way':  
Southeast Asian Culture and Regional Peace and Stability



Universiteit Leiden

Crystle Siegel  
S2424320  
Leiden University

Dr. Bernard Arps  
MAIR Thesis  
Culture and Politics

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## **Abbreviations**

ASA	Association of Southeast Asia
ADMM	ASEAN Defence Ministers' Meeting
APSC	ASEAN Political-Security Community
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
HPA	Hanoi Plan of Action
IGO	Intergovernmental Organization
NLD	National League for Democracy
R2P	Responsibility to Protect
SEANWFZ	Southeast Asia Nuclear Weapon-Free Zone
SLORC	State Law and Order Restoration Council
TAC	Treaty of Amity and Cooperation
UNGA	United Nations General Assembly
ZOPFAN	Zone of Peace, Freedom, and Neutrality

## Introduction

Southeast Asia consists of eleven countries: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste, and Vietnam. As of 2018, the region's GDP was \$2.95 trillion and has been described as one of the fastest growing economic regions in the world.<sup>1</sup> Home to about 664 million people, Southeast Asia is the third most populated area in the world, and combined with its myriad of cultural groups and steady growth, this region and its regional organization, the Association of Southeast Asian Nations (ASEAN) has warranted study from a variety of perspectives.<sup>2</sup> This organization includes all of the above states, except Timor-Leste, and has one characteristic that has been of particular interest to scholars. This is the ASEAN Way, a somewhat unique approach to diplomacy employed within the organization.<sup>3</sup> In this thesis, I examine the ASEAN Way before hypothesizing how it contributes to the organization's goal of establishing and maintaining regional peace and stability. This is done in an effort to answer the question 'how has utilization of the ASEAN Way in ASEAN politics affected regional peace and stability?'

Peace and stability are key components of ASEAN, and rightfully so. Tourism, agriculture, and foreign investment are major contributors to the region's economic growth and should the region collapse into turmoil, it could result in global economic downturn. As one of the main reasons behind the founding of this organization, regional peace and stability is also one of the original seven initiatives of ASEAN and as such, has always been an important topic of discussion. To understand how the dialogue around peace and stability has developed over the course of this organization's history, I examine two instances of turmoil in the region, one from 1988 and one from 2012, both within Myanmar. As the main approach for discussing issues in the region, understanding the ASEAN Way is key in examining the dialogue that surrounds peace and stability. It places emphasis on noninterference and consensus-based decision making, which some scholars argue is ineffective when dealing with conflict. Others, however, argue that this approach to diplomacy is more effective within the organization due to values shared by the member states. I

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<sup>1</sup> H. Plecher, "ASEAN Countries GDP 2018," Statista, December 6, 2019, <https://www.statista.com/statistics/796245/gdp-of-the-asean-countries/>.

<sup>2</sup> "Population of South-Eastern Asia (LIVE)," Worldometer, accessed April 22, 2020, <https://www.worldometers.info/world-population/south-eastern-asia-population/>.

<sup>3</sup> "Overview of Business in Southeast Asia," ASEAN UP, accessed January 20, 2020, <https://aseanup.com/business-southeast-asia/>.

have refrained from classifying the ASEAN Way as effective or not until after the analysis of both the ASEAN Way and the region's history of peace and stability.

To begin, two key ideas must be defined for this thesis: what constitutes a disruption to regional peace and stability, and what is the ASEAN Way? Understanding what constitutes peace and stability is of the utmost importance, as scholars and policymakers define it in a variety of ways: outright war and conflict, economic collapse, ecological disaster, human rights violations, etc. To best answer this question, several documents must be consulted. The first is the ASEAN Declaration. This defines ASEAN's initiatives and goals, the second of which is: "To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter."<sup>4</sup> Furthermore, there is a brief section that highlights their belief in Southeast Asian states' responsibility in:

"...strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and that [Southeast Asian states] are determined to ensure stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their peoples."<sup>5</sup>

There are also the goals outlined by the ASEAN Treaty of Amity and Cooperation in Southeast Asia (TAC) and the ASEAN Political-Security Community (APSC). The TAC was ratified in 1976 and in addition to its own guidelines, also mentions the Ten Principles adopted by the 1955 Asian-African Conference in Bandung, among other things. The TAC emphasizes the importance of cooperation and promotes the idea of perpetual peace, before outlining its guiding principles:

1. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations.

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<sup>4</sup> "Overview," Association of Southeast Asian Nations, accessed January 20, 2020, <https://asean.org/asean/about-asean/overview>; "Charter of the United Nations - Chapter I: Purposes and Principles," United Nations, December 6, 2018, <https://www.un.org/en/sections/un-charter/chapter-i/index.html>; The principles outlined include sovereign equality, peaceful settlement of international disputes, and refrainment from threat or use of force to impede the territorial integrity or political independence of another state.

<sup>5</sup> Association of Southeast Asian Nations, "The Asean Declaration (Bangkok Declaration) Bangkok, 8 August 1967" (1967), <https://asean.org/the-asean-declaration-bangkok-declaration-bangkok-8-august-1967/>.

2. The right of every State to lead its national existence free from external interference, subversion or coercion.
3. Noninterference in the internal affairs of one another.
4. Settlement of differences or disputes by peaceful means.
5. Renunciation of the threat or use of force.
6. Effective cooperation among themselves.<sup>6</sup>

It also discusses the importance of preventing disputes, settlement through friendly negotiations, and monitoring potential disturbances. Furthermore, the TAC notes that members may resort to other measures outlined in the UN Charter should friendly negotiations fail. Several ideals not mentioned by the TAC but advocated for by the Asian-African Conference's Ten Principles are fundamental human rights, equality of all races and nations, a nation's right to defend itself singly or collectively, respect for justice and international obligations, abstention from one country exerting pressure on another, and abstention from arrangements serving a large power's interests.<sup>7</sup> The TAC's principles are echoed in the aims of the APSC. By joining the APSC, members pledge to pursue only peaceful avenues of resolving intra-regional disputes and recognize that their individual security is fundamentally linked to other members. The Community was formed to ensure the region "live[s] at peace with one another and with the world in a just, democratic and harmonious environment," to be achieved through conflict prevention and resolution, the shaping and sharing of norms, post-conflict peace building, and political development.<sup>8</sup>

From the above documents and goals, it can be concluded that ASEAN intends to focus primarily on situations of outright intra-regional conflict and extra-regional threats, but nothing that presents as domestic issues. However, due to terminology and other documents referenced, human rights, equality, justice, national identities, social stability, and international obligations should also be included when discussing ASEAN's duties towards maintaining regional peace and stability.

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<sup>6</sup> Association of Southeast Asian Nations, "Treaty of Amity and Cooperation in Southeast Asia Indonesia" (1976), <https://asean.org/treaty-amity-cooperation-southeast-asia-indonesia-24-february-1976/>.

<sup>7</sup> The Ministry of Foreign Affairs and Republic of Indonesia, eds., "Final Communiqué of the Asian-African Conference of Bandung (24 April 1955)," *Asia-Africa Speak from Bandung*, 1955, 161–69, [http://franke.uchicago.edu/Final\\_Communique\\_Bandung\\_1955.pdf](http://franke.uchicago.edu/Final_Communique_Bandung_1955.pdf).

<sup>8</sup> "ASEAN Political - Security Community," Association of Southeast Asian Nations, accessed January 21, 2020, <https://asean.org/asean-political-security-community/>.

The second idea that must be defined is the ASEAN Way. At first glance, it is merely ASEAN's anthem, which goes:

“Raise our flag high, sky high/Embrace the pride in our heart/ASEAN we are bonded as one/Look-in out to the world./For peace, our goal from the very start/And prosperity to last./We dare to dream we care to share./Together for ASEAN/We dare to dream,/We care to share for it's the way of ASEAN.”<sup>9</sup>

This anthem is the result of a contest held throughout ASEAN states and was integrated into the Association's structure in 2010. It is intended to be an “expression of ASEAN unity,” is expected to be played at all formal events, and states are encouraged to translate it into local languages and presumably local dialects, to spread ASEAN awareness.<sup>10</sup> When studying the lyrics, peace and unity are a key component and the idea of being ‘bonded as one,’ combined with other ASEAN philosophies, could be understood both as sharing a Southeast Asian identity and as working collectively. However, this is not all the ASEAN Way is. An in-depth search of online archives and speeches reveals several mentions of the ASEAN Way, made between 1999 and 2004. The first, in 1999, was by former ASEAN Secretariat Director Termsak Chalermpanupap. His paper focused on the five biggest challenges that came with enlarging membership and the ASEAN Way is mentioned several times. It refers to the ASEAN Way as something that can be utilized and while the definition remains ambiguous, the vocabulary employed indicates the values and actions it advocates for: equality, quiet persuasion, consultation and consensus, shared responsibility, and noninterference.<sup>11</sup>

The next mention was in July 2000 by Rodolfo Severino. Severino was ASEAN's Secretary General from 1998-2002 and delivered a speech addressing the importance of understanding sovereignty and intervention within ASEAN. While he did not explicitly say the phrase ‘ASEAN Way,’ it appears in the title, “Sovereignty, Intervention, and The ASEAN Way.” He also addresses aspects of their diplomatic approach, that it is “...based on dialogue, consultation, cooperation, engagement and interaction.”<sup>12</sup> A year later, Severino delivered another speech and

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<sup>9</sup> “ASEAN Anthem,” Association of Southeast Asian Nations, accessed March 11, 2020, <https://asean.org/asean/about-asean/asean-anthem/>.

<sup>10</sup> Ibid.

<sup>11</sup> Termsak Chalermpanupap, “ASEAN-10: Meeting the Challenges,” June 1, 1999, <https://asean.org/asean-10-meeting-the-challenges-by-termsak-chalermpanupap/>.

<sup>12</sup> Rodolfo Severino, “Sovereignty, Intervention and The ASEAN Way,” In-Person (July 3, 2000), [https://asean.org/?static\\_post=sovereignty-intervention-and-the-asean-way-3-july-2000](https://asean.org/?static_post=sovereignty-intervention-and-the-asean-way-3-july-2000).

directly mentioned the ASEAN Way, how it has benefited the member states and since ASEAN's conception has facilitated communication between countries that "still nursed historic animosities... and suspicions" without "forcing its incredibly diverse and mutually suspicious members into legally binding standards."<sup>13</sup>

The final mention of the ASEAN Way from within the organization was in 2004 by Vietnamese Prime Minister Phan Van Khai, who was also ASEAN's Chairman from 1998-2001. He spoke at an anniversary event and briefly addressed the history and accomplishments of ASEAN, acknowledging the ASEAN Way as key to the organization's success and uniqueness. This is the only instance I have found in which a key member of ASEAN attempted to qualitatively define the ASEAN Way. However, his definition was not focused on actual steps but instead highlighted what characterizes it. He said:

"The ASEAN Way is a harmonious combination of national priorities and the Association's interests, and a dynamic, wise and flexible approach that enables us to optimize our geo-political regional strength.... [it] is manifested in the upholding and wise and flexible application of ASEAN fundamental principles, including those of consensus and noninterference."<sup>14</sup>

After 2004, it seems the organization stepped back from most direct references of the concept. Since then, the ASEAN Way most interested those outside the organization, with scholars from a variety of backgrounds having written on it. It has been called a set of rules, principles and values, a decision-making process, a working process/style, and a core norm, among other things. Though the exact definition varies, one thing is consistent between ASEAN and scholarly sources: the ASEAN Way operates as a kind of guiding principle for diplomacy among members. Lee Leviter separated the ASEAN Way into two essential components. The first is consensus-based decision making and the second, the six principles outlined in the TAC, laid out above.<sup>15</sup> Others tend not to outline the ASEAN Way so definitively, but most emphasize its focus on noninterference, quiet diplomacy, and constructive engagement. Logan Masilamani and Jimmy

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<sup>13</sup> Rodolfo Severino, "The ASEAN Way and the Rule of Law," In-Person (September 3, 2001), [https://asean.org/?static\\_post=the-asean-way-and-the-rule-of-law](https://asean.org/?static_post=the-asean-way-and-the-rule-of-law).

<sup>14</sup> Phan Van Khai, "ASEAN Lecture," In-Person (August 8, 2004), <https://asean.org/asean-lecture-by-he-mr-prime-minister-phan-van-khai-ha-noi/?highlight=harmonious%20combination%20of%20national%20priorities%20>.

<sup>15</sup> Lee Leviter, "The ASEAN Charter: ASEAN Failure or Member Failure?," *New York University Journal of International Law and Politics* 43, no. 2 (2011): 159-210, [https://www.westlaw.com/Document/Ib7b9816e38c711e08b05fdf15589d8e8/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ib7b9816e38c711e08b05fdf15589d8e8/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).



Peterson emphasized what actions constitute the ASEAN Way, particularly “compromise, consensus, and consultation in the informal decision-making process.”<sup>16</sup>

Amongst these definitions are also opinions on the actual effectiveness of the ASEAN Way. Those within ASEAN tend to view it as crucial to the organization’s success, while others perceive it as a hindrance. More details on these disparities will be addressed later. Regardless of these differences, there is a general consensus on what comprises the ASEAN Way: noninterference, cooperation, consensus, and engagement. As such, these will be the guiding principles for this thesis to discuss the ASEAN Way’s history implications in the chosen case studies.

Now that these ideas have been defined, it is appropriate to discuss the research question at hand. To understand how utilization of the ASEAN Way in ASEAN politics has affected regional peace and stability, I first explore several smaller questions: what is the history and significance of ASEAN; what is the significance of the ASEAN Way; and how did ASEAN respond in times of conflict and crisis in Myanmar? The first question can be answered primarily with documents from ASEAN archives. Though the historical facts preceding the organization’s establishment will require some supplemental resources, information on ASEAN’s creation and various treaties will be gathered directly from ASEAN primary sources. As this question’s purpose is simply to illustrate the importance of ASEAN and what actions it has taken towards regional stability, this section does not require an analysis.

To answer the second question, I analyze the ASEAN Way from two viewpoints, first practical, then slightly more theoretical. The first contextualizes the ASEAN Way from an historical angle, as well as discusses procedural and behavioral norms, which Dio Tobing deems key components of the ASEAN Way.<sup>17</sup> The theoretical viewpoint focuses on the concept of ‘face’, to explore the deeper connections ASEAN states have to the ASEAN Way. This is the primary area I aim to contribute new information to, as face is not often connected to ASEAN in academic writing and has not warranted analyses as extensive as other influences on the ASEAN Way have.

Finally, to address the third question, I introduce two case studies from Myanmar: the violent 1988 Uprising and the 2012 events of the Rohingya genocide. The nature of these conflicts

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<sup>16</sup> Logan Masilamani and Jimmy Peterson, “The ‘ASEAN Way’: The Structural Underpinnings of Constructive Engagement,” *Foreign Policy Journal*, October 15, 2014, <https://www.foreignpolicyjournal.com/wp-content/uploads/2014/10/141015-Masilamani-Peterson-ASEAN.pdf>.

<sup>17</sup> Dio H. Tobing, “The Limits and Possibilities of the ASEAN Way: The Case of Rohingya as Humanitarian Issue in Southeast Asia,” *KnE Social Sciences* 3, no. 5 (May 23, 2018): 148–74, <https://doi.org/10.18502/kss.v3i5.2331>.

necessitates the use of news articles alongside academic sources, and it is through examining these cases that I am able to demonstrate how the ASEAN Way has evolved and impacted regional peace and stability in both the past and present, which subsequently allows me to wholly depict the answer to my research question. In this section, it is necessary to strike a careful balance, as most people discuss such conflicts in the case of humanitarian and human rights issues. While this is undoubtedly essential to the broader discussion, given the scope and limitations of this thesis, I refrain from analyzing these conflicts in these contexts. Additionally, it is prudent to acknowledge that although there is an abundance of information and history that could be included in this thesis, due to length restrictions, my research is limited only to the most relevant information, and must exclude a significant number of smaller developments.

## Development of the Association of Southeast Asian Nations

The 1960s in Southeast Asia was a decade full of change, not only for the many states adjusting to decolonization, but also for the region as a whole. Leaders from five major Southeast Asian states came together in 1967 to establish ASEAN, an intergovernmental organization (IGO) that still plays an important role in the region today. ASEAN was not their first attempt at an IGO, and it actually ended up replacing two others that had been created earlier that decade. These organizations were the Association of Southeast Asia (ASA) and Maphilindo. In founding ASEAN, the leaders of the original five members created the first Southeast Asian IGO that not only did not limit itself in terms of goals, but also opened membership to all Southeast Asian states who accepted ASEAN values. These characteristics were both markedly different than those of ASA and Maphilindo and likely highly influential in the organization's longevity.

ASA, founded in 1961, comprised Malaya (later part of Malaysia), the Philippines, and Thailand, three of that time's fastest-growing Southeast Asian states. Its focus was limited to economic and social progress, and intentionally excluded Indonesia and other states in mainland Southeast Asia.<sup>18</sup> There were no binding policies that compromised member sovereignty, and operations were structured specifically to include all members. The hope was that eventually non-members would recognize the benefits of cooperating with them and could join upon meeting certain criteria. However, two events would prevent this from coming to fruition. First, before ASA was fully established, Thailand formed what was essentially a military alliance with the United States. This conflicted with the notion that ASA would be free from outside influence and cast the organization as aligned with the West, which other members were not keen on. This was the case particularly due to the ongoing Cold and Vietnam Wars and uninvolved states did not want to have any actual or perceived alignment with either of the major powers involved. Second, Malaysia and the Philippines found themselves once again involved in a territorial dispute.<sup>19</sup> These two events were enough to suspend the majority of ASA operations just a year after its founding and led to the development of another IGO.

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<sup>18</sup> Vincent K. Pollard, "ASA and ASEAN, 1961-1967: Southeast Asian Regionalism," *Asian Survey* 10, no. 3 (March 1970): 246, <https://doi.org/10.2307/2642577>.

<sup>19</sup> Donald E. Weatherbee, *ASEAN's Half Century: A Political History of the Association of Southeast Asian Nations* (Lanham : Rowman & Littlefield, 2019), 19-20.

Named for its member states, Malaysia, the Philippines, and Indonesia, Maphilindo was established in 1963. The organization only consisted of Malay states and was intended to overcome past differences and promote peace, prosperity, and Malay interests. These interests included regional security and economic cooperation, and the idea of “Asian solutions to Asian problems”.<sup>20</sup> At the time of founding, Maphilindo promoted close consultation to achieve a consensus of opinion. However, the formulation of Maphilindo coincided with the replacement of Malaya by the new Federation of Malaysia, created by merging multiple territories into one. This amalgamation was met with hostility and heavy opposition from Indonesia, due largely to concerns about the region’s power distribution. In response, Indonesia began political and military campaigns to undermine and “crush” the new state, which essentially ended Maphilindo before it started.<sup>21</sup>

Four years later, on August 8, 1967, Foreign Ministers from Indonesia, Malaysia, the Philippines, Singapore, and Thailand met in Bangkok and signed the ASEAN Declaration, founding ASEAN.<sup>22</sup> This document was originally drafted in December 1966, with the goal of establishing a new regional organization called the Southeast Asian Association for Regional Cooperation. However, this name was later changed upon realization that the acronym SEAARC sounded like an obscenity in Malay. In its final draft, this document described the intention of SEAARC, renamed ASEAN, as representing “the collective will of the nations of Southeast Asia to bind themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity.”<sup>23</sup> The organization formed was to be characterized by the most important elements comprising ASA and Maphilindo. Among other things, these elements included operations based on nonintervention and consensus, and ensuring no amount of sovereignty was relinquished by member states.<sup>24</sup> Additionally, membership would be open to all states in the Southeast Asian region, provided they accept and abide by ASEAN’s principles and its goals and purposes:

1. Economic growth, social progress, and cultural development
2. Regional peace and stability

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<sup>20</sup> Alastair M. Taylor, “Malaysia, Indonesia - and Maphilindo,” *International Journal* 19, no. 2 (1964): 167, <https://doi.org/10.2307/40198963>.

<sup>21</sup> Weatherbee, *ASEAN*, 20-22.

<sup>22</sup> “History,” Association of Southeast Asian Nations, accessed June 4, 2020, <https://asean.org/asean/about-asean/history/>.

<sup>23</sup> Association of Southeast Asian Nations, “The Asean Declaration.”

<sup>24</sup> Weatherbee, *ASEAN*, 25.

3. Economic, social, cultural, technical, scientific, and administrative collaboration
4. Mutual assistance in training and research
5. Collaboration in agriculture and industry, trade, transportation and communications, and the improvement of living standards
6. Promotion of Southeast Asian studies
7. Cooperation with regional and international organizations<sup>25</sup>

The final negotiation process for this document took four days and was held southeast of Bangkok, in Bang Saen. The negotiations were informal and done just as much at the negotiating table as on the golf course. The Ministers would later dub this manner “sports-shirt diplomacy.”<sup>26</sup> It played a particularly important role in Bang Saen, as it allowed them to deliberate their historical and political differences while introducing general goodwill and humor to diffuse tension, maneuver their differences, and find equitable agreements. Over time, ASEAN membership has expanded to comprise ten states and a new charter was inaugurated in 2007. It has also seen countless declarations and treaties added and has outlasted all of its predecessors combined. The organization has played such an important role that forums such as ASEAN+3 and ASEAN+8 have been created specifically to facilitate negotiations and agreements with states beyond the region. One question raised here is why this organization blossomed into such a significant entity compared to previous attempts at regional unification.<sup>27</sup>

The organization’s successful formulation and resilience can be largely attributed to the region’s needs. Apart from superficial characteristics such as geographical location and colonial histories, there were few religious, political, or cultural similarities shared by ASEAN’s founding members. However, as the region’s leading powers, they realized that regional cooperation was essential, lest their and their neighbor’s futures remain in limbo. Cooperation was essential as following decolonization, the region experienced a power vacuum which outside influences could have exploited for their own political gain. The region was particularly vulnerable in this sense due to the presence of the powers entrenched in the ongoing Cold and Vietnam Wars. Furthermore, these leaders had witnessed distant alliances easily disintegrate in the direst of times and

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<sup>25</sup> Association of Southeast Asian Nations, “The Asean Declaration.”

<sup>26</sup> “History.”

<sup>27</sup> Ibid.

understood the value of fostering strong relationships with their neighbors. Consequently, they recognized that their best chance to strengthen, protect, and have their nation's interests recognized internationally was to cooperate and act as one entity, larger than any of their individual states.<sup>28</sup>

This recognition of the importance of cooperation and their dedication to it is reflected in the aims and goals outlined above. For the purpose of this thesis, the second is of particular interest. It expressed their commitment to preserving regional peace and stability, to be pursued by maintaining respect for justice and rule of law, as well as by abiding by the principles set out by the UN Charter.<sup>29</sup> At the signing of the ASEAN Declaration, Indonesian Minister of Foreign Affairs Adam Malik shared Indonesia's vision for Southeast Asia: "a region which can stand on its own feet, strong enough to defend itself against any negative influence from outside the region."<sup>30</sup> Other Ministers added to this, with hopes for a region that takes full responsibility for themselves, that stands together to prevent intra-regional conflicts, and that is equipped to bring spiritual advancement, stability, and progress to its peoples. Some pushed for military alliances to be included in regional stability goals but as Thai Foreign Minister Thanat Khoman recalled, the majority of those present at the negotiations were strictly against military arrangements and wanted to focus cooperation efforts on other matters.<sup>31</sup>

Although the Cold War put pressure on their commitment to regional peace and stability, the first major act to further this initiative did not come until 1971. On November 27, the Kuala Lumpur Declaration, also called the Zone of Peace, Freedom and Neutrality Declaration (ZOPFAN) was signed and executed. This document declared ASEAN's dedication to "exert the initially necessary efforts to secure the recognition of, and respect for, Southeast Asia as a Zone of Peace, Freedom, and Neutrality, free from any form or manner of interference by outside powers."<sup>32</sup> This was significant in formally communicating to each other and outsiders that ASEAN states were taking an active role in crafting the peaceful, autonomous region the Ministers envisioned four years earlier. However, this declaration appeared somewhat superfluous as the major powers were not expected to heed it, only future members of ASEAN were. Had the

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<sup>28</sup> Kernial Singh Sandhu and Thanat Khoman, eds., "Forward: ASEAN Conception and Evolution," in *The ASEAN Reader* (Singapore: Institute of Southeast Asian Studies, 1992), xiii–xviii.

<sup>29</sup> "Charter of the United Nations."

<sup>30</sup> "History."

<sup>31</sup> Sandhu and Khoman, "Forward: ASEAN," xiii.

<sup>32</sup> Association of Southeast Asian Nations, "Zone of Peace, Freedom and Neutrality Declaration" (1971), <http://www.mfa.go.th/asean/contents/files/other-20130527-163245-351392.pdf>.

ZOPFAN been properly observed, all ASEAN members would have had to renounce their extra-regional security ties.<sup>33</sup>

In 1975, ASEAN had the opportunity to set a precedent for how seriously the ZOPFAN would be enforced. However, one could argue that objectively, they failed to allow this declaration to reach its full potential. In December 1975, Indonesia invaded, occupied, and eventually assimilated East Timor as a new province. Although the United Nations General Assembly (UNGA) called for Indonesian withdrawal and recognition of East Timorese self-determination, all ASEAN states except Singapore voted against this. Singapore chose to abstain, which Indonesia perceived as an insult to their agency. This opposition to the UNGA's denouncement of Indonesia's actions made it clear that although the ZOPFAN highlighted the importance of every state's right to freedom from outside interference, ASEAN states were not holding their own members accountable and that this was aimed primarily towards extra-regional powers. Regardless of its limited applicability, the ZOPFAN became an integral part of ASEAN identity since it contributed at least conceptually, to the region's desire to create a Zone of Peace.<sup>34</sup>

Another significant move in furthering regional peace and stability was the creation and implementation of the Bangkok Treaty, also called the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ). Although work on this document began in 1987, it was not completed until eight years later, on December 15, 1995. This treaty has been an essential part of the ZOPFAN and was implemented with the belief that it would further strengthen both regional and international security. It strictly prohibits purchasing, creating, testing, or otherwise possessing nuclear weapons, as well as improperly disposing radioactive waste and other materials either at sea or into the atmosphere.<sup>35</sup> However, as it does not prohibit the use of nuclear energy, ASEAN members must remain diligent in policing their neighbors and ensuring components for energy generation are being used solely for their intended purpose. It should be noted that this is currently the only treaty within ASEAN that prohibits weapons of mass destruction. Although the organization has subscribed to outside pacts and made statements denouncing the use of biological and chemical weaponry, currently only nuclear weapons are outright banned by internal legislation.

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<sup>33</sup> Weatherbee, *ASEAN*, 39.

<sup>34</sup> *Ibid.*

<sup>35</sup> Association of Southeast Asian Nations, "Treaty on the Southeast Asia Nuclear Weapon-Free Zone" (1995), [https://asean.org/?static\\_post=treaty-on-the-southeast-asia-nuclear-weapon-free-zone](https://asean.org/?static_post=treaty-on-the-southeast-asia-nuclear-weapon-free-zone).

Many documents and forums within ASEAN seek to address multiple initiatives, and the area of peace and stability is no exception. There are additional treaties that highlight regional stability, but the two mentioned above are the most significant. In addition to these treaties, various groups and mechanisms have been created to better address regional security cooperation. The earliest one was the ASEAN Regional Forum (ARF) in 1994, to create an environment better formatted for discussion and consultation on political and security matters, as well as aid in confidence building and preventative diplomacy in the broader Asia-Pacific region. The Forum involves not only ASEAN states, but also many others either located in or who maintain an interest in the Asia-Pacific area, including Australia, China, North and South Korea, the European Union, the US, and others.<sup>36</sup> Two similar but more practical groups are the ASEAN Defence Ministers' Meeting (ADMM) and the ASEAN Defence Ministers' Meeting Plus (ADMM-Plus). Like the ARF, ADMM promotes stability through dialogue, cooperation, and trust building. It has allowed ASEAN members to work together more effectively and implement additional initiatives such as Defence Interaction Programmes and the Network of ASEAN Chemical, Biological and Radiological Defence Experts.<sup>37</sup> ADMM-Plus is essentially the same as ADMM but larger, including ASEAN's eight dialogue partners, Australia, China, India, Japan, New Zealand, Republic of Korea, Russia, and the US. Areas ADMM-Plus has targeted include maritime security, counterterrorism, humanitarian assistance and disaster management, peacekeeping operations, and cyber security.<sup>38</sup>

Two other mechanisms created to further promote regional peace and stability are the TAC and the APSC, which were both briefly discussed in the introduction. The TAC particularly emphasized noninterference and established a framework to better allow for the settlement of disputes. Furthermore, it was opened to states beyond the Southeast Asian region in 1987, giving the treaty and its principles international significance.<sup>39</sup> The APSC on the other hand, has not been opened to states outside of Southeast Asia. It is one of three pillars of a larger ASEAN Community and this particular branch was created to ensure states remain at peace with each other and those outside the region. By participating in this Community, members have vowed to utilize only

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<sup>36</sup> "About ARF," ASEAN Regional Forum, accessed June 12, 2020, <http://aseanregionalforum.asean.org/about-arf/>.

<sup>37</sup> "About the ASEAN Defence Ministers' Meeting (ADMM)," ASEAN Defence Minister's Meeting (ADMM), February 6, 2017, <https://admm.asean.org/index.php/about-admm/about-admm.html>.

<sup>38</sup> "About the ASEAN Defence Ministers' Meeting Plus (ADMM-Plus)," ASEAN Defence Ministers' Meeting (ADMM), February 6, 2017, <https://admm.asean.org/index.php/about-admm/about-admm-plus.html>.

<sup>39</sup> Association of Southeast Asian Nations, "Treaty of Amity and Cooperation."



peaceful methods when approaching intra-regional disputes and remain highly aware that their securities are intricately linked to one another. Furthermore, the APSC has developed its own Blueprint, which imagines ASEAN as a rule-based Community, sharing values and security responsibilities, and operating as a cohesive and fluid region.<sup>40</sup>

The final mechanism that should be mentioned here is ASEAN's Vision 2020. This was drafted in 1997 and outlined ASEAN leaders' hopes and goals for the organization to achieve by 2020. The document described a region living in peace and harmony, and listed numerous economic and social goals, but neglected to outline necessary steps to attain these goals.<sup>41</sup> Designing a strategy was deferred until 1998, when the Hanoi Plan of Action (HPA) was created.<sup>42</sup> The HPA consisted of ten categories and over 200 recommendations to achieve Vision 2020. The 7th category focused on strengthening regional peace and stability, and called for supporting existing mechanisms, namely the ZOPFAN, SEANWFZ, and TAC. The 8<sup>th</sup> category highlighted ASEAN and the ARF's role in enforcing peace, justice, and moderation, and called for increasing their presence for such initiatives beyond the region.<sup>43</sup> However, overall, the HPA did not break any new ground for the Association, and instead primarily focused on emphasizing, ascertaining, and strengthening the aims, initiatives, and plans already in place.<sup>44</sup>

The various treaties and mechanisms above reinforce ASEAN's dedication to creating a stable and peaceful region. However, many endorse the same goals and actions, fostering notions of redundancy when studying the history of the Association. One concept that is repeated in nearly every security initiative pursued by ASEAN is noninterference. ASEAN members very clearly chose this as one of their core guiding principles, and through the following analysis of the ASEAN Way, it will become apparent just how inextricable noninterference is in the organization's operations.

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<sup>40</sup> "ASEAN Political-Security Community."

<sup>41</sup> Association of Southeast Asian Nations, "ASEAN Vision 2020" (Kuala Lumpur, December 15, 1997), [https://asean.org/?static\\_post=asean-vision-2020](https://asean.org/?static_post=asean-vision-2020).

<sup>42</sup> Association of Southeast Asian Nations, "Hanoi Declaration" (1998), [https://asean.org/?static\\_post=ha-noi-declaration-of-1998-16-december-1998](https://asean.org/?static_post=ha-noi-declaration-of-1998-16-december-1998).

<sup>43</sup> Association of Southeast Asian Nations, "Hanoi Plan of Action" (1998), [https://asean.org/?static\\_post=hanoi-plan-of-action](https://asean.org/?static_post=hanoi-plan-of-action).

<sup>44</sup> Weatherbee, *ASEAN*, 171.

## Significance of the ASEAN Way

Earlier, this thesis examined sources from within and beyond ASEAN in an attempt to define what the ASEAN Way is. The conclusion reached was that it is an approach to diplomacy, characterized by several elements: noninterference, consensus, cooperation, and engagement. There have been conflicting opinions on the legitimacy of this approach and while some describe the ASEAN Way as ineffective, others, particularly those within the organization, credit part of ASEAN's success and longevity to this approach. By examining the history and intricacies surrounding the ASEAN Way, its significance can be understood, as well as how it has played a role and whether or not it will continue to play one in the region's diplomacy, even as it and the organization's actions face outside criticism.

When discussing the development and significance of the ASEAN Way, it is imperative to understand not only the history of ASEAN, but also member states' cultures. Recall the role of ASA, Maphilindo, and their member states in the foundation of ASEAN. Both organizations maintained some shared norms and values, which helped create the foundation for a common culture within ASEAN. Each organization's norms were based in tradition. Maphilindo's members committed themselves to a method that originated from Javanese culture and is said to be the origin of Asian-style informal meetings that avoid controversial topics.<sup>45</sup> These are *musyawarah* and *mufakat*. *Musyawarah* is decision making process, achieved through discussion and consultation, while *mufakat* is the consensual decision that results from it. However, the ASEAN Way takes on an exaggerated understanding of consensus that *musyawarah* does not. While disagreements were not common, they were still acknowledged in *musyawarah*. The idea of consensus was constructed so that "each of the participants' views formed a line of least deviation from their original stand."<sup>46</sup> Although it is peculiar to think that the ASEAN Way, which is employed by many distinct states, originated from small Indonesian village culture, it is not far-reaching to partially credit it to the development of the present-day approach. Indonesia holds a major role in the region and since the

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<sup>45</sup> Gillian Goh, "The 'ASEAN Way' Non-Intervention and ASEAN's Role in Conflict Management," *Stanford Journal of East Asian Affairs* 3, no. 1 (2003): 113-114, [https://www.academia.edu/3988485/113Gillian\\_Goh\\_Stanford\\_Journal\\_of\\_East\\_Asian\\_Affairs\\_GreaterEastAsia\\_The\\_ASEAN\\_Way\\_Non-](https://www.academia.edu/3988485/113Gillian_Goh_Stanford_Journal_of_East_Asian_Affairs_GreaterEastAsia_The_ASEAN_Way_Non-Intervention_and_ASEAN_s_Role_in_Conflict_Management)

*Intervention and ASEAN s Role in Conflict Management* in *conflicts in Haiti and Nicaragua and between*.  
<sup>46</sup> Hiro Katsumata, "Reconstruction of Diplomatic Norms in Southeast Asia: The Case for Strict Adherence to the 'ASEAN Way,'" *Contemporary Southeast Asia* 25, no. 1 (April 2003): 109, <https://doi.org/10.1355/cs25-1f>.

other members of Maphilindo embraced *musyawarah*, it can be assumed that at least part of it was integrated into ASEAN when the three members helped found the new organization.

Of ASA, Thai Foreign Minister Khoman stated that the organization was rooted in “Asian culture and traditions,” though this sounds very simple compared to the actual roots.<sup>47</sup> Tobing writes about these, stating that there are two key elements comprising the ASEAN Way: behavioral norms and procedural norms. Neither of these refer to any concrete political plans or goals, but rather focus on concepts and principles intended to further cooperation and diplomacy. The former focuses on states’ commitment to state sovereignty. Though there is no definitive reasoning behind this, the general consensus among scholars is that sovereignty is highly revered due to the region’s history with colonialism and imperialism. To avoid repetition of the past, ASEAN states made sovereignty key in establishing a cooperative environment and maintaining regional order.<sup>48</sup> The latter, procedural norms, describe how individuals should go about negotiations and diplomatic matters. The norms advocated for include: “the principle of seeking agreement and harmony, the principle of sensitivity, politeness, non-confrontation and agreeability, the principle of quiet, private and elitist diplomacy versus public washing of dirty linen, and the principle of being non-Cartesian, non-legalistic.”<sup>49</sup> Although these are being discussed in reference to ASA, some of these were also present in Maphilindo.

These procedural norms are rooted in history as well as culture. The ideas of personalistic, informal, and non-contractual politics that comprised these Asian cultures and traditions existed long before the “sports-shirt diplomacy” employed in 1967. Before the colonial period, local political systems and empires overlapped and were short-lived. As such, most lacked standing armies, bureaucracies, or even stable borders and an empire’s success was dependent on a ruler’s ability to manage personal power relationships. After decolonization, there was the development of what some specialists call ‘bureaucratic polities,’ a system in which most Southeast Asian states were ran by a small circle of elite individuals, influenced by sponsors and patrons. This system entrenched a private and informal approach into the region’s larger political culture. As such,

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<sup>47</sup> Goh, “The ‘ASEAN Way,’” 113-114.

<sup>48</sup> Tobing, “The Limits and Possibilities,” 151.

<sup>49</sup> Ibid; Non-Cartesian thinking assumes mind and body are intertwined and cannot be separated, so in this case it can be understood as all Southeast Asian countries being inseparable from one another.

public political debate and criticism was strongly eschewed, as any dissent could be perceived as lack of loyalty and a threat to those in power.<sup>50</sup>

Even if these deeper historical roots were not a factor, noninterference and consensus likely would have eventually developed out of concern for state sovereignty. Excluding Thailand, all of Southeast Asia was under colonial control until the mid-1900s. Upon gaining independence, the governments faced the challenge of nation building while being plagued by domestic obstacles. These obstacles included civil wars, violent insurgencies, armed rebellions, numerous racial, ethnic, and religious riots, alongside other security issues caused by extra-regional powers. External pressures only served to exacerbate domestic issues and solidified Southeast Asian states' valuation of state sovereignty in the pursuit of national and regional stability.<sup>51</sup> However, not all scholars agree that the ASEAN Way has historical roots. Amitav Acharya points out that many regional organizations develop their norms based off those of global or other regional organizations, as well as the current local political, social, and cultural environment. His argument states that key elements of the ASEAN Way, namely noninterference and avoidance of the use of force, were integrated based on the UN Charter and global norms. Some other organizations he names as influences in ASEAN's formation of its norms are the Organization of African Unity and the Organization of American States.<sup>52</sup> While this is a compelling argument and Foreign Minister Khoman acknowledged that the European Community had been a model from which to build ASEAN, there is still the reality that the founders of ASEAN themselves acknowledged the influence of Southeast Asian values and cultures.<sup>53</sup> The fact of historical and cultural influences here is undeniable.

The above speaks to the core development of the ASEAN Way, but not to the propagation of it. Without proper promotion and enshrinement of the above concepts, this specific approach likely would not have become so mainstream within the organization. Presently, it still plays a role and its roots are now far more substantial than they once were. ASEAN members legally bound themselves to noninterference when creating the TAC and its six principles, going so far as to include the phrase 'noninterference' in the third one.<sup>54</sup> The principles and goals of the ARF and

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<sup>50</sup> Nikolas Busse, "Constructivism and Southeast Asian Security," *The Pacific Review* 12, no. 1 (January 1999): 47-48, <https://doi.org/10.1080/09512749908719277>.

<sup>51</sup> Katsumata, "Reconstruction of Diplomatic Norms," 112.

<sup>52</sup> *Ibid*, 109-111.

<sup>53</sup> Sandhu and Khoman, "Forward: ASEAN," xiii-xviii.

<sup>54</sup> The reader will recall the six principles of the TAC, outlined in the introduction above.

ADMM also formally affirmed their commitment to noninterference. Furthermore, during the Second Bali Concord in 2003, ASEAN members once again recognized the “underpinnings of sovereignty and noninterference.... [and their] rights... to pursue their individual foreign policies and defense arrangements” when creating the ASEAN Security Community, later renamed the APSC.<sup>55</sup>

I have shown that the ideas of noninterference and consensus are rooted deeply within the historical and legal aspects of ASEAN, but these alone do not fully contextualize their significance. Noninterference and consensus, synonymous to indirectness and harmony, have long been valued in everyday social interactions in Southeast Asia and are key to the idea of ‘face’. In Western cultures, face is most often related to honor or reputation. However, the understanding of it in Asian cultures is far more intricate. Complex though it may be face is not a new topic in academia. Many scholars have written on it and have composed varying definitions on what it is, some imagining it as a public image and others imagining it as a private or ‘self-oriented’ one.<sup>56</sup> Joo Yup Kim and Sang Hoon Nam highlight several of these definitions in their article discussing face and organizational behavior.<sup>57</sup> I will approach face as public image and adopt D. Y. F. Ho’s 1976 definition:

“[face is] the respectability and/or deference which a person can claim for himself from others, by virtue of the relative position he occupies in his social network and the degree to which he is judged to have functioned adequately in that position as well as acceptably in his general conduct.”<sup>58</sup>

This may be unclear, so an example by Bloodworth has been included here to better illustrate the difference between honor and face: “A man of honor may only give a blind man a penny, but he does not rob him; a man concerned about ‘his’ face may rob the blind man if no one is looking, but will ostentatiously give him a dime once enough people are.”<sup>59</sup> Thus, the understanding of face applied here is more concerned with public appearances and opinions than personal character. Face can be gained, lost, and saved, and some have coined the term ‘facework’

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<sup>55</sup> Weatherbee, *ASEAN*, 178.

<sup>56</sup> LuMing Robert Mao, “Beyond Politeness Theory: ‘Face’ Revisited and Renewed,” *Journal of Pragmatics* 21, no. 5 (May 1994): 455, [https://doi.org/10.1016/0378-2166\(94\)90025-6](https://doi.org/10.1016/0378-2166(94)90025-6).

<sup>57</sup> Joo Yup Kim and Sang Hoon Nam, “The Concept and Dynamics of Face: Implications for Organizational Behavior in Asia,” *Organization Science* 9, no. 4 (August 1998): 522–34, <https://doi.org/10.1287/orsc.9.4.522>.

<sup>58</sup> *Ibid*, 524.

<sup>59</sup> *Ibid*, 525.

to describe the efforts made to save face. Facework is done regularly within social interactions and professional organizations alike. This is to avoid shame and embarrassment which could cause an upset in a social interaction and loss of face for all involved. Scheff suggested that the embarrassment and shame associated with losing face can be felt individually as well as by groups and even countries.<sup>60</sup> Ho pinpointed three situations in which face can be lost:

1. When one fails to meet others' expectations associated with his/her social status.
2. When one is not treated by others as respectfully as his/her face deserves.
3. When one's in-group members (relatives, immediate subordinates) fail to meet their social roles.<sup>61</sup>

In face-saving cultures, losing or threatening another's face can have serious implications and there are more situations to be considered than just those listed above. For example, if someone holding a position of power experiences either a loss or threat to their face, it could be interpreted as their legitimacy in holding that position is being questioned. Being openly rejected or ridiculed can cause loss of face and threatening another's can trigger feelings of resentment and conflict. One must be careful when existing within a hierarchy, as being 'defeated' by someone of the same rank is one of the most serious ways to lose face. It is also important to note that face is not only public but is also communal, in the sense that it is 'on loan' from the larger group and that one person misconducting themselves can cause everyone associating with them to lose face.<sup>62</sup>

Kim and Nam argue that without understanding the concept of face, it is nearly impossible to understand organizational behavior in Asia. Furthermore, they hypothesize that the process of saving face hinders creativity and innovation within organizations.<sup>63</sup> That being said, the question that arises here is why is face not more widely addressed within conversations about ASEAN and the ASEAN Way? The majority of articles written about the concept of face focus on Chinese and Japanese origins.<sup>64</sup> Though there is no definitive answer, Nair observes that in reference to ASEAN, members seem to essentialize face, which he hypothesizes has resulted in the lack of

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid, 526-529.

<sup>63</sup> Ibid, 529-532.

<sup>64</sup> David Yau-fai Ho, "On the Concept of Face," *American Journal of Sociology* 81, no. 4 (January 1976): 867-84, <https://doi.org/10.1086/226145>.

scholarship on face within ASEAN.<sup>65</sup> This is a significant oversight in the literature as face has been observed in multiple Southeast Asian cultures, directly referenced by ASEAN leaders, and is an integral, albeit discreet element of the ASEAN Way. Former Malaysian Secretary General Ajit Singh said in the ASEAN Way, “face is very important and every effort is made to ensure that no party feels hurt in an argument or a discussion.”<sup>66</sup> Singaporean diplomat Walter Woon also commented on the concept of face, calling it an “essential aspect” of ASEAN diplomacy and saying that the ASEAN Way is “a desire not to lose face in public or to make other members lose face.”<sup>67</sup> Former Malaysian Prime Minister Najib Razak additionally brought up the roles of culture and Asian family values, saying that ASEAN’s commitment to these values ensured that Myanmar has not lost face and has been successfully coaxed into reforms.

Scholars often identify face within ASEAN as a result of “Southeast Asian mentalities,” usually in culturalist terms and occasionally going so far as to denounce it for putting an ‘Oriental’ spin on diplomacy.<sup>68</sup> This is interesting to consider, because while the deeper intricacies of face might be unique to Asian cultures, applying moderate facework and using non-confrontational methods of diplomacy is not. One such example is constructive engagement, which is generally considered to be part of the ASEAN Way.<sup>69</sup> It is a method in which one state focuses on encouraging gradual political and social change in another, by engaging and maintaining relations with them and avoiding harsh restrictions such as sanctions. It is meant to encourage change privately, while avoiding embarrassing or alienating the targeted state. It used by Thailand towards Myanmar in 1991 and has continued to be present in ASEAN political strategies. However, this tactic originated in the 1980s as U.S. President Ronald Reagan’s administration’s attempt at better influencing South Africa. As such, the criticism ASEAN diplomats receive for ‘Orientalizing’ diplomacy is misplaced, particularly as methods of nonconfrontational diplomacy are not unique to them, despite their claiming it is.

This is not to say all critiques of the ASEAN Way are invalid. Many have described it as a “recipe for paralysis” and ineffective and inefficient, leading to long and fruitless meetings. Others

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<sup>65</sup> Deepak Nair, “Saving Face in Diplomacy: A Political Sociology of Face-to-Face Interactions in the Association of Southeast Asian Nations,” *European Journal of International Relations* 25, no. 3 (January 22, 2019): 682, <https://doi.org/10.1177/1354066118822117>.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Tobing, “The Limits and Possibilities,” 158.

have highlighted that ASEAN's reputation as an "outward-looking" organization has been tarnished by strict adherence to noninterference, regardless of international law violations within member states.<sup>70</sup> Furthermore, the organization has a tendency to put aside problems that it cannot reach a consensus on. The emphasis on noninterference and consensus has also been cited as damaging to the region. One example was when ASEAN members decided not to warn Bangkok about its apparent mismanagement of the national economy. Likewise, noninterference was cited as the reason Malaysia's former Prime Minister Mahathir bin Mohamad's frequent and highly vocal critiques of Western capitalism and financial speculators were left unchecked, despite the damage it brought to the region's economy.<sup>71</sup> Tobing identifies four actions ASEAN states are expected to strictly adhere to in the name of noninterference:

1. Refrain from criticizing the actions of a member government towards its own people, including violation of human rights and from making the domestic political system of states and the political styles of governments a basis for deciding their membership in ASEAN.
2. Refrain from criticizing the actions of states which were deemed to have breached the noninterference principle.
3. Deny recognition, sanctuary, or other forms of support to any rebel group seeking to destabilize or overthrow the government of a neighboring state.
4. Provide political support and material assistance to member states in their campaign against subversive and destabilizing activities.<sup>72</sup>

Due to their adherence to these actions the Association has faced criticism about its capability to resolve disputes and enforce international norms. Not only that, but the organization's dedication to the ASEAN Way and noninterference has also been a point of contention among scholars. ASEAN has been candid in their denouncement of extra-regional interference but maintains a primarily silent demeanor towards internal affairs. This was especially apparent during the invasion of East Timor by Indonesia, mentioned above. This event led to the death of almost 200,000 people within East Timor. Regardless, ASEAN states maintained their silence.<sup>73</sup> Another

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<sup>70</sup> Chalermphanupap, "ASEAN-10."

<sup>71</sup> Amitav Acharya, *The Quest for Identity: International Relations of Southeast Asia* (Singapore: Oxford University Press, 2000), 155.

<sup>72</sup> Tobing, "The Limits and Possibilities," 154.

<sup>73</sup> *Ibid*, 155.



example of ASEAN Way failure is the Philippines' and Malaysia's territorial dispute over Sabah. This dispute began in the 1960s and despite ASEAN's involvement, is still unresolved.<sup>74</sup> On the other hand, ASEAN has received some praise over its role in this dispute because although they have not been able to help resolve it, they have been credited with reducing tensions and preventing the situation from further deteriorating.<sup>75</sup> Praise of this kind is fairly common for the ASEAN Way from politicians and scholars alike. Although a disproportionate amount of approval comes from leaders within ASEAN, it is not uncommon for literature about the ASEAN Way to acknowledge some of the organization's successful work towards general regional stability.

The importance of the ASEAN Way was particularly highlighted in reference to issues that resulted from expanding membership. This is because it provided a way to 'settle old animosities' while also ensuring political equality among states, regardless of size or economic dependence/influence. It also permits states of many different political and philosophical backgrounds to cooperate. Former Singaporean Foreign Minister Professor S. Jayakumar said that "ASEAN countries' consistent adherence to this principle of noninterference is the key reason why no military conflict has broken out between any two ASEAN countries since [its] founding..."<sup>76</sup> The wording 'ASEAN countries' here is crucial. While there has not been military conflict between ASEAN member states, the region as a whole, including non-ASEAN states, has not been free of conflict. Regardless, ASEAN leaders count this as a victory and have largely credited the progress the region has made since the 1960s to the ASEAN Way.<sup>77</sup> Another point of praise among leaders is the dynamic nature of the ASEAN Way. It is described as flexible and can adapt as the organization progresses, without losing its key principles. This point has contributed to the argument for keeping the operations of the organization the same. Director Chalermpanupap concurred with this point, saying "there is no valid reason to change something that has worked successfully for over three decades."<sup>78</sup>

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<sup>74</sup> Yukiko Nishikawa, "The 'ASEAN Way' and Asian Regional Security," *Politics & Policy* 35, no. 1 (March 2007): 47, <https://doi.org/10.1111/j.1747-1346.2007.00048.x..>

<sup>75</sup> *Ibid.*, 47.

<sup>76</sup> Tobing, "The Limits and Possibilities," 157.

<sup>77</sup> Association of Southeast Asian Nations, "The Rule of Law – a Fundamental Feature of ASEAN Since Its Inception," Association of Southeast Asian Nations, May 29, 2013, <https://asean.org/the-rule-of-law-a-fundamental-feature-of-asean-since-its-inception/?highlight=War%20among%20the%20ASEAN%20Member%20States%20is%20unthinkable.>

<sup>78</sup> Chalermpanupap, "ASEAN-10."

Has it actually been successful though? Before introducing case studies, it is important to examine how the ASEAN Way has been used over the years. Generally, the ASEAN Way calls for diplomacy and quiet persuasion of the majority, and those reluctant will eventually be persuaded by peer pressure.<sup>79</sup> This appears to be against the true nature of consensus but one must remember that here, face is a factor and the pressure to conform and meet the expectations of others is tied tightly to saving one's face.<sup>80</sup> This influence by face is particularly evident in ASEAN meetings, as negotiations do not only involve ASEAN officials. General staffing members, those intended to service ASEAN meetings, are expected to guard the faces of state representatives and allow for better negotiations. As they do not represent any state directly, they are expected to act as go-betweens and handle delicate matters, preventing arguments and awkward interactions by calling for breaks or shelving difficult issues. This allows officials to discuss things informally and agree informally, before coming back to the negotiation table.<sup>81</sup> Additionally, if a member misses a meeting, the ASEAN Way, not face, dictates that they are obligated to accept whatever decision was made in their absence.<sup>82</sup>

These characteristics have been present since the creation of ASEAN. However, given the dynamic nature of the ASEAN Way, some changes have ensued. In the early 2000s, the idea of 'enhanced interaction' was introduced. This allowed for public commentary on the domestic affairs and policies of another state, given they affected the region as well. This idea was embraced as a progression of noninterference by older members, including Indonesia, Malaysia, and the Philippines and they began to emphasize the importance of coordination and cooperation. On the other hand, Myanmar, Cambodia, and Laos held steadfastly to the original definition of noninterference which specifically forbade external intervention and public discussion of domestic affairs.<sup>83</sup> This discrepancy may seem trivial but given the central role noninterference and the ASEAN Way play in ASEAN diplomacy, such a disparity significantly affects the permissibility of having conversations about internal issues with broader consequences.

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<sup>79</sup> Ibid.

<sup>80</sup> Kim and Nam, "The Concept and Dynamics," 530.

<sup>81</sup> Nair, "Saving Face," 691.

<sup>82</sup> Chalermphanupap, "ASEAN-10."

<sup>83</sup> Leviter, "The ASEAN Charter," 162-195; Alex J. Bellamy and Catherine Drummond, "The Responsibility to Protect in Southeast Asia: Between Non-Interference and Sovereignty as Responsibility," *The Pacific Review* 24, no. 2 (May 2011): 179–200, <https://doi.org/10.1080/09512748.2011.560958>.

## Myanmar and ASEAN: Two Case Studies

To understand how ASEAN and the ASEAN Way have impacted regional peace and stability, I will analyze two events in Burmese history: the 1988 Uprising and the ongoing Rohingya genocide. Both events resulted in widespread violence, murder, and mass exoduses out of Myanmar. These were chosen for comparison due to the similar situations ASEAN found themselves in, and the opportunity to deviate from past decisions that was presented to them by the second case. By analyzing these case studies and knowing the context of the history and significance of ASEAN and the ASEAN Way, I demonstrate how this approach has impacted the region.

The origins of Burma's 1988 Uprising, better known as the 8888 Uprising or the Four-Eight Democratic Moment, goes back to March 1962. That month, the Tatmadaw, Burma's armed forces, instigated a coup and placed General Ne Win in power. Win instituted the 'Burmese Way to Socialism' and instituted a period of isolationism and economic privatization that degraded Burma from the largest exporter of rice and "Asia's Rice Bowl" to one of the poorest countries in the world.<sup>84</sup> The government further exacerbated the country's impoverished state in September 1987, by demonetizing 80% of the currency. This caused widespread student protests and universities were shut down in retaliation. Protests erupted once again on March 13, 1988 following the fatal shooting of a university student by police in Rangoon. From March 14 to 18, thousands marched and demonstrated on university campuses in the capital. During this time, hundreds of protestors were arrested, at least one thousand were shot at, about 200 were beaten to death or drowned, and 41 suffocated in the back of an overcrowded police vehicle. Once again, universities were shut down to quell the unrest.<sup>85</sup>

Universities reopened June 15 and protests resumed across the country. The junta implemented a curfew and once again arrested thousands. Groups of students and Buddhist monks

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<sup>84</sup> Mya Than, "Agriculture in Myanmar: What Has Happened to Asia's Rice Bowl?," *Southeast Asian Affairs* 1990 1990, no. 1 (January 1990): 241-242, <https://doi.org/10.1355/seaa90n>.

<sup>85</sup> Egreteau Renaud, "The Repression of the August 8-12 1988 (8-8-88) Uprising in Burma/Myanmar | Sciences Po Mass Violence and Resistance," *SciencesPo*, February 25, 2009, <https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/repression-august-8-12-1988-8-8-88-uprising-burmamyanmar.html#title6>; Eli Meixler, "How A Failed Uprising Set The Stage For Myanmar's Future," *Time*, August 8, 2018, <https://time.com/5360637/myanmar-8888-uprising-30-anniversary-democracy/>; Burma Watcher, "Burma in 1988: There Came a Whirlwind," *Asian Survey* 29, no. 2 (February 1, 1989): 174-80, <https://doi.org/10.2307/2644577>.

demonstrating were attacked, driven into, and shot at by the Lon Htein force, Burma's Riot Security Police. Faced with widespread social dissent, Win resigned on July 23, and was replaced by General Sein Lwin, who was nicknamed "Rangoon's Butcher" for his commanding role in March and June's excessively violent responses against protestors. He assumed the position of President of the Republic of Burma and Chairman of the Burma Socialist Program Party. and declared martial law on August 3. This was an attempt to restore order as rumors of mass protests on August 8 began to spread.<sup>86</sup>

At 8:00am on August 8, hundreds of thousands of students, monks, women, civil servants, and even low-ranking soldiers attended demonstrations in Rangoon and cities all over the country. The date, 8/8/88 is where the name '8888 Uprising' comes from and was chosen for the number 8's auspiciousness in Buddhism and Burmese culture.<sup>87</sup> Participants remained peaceful and civilian leaders delivered speeches and facilitated open political discussions, something that had been banned for over two decades. By the late afternoon, government officials issued orders to disperse, which were ignored and at 11:00pm, Tatmadaw personnel appeared in the streets firing warning shots, before haphazardly opening fire on the crowds.<sup>88</sup>

The indiscriminate shooting of civilians continued most of the next day, and in retaliation civilians burned down police stations, attacked authorities, and beheaded six policemen and one informant. August 10 brought even more violence when a Tatmadaw squadron raided Rangoon General Hospital searching for civilian leaders. Already wounded demonstrators, blood donors, doctors, and nurses were indiscriminately targeted. After another day of protests and violence, Lwin announced his resignation on August 12. He was replaced by Dr. Maung Maung, who immediately withdrew the army, which gave civilians a false sense of victory. With the absence of the Tatmadaw, protests and civilian strategy meetings continued mostly unhindered, but rumors about the government's response and about mass prison breaks roused panic and threw the country into a state of anarchy. Neighborhoods barricaded and armed themselves, bringing government functions, domestic and international travel, exports, and the economy to a halt. Government factories, warehouses, and police stations were ransacked and occupied, and vigilante justice was rampant, resulting in beheadings and the lynching of common criminals in the streets. This chaos

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<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

ended on September 18, 1988 when General Saw Maung took power following another coup. He was backed by the State Law and Order Restoration Council (SLORC), which was later renamed the State Peace and Development Council and would stay in power until 2011.<sup>89</sup>

Muang reinstated martial law and the army quashed the unrest, resulting in an estimated 1,500 civilian casualties in one week. Within just two weeks of seizing power, SLORC destroyed the Four-Eight Democratic Movement and to prevent further protests closed all universities until the year 2000.<sup>90</sup> Following these events, Maung and other SLORC officials severely downplayed statistics, declaring a maximum of 850 arrests and 516 deaths, 500 of whom were ‘looters.’ These numbers grossly underestimate the full extent of damage done. The most credible sources cite the death toll at 3,000, but this is an estimate due to reports of the military removing bodies from the streets to lower the official casualty count, which resulted in many people being labeled as disappeared instead of deceased. Other estimates, which include statements from the All Burma Students Democratic front, non-governmental organizations, exiled government officials, and foreign diplomats cite the number of casualties at anywhere between 3,000-10,000.<sup>91</sup> Additionally, an estimated 10,000 people fled to Thailand as refugees. This number would further rise two years later, following the 1990 elections. SLORC organized this election to legitimize their regime but after Aung San Suu Kyi of the National League for Democracy (NLD) won 82% of the votes, the results were annulled, NLD leaders were imprisoned, and Suu Kyi was placed under house arrest for almost 15 years.<sup>92</sup>

Following the widespread state-sanctioned violence of 1988, ASEAN’s and the international community’s relationship with Burma, renamed Myanmar in 1989, was tumultuous. The international community responded strongly, cutting essentially all international aid, implementing sanctions, and excluding Myanmar from multilateral organizations.<sup>93</sup> In contrast, ASEAN, remained relatively quiet. Their response was not evident until the late 1990s to early 2000s and it was more closely linked to the 1990 election. When they finally responded to the actions of the junta, it was partly due to international pressures and partly because the ongoing

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<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid; David Arnott et al., eds., “Challenges to Democratization in Burma | Perspectives on Multilateral and Bilateral Responses,” *Online Burma/Myanmar Library* (Stockholm, Sweden: International Institute for Democracy and Electoral Assistance, 2011), [https://www.burmalibrary.org/docs3/BURMA\\_beyond\\_2000.pdf](https://www.burmalibrary.org/docs3/BURMA_beyond_2000.pdf), xi.

<sup>92</sup> Ibid, xii.

<sup>93</sup> Ibid; Masilamani and Peterson, “The ‘ASEAN Way,’” 4.

detention of Suu Kyi was a “deep source of embarrassment for ASEAN.”<sup>94</sup> Members were split between two tactics: isolate and punish Myanmar’s government or engage with an open-door policy, which included investing in, trading with, and even recognizing the junta to work towards liberalization. As a way of international appeasement, saving face, and abiding by the principle of noninterference, the Association favored the latter, with Thailand and Singapore leading the implementation of informal consultation and constructive engagement.<sup>95</sup>

The international community did not particularly approve of this response and ASEAN continued to face criticism. Regardless, they continued to pursue change this way, as they believed directly condemning Myanmar would have a variety of negative consequences. They specifically advocated for engagement over sanctions because of their belief that gentle encouragement would accelerate economic development and political change without hurting the lower and middle classes like sanctions would.<sup>96</sup> Furthermore, they felt that caution and restraint was necessary, lest Myanmar revert to isolationism.<sup>97</sup> The junta was slowly opening itself to outside dialogue and ASEAN leaders, who envisioned an organization that encompassed the entire region, worried that the window of opportunity to integrate Myanmar was fleeting.<sup>98</sup> They also aimed to reduce Chinese influence in Myanmar and the region as a whole. They worried harsh consequences would result in the junta relying solely on China and employed engagement to mitigate Myanmar’s Chinese dependence. Finally, ASEAN states were eager to gain access to Myanmar’s resources, including fish, timber, gems, and cheap labor.<sup>99</sup>

I speculate that beyond these practical concerns, ASEAN states utilized constructive engagement and the ASEAN Way to protect themselves and Myanmar. One justification for their approach was that sanctions and other serious repercussions would have violated the ZOPFAN and TAC.<sup>100</sup> However, Myanmar was not bound by these treaties as it was not a member of ASEAN and would not be until 1997. In the case of Indonesia’s invasion of East Timor, the latter

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<sup>94</sup> N. Ganesan, “Thai-Myanmar-ASEAN Relations: The Politics of Face and Grace,” *Asian Affairs: An American Review* 33, no. 3 (September 2006): 142, <https://doi.org/10.3200/aafs.33.3.131-149>.

<sup>95</sup> *Ibid.*, 145.

<sup>96</sup> Mikio Oishi and Nina Ghani, “Developing a Way to Influence the Conduct of the Government in Intrastate Conflict: The Case of Myanmar,” in *Contemporary Conflicts in Southeast Asia Towards a New ASEAN Way of Conflict Management*, ed. Mikio Oishi (Singapore: Springer, 2016), 93.

<sup>97</sup> Katsumata, “Reconstruction of Diplomatic Norms,” 5.

<sup>98</sup> Robert Cribb, “Burma’s Entry Into ASEAN: Background and Implications,” *Asian Perspective* 22, no. 3 (1998): 53, <https://www.jstor.org/stable/42704181>.

<sup>99</sup> Masilamani and Peterson, “The ‘ASEAN Way,’” 8.

<sup>100</sup> *Ibid.*, 4.

was and still is not a member and therefore it could reasonably be argued that it was not protected by the ZOPFAN and its guarantees to freedom from interference. Assuming this line of reasoning, it is curious why ASEAN would ignore treaties in one case but abide by them in the other. One reasonable conclusion is that ASEAN was concerned about saving face. Recall that one entity's loss of face can affect all present, and that criticizing or being criticized is reason to lose face. Though ASEAN still faced international disapproval and a loss of reputation, their actions, or lack thereof, saved Myanmar's government from being embarrassed and shamed by its neighbors. This preserved Myanmar's and ASEAN's face and kept relations open enough to eventually grant Myanmar ASEAN membership.

Following admittance, Myanmar's junta made it clear that they would continue following their own political agenda, and actually increased its repression of opposition groups. Thai Foreign Minister Dr. Surin Pitsuwan insisted that their actions and the waves of Burmese refugees coming to Thailand were causing regional security issues. However, Myanmar relied heavily on the ASEAN Way and noninterference principle to avoid discussions about this. In the past, the promise of ASEAN membership was used to negotiate with the junta. However, this advantage was lost upon their admission and ASEAN found itself encumbered by a member that largely refused to compromise.<sup>101</sup> It was not until after 2004 that ASEAN attitudes towards Myanmar shifted from strict adherence of noninterference to applying light pressure for reform. This came after decades of critique and decay of the Association's prestige due to their relatively blasé approach.<sup>102</sup> Members regarded Myanmar's reckless agency and negative impact on ASEAN's reputation with varying degrees of importance. The Philippines were highly concerned and refused to ratify the new ASEAN Charter unless Myanmar committed to restoring democracy and freed Suu Kyi.<sup>103</sup> Likewise, Malaysian Prime Minister Mahathir Mohamad blamed Myanmar for ASEAN's embarrassment and threatened expulsion from ASEAN if they did not release Suu Kyi, though Thai Prime Minister Thaksin Shinawatra rejected this threat.<sup>104</sup>

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<sup>101</sup> Arnott, "Challenges to Democratization," xv.

<sup>102</sup> Oishi and Ghani, "Developing a Way," 89–110.

<sup>103</sup> Ludovica Marchi, "ASEAN Vis-à-Vis Myanmar: What Influences at Play?," *London School of Economics and Political Science Library Services* (London, UK: The London School of Economics and Political Science Centre for International Studies, 2014): 8, <http://eprints.lse.ac.uk/64792/>.

<sup>104</sup> Stephen McCarthy, "Burma and Asean: Estranged Bedfellows," *Asian Survey* 48, no. 6 (December 2008): 920, <https://doi.org/10.1525/as.2008.48.6.911>.

The Rohingya genocide has been another instance of violence in Myanmar. The Rohingya are a Muslim minority living in the western Rakhine State, alongside Buddhist Rakhine/Arakanese people. The Rohingya can trace their roots in the area to the 7<sup>th</sup> century and after Burma gained independence in 1948, they were recognized as a minority ethnic group.<sup>105</sup> However, after General Win's 1962 coup he promoted extreme nationalistic sentiments which resulted in the systematic marginalization and eradication of the Rohingya, both by the ruling regime and the Buddhist-majority populace. In the 1970s, the junta launched the *Nagamin* project, intended to differentiate locals and foreigners. The Rohingya were designated foreigners, and many had their IDs confiscated. Following widespread destruction of mosques, murder, and rape in 1978, more than 200,000 Rohingya fled to Bangladesh, whose government worked with Burma to repatriate many of them, who were subsequently placed in camps. This began a regular cycle of Rohingya movement, and other events of mass violence would occur in 1992, 2001, 2009, 2012 and 2015.<sup>106</sup>

Discrimination and persecution of the Rohingya has been systematic and perpetrated by both government and civilian factions. In 1948, the Union Citizenship Act promised the Rohingya citizenship, but the 1982 Myanmar Citizenship Law rescinded this and the government has also attempted to strip them of their identity. The term 'Rohingya' is used only by the international community. Within Myanmar, its use is rejected and they are considered illegal Bengali migrants, called 'Bengali' or 'Kalars,' which traditionally referred to people of Indian origin but is now used as a derogatory term.<sup>107</sup> They are regularly dehumanized and within broader Burmese society are dubbed cockroaches, inhumane, and diseased. As Myanmar does not recognize them, they are the world's largest stateless group, and before August 2017, there was an estimated one million Rohingya living in ghettos and being subjected to forced labor, restrictions on education and employment, involuntary birth control, sexual violence, forced relocation, murder, religious and cultural discrimination, and other kinds of oppression.<sup>108</sup>

Though this problem has persisted for several decades, I have chosen to focus on the events of 2012. In May, three Muslim men sexually assaulted and murdered a Rakhine woman. These

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<sup>105</sup> Zezen Zaenal Mutaqin, "The Rohingya Refugee Crisis and Human Rights: What Should ASEAN Do?," *Asia-Pacific Journal on Human Rights and the Law* 19, no. 1 (June 29, 2018): 1–26, c; Tobing, "The Limits and Possibilities," 159.

<sup>106</sup> Ibid.

<sup>107</sup> Thant Sin, "Facebook Bans Racist Word 'Kalar' in Myanmar, Triggers Censorship," *Business Standard India*, June 3, 2017, [https://www.business-standard.com/article/international/facebook-bans-racist-word-kalar-in-myanmar-triggers-censorship-117060300423\\_1.html](https://www.business-standard.com/article/international/facebook-bans-racist-word-kalar-in-myanmar-triggers-censorship-117060300423_1.html).

<sup>108</sup> Mutaqin, "The Rohingya Refugee Crisis."; Tobing, "The Limits and Possibilities," 160.



men were identified as Rohingya, and in retaliation hundreds of Arakanese ambushed a bus carrying Muslims, beating and killing 10 of them as police watched.<sup>109</sup> Five days later on June 8, Rohingya Muslims rioted, killing many Arakanese and burning down their homes. This resulted in mass violence between the groups, with law enforcement and military personnel only involving themselves in the violence against the Rohingya. Eventually, Muslims were targeted as the instigators and mass arrests of Rohingya followed, alongside the displacement of at least 75,000 others from their homes. After this, Arakanese leaders and even Buddhist monks started calling for economic and social isolation of Muslims, some going even advocating for the “ethnic cleansing” of Muslims from the area. Then-President Thein Sein said that the “only solution” to mediate the ongoing conflict was to “expel ‘illegal’ Rohingya to other countries.”<sup>110</sup> In October, violence erupted across nine different towns and Rohingya Muslims are once again targeted and attacked, leaving about 40,000 more displaced and an estimated 70 dead. After this incident, the government claimed only 12 people were killed. From this point forward, Muslims continued to be subjected to violence, with state security forces perpetrating sexual crimes against Rohingya women. These atrocities were similar to what had been happening for decades and despite state denial, was and continues to be supported by government security forces and overlooked by government officials.

As recently as 2017, Human Rights Watch released data showing 214 Rohingya villages have been burned down, about 640,000 Rohingya have fled Myanmar, and about 300,000 live in Internally Displaced Person camps, which have been compared to Jewish ghettos. Images released with the above data conclude that violence against the Rohingya has reached the level of genocide.<sup>111</sup> In an effort to escape, hundreds of thousands of Rohingya have fled to Bangladesh or boarded boats attempting to reach Thailand, Malaysia, Indonesia, or Australia. Fellow Southeast Asian states have not been particularly helpful in the plight of the Rohingya. The UN High Commissioner for Refugees estimated that in 2012, 13,000 Rohingya refugees arrived in Malaysia by boat, and Thailand has tallied an additional 6,000 that arrived on their shores since October

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<sup>109</sup> Human Rights Watch, *“All You Can Do Is Pray” : Crimes against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State* (New York, Ny: Human Rights Watch, 2013), <https://www.refworld.org/docid/518230524.html>.

<sup>110</sup> Ibid, 22.

<sup>111</sup> Mutaqin, “The Rohingya Refugee Crisis,” 21-23; Tobing, “The Limits and Possibilities,” 159.

2012.<sup>112</sup> Several hundred others have been lost at sea, and thousands more were turned away at the shores of other countries or left stranded, drifting in Southeast Asian waters for months. It was not until 2015 that Indonesia and Malaysia began permitting these groups of ‘boat people’ temporary refuge.<sup>113</sup>

International response has been significantly different than in the past. Prior to the violence of 2012, the EU had been lifting sanctions and when these events transpired, they claimed to be ‘in touch’ with officials and ‘closely monitor[ing]’ the situation.<sup>114</sup> The US, UK, and even the Organization of Islamic Cooperation responded similarly, releasing standard denunciations and stating they were “deeply concerned” and would continue to monitor developments, without taking any serious action.<sup>115</sup> Responses were generally insignificant until after the events of 2015. Still, it was not until 2017 that the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein called the events in Myanmar a “textbook example of ethnic cleansing” and criticized State Counsellor Suu Kyi. She had been released from house arrest in 2010 and entered office in 2016 and could potentially face criminal charges relating to genocide due to her lack of action.<sup>116</sup> ASEAN’s response was also sluggish and underwhelming. Though the organization sent aid to the Rohingya, there was no substantial attempt at addressing the issue until years later. Once again, hard criticism was avoided, as even simple statements could be considered interference and cause tension between ASEAN members. They continued to employ constructive engagement and eventually Myanmar allowed discussion of the situation “in the Rakhine state” and asked for “constructive support” from its neighbors.<sup>117</sup> However, it would be negligent not to point out that this came only after almost 25 years of engagement and denial, and still has not resolved the issue.

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<sup>112</sup> “Key Issues for Refugees from Myanmar (Burma),” Refugee Council of Australia, May 9, 2020, <https://www.refugeecouncil.org.au/myanmar-burma/>.

<sup>113</sup> Richa Shivakoti, “ASEAN’s Role in the Rohingya Refugee Crisis,” *Forced Migration Review: Latin America and the Caribbean Building on a Tradition of Protection*, no. 56 (October 2017): 75–77, <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/latinamerica-caribbean.pdf>.

<sup>114</sup> “EU Makes Diplomatic Initiatives to End Massacre in Myanmar,” Anadolu Agency, July 22, 2012, <https://www.aa.com.tr/en/world/eu-makes-diplomatic-initiatives-to-end-massacre-in-myanmar/353628>.

<sup>115</sup> Aisha Ismail and Elliot Dolan-Evans, “The International Community’s Response to the Rohingya Crisis - AIIA,” Australian Institute of International Affairs, September 12, 2017, <http://www.internationalaffairs.org.au/australianoutlook/international-community-response-rohingya/>.

<sup>116</sup> Laurel Wamsley, “U.N. Human Rights Chief: Aung San Suu Kyi Could Be Culpable For Genocide,” NPR.org, December 18, 2018, <https://www.npr.org/sections/thetwo-way/2017/12/18/571709258/u-n-human-rights-chief-aung-san-suu-kyi-could-be-culpable-for-genocide?t=1595269748547>.

<sup>117</sup> Tobing, “The Limits and Possibilities,” 166.

The impact this crisis has had on the region is undeniable and many, excluding ASEAN, consider it a humanitarian and human rights issue. I argue that it is also one of security and stability. Not only has Thai Foreign Minister Pitsuwan identified the threat mass exodus pose to regional stability, but the UN and Amnesty International have also linked human rights to regional security.<sup>118</sup> Furthermore, in at least one instance the animosity between the Rohingya and Arakanese escalated outside of Myanmar, resulting in the death of 8 Buddhists in an Indonesian jail.<sup>119</sup> Finally, recall the earlier analysis of what constitutes a disruption to regional peace and stability. It was concluded that ASEAN primarily recognizes situations of outright inter-state conflict. However, due to document structures, other organizations and conferences referenced, and adoption of the UN Charter, technically ASEAN has a responsibility to the maintenance of human rights, equality, justice, national identities, social stability, and international obligation. It is clear that the situation in Myanmar disrupts almost all of these, and even if ASEAN is in denial of the disruptions and its responsibilities to mediate them, they cannot deny their international obligation.

International obligation is emphasized by the Responsibility to Protect (R2P). It was adopted by the UNGA in 2005, is endorsed by ASEAN member states, and comprises three main ideas:

1. The responsibility of each state to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, and to help other states abide by this.
2. The responsibility to use peaceful methods to intervene and protect populations from the crimes listed above in a timely and decisive manner when their own state fails to do so. This includes the responsibility of relevant regional organizations to cooperate with the international community to intervene appropriately.

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<sup>118</sup> “Australia’s Regional Dialogue on Human Rights,” *Parliament of Australia* (Joint Standing Committee on Foreign Affairs, Defence and Trade), accessed July 20, 2020, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Completed\\_Inquiries/jfadt/dialog/Reportinx](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Completed_Inquiries/jfadt/dialog/Reportinx); Bertrand Ramcharan, “Security and Human Rights,” *United Nations* (United Nations), accessed July 20, 2020, <https://www.un.org/ruleoflaw/files/Ramcharan.pdf>.

<sup>119</sup> “Rival Myanmar Groups Clash in Indonesia Jail,” *www.aljazeera.com*, April 5, 2013, <https://www.aljazeera.com/news/asia-pacific/2013/04/2013455120937667.html>.

3. Fully supporting the Special Adviser of the Secretary-General on the Prevention of Genocide.<sup>120</sup>

Based on the information presented, ASEAN has a responsibility to intervene under the R2P. This would allow them to meet their international obligations as well as better build a peaceful region in which equality, justice, and the other values above are present. However, ASEAN does not recognize that they are responsible for upholding these values or that this is a regional stability issue, despite the threat large influxes of refugees pose to their sovereignty. Some individual states, namely Indonesia and Malaysia, have been more vocal in denouncing the violence against Rohingya Muslims, but this is not endorsed by ASEAN. As a whole, the Association has retained their commitment to the ASEAN Way and its principle of noninterference. The influence of face here can only be speculated on because of the organization's noncommittal response and the complications the topics of human rights and refugees bring to the situation. ASEAN states do not subscribe to the same definitions of these topics that Western countries do, and therefore do not have any significant feelings of obligation to intervene. However, due to the integral role face plays in the ASEAN Way and noninterference, it can be at least partly attributed to the organization's continued silence on the atrocities occurring within their region.

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<sup>120</sup> United Nations General Assembly 60/1, *Resolution Adopted by the General Assembly on 16 September 2005*, A/RES/60/1 (September 16, 2005), [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_60\\_1.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf).

## Conclusion

In both of the above cases, ASEAN took a relatively hands-off approach for various reasons. Noninterference was quoted as a major justification in both, and while abiding by this principle and the ASEAN Way is understandable and even expected, ignoring issues altogether is not. ASEAN states within APSC have recognized that their individual securities are tied together, yet they refuse to acknowledge or intervene in domestic security issues that could, and have, spilled over borders into neighboring states. As such, there is room for improvement in the organization's approach to regional peace and stability. They walk a fine line between fulfilling their duties as a regional organization and saving their face, but even facework allows for indirect discussions and the eventual acquisition of consensus. Currently, the extent to which they apply the ASEAN Way does not. Furthermore, the organization's dedication to observing agreements and treaties has been inconsistent. This is evidenced by their abiding by the TAC and ZOPFAN in the late 1980s, despite Burma having no ties to them, but not holding themselves accountable to follow the R2P. There is also the matter of how the noninterference principle is utilized. They did not find fault with Indonesia invading East Timor because the noninterference principle was aimed towards external actors, yet they cannot intervene in a member state that is committing state-sanctioned, systematic genocide because it would be violate the noninterference principle.

Face is another characteristic of the ASEAN Way that is not observed uniformly. ASEAN has historically avoided confrontation and humiliation specifically to preserve its and others' face. Yet, following its admission, Myanmar's intention was to continue on its own path, regardless of ASEAN's expectations. As it has taken so long to concede to international pressures and openly dialogue about the Rakhine region, it is reasonable to assume that Myanmar does value face as highly as others do. This is particularly true as meeting others' expectations and caving to peer pressure are clear indicators of practicing facework. While face is rooted within the history of the organization, it does not appear to be observed equally by all states. This, and the noninterference principle are two characteristics of the ASEAN Way that should be revised, particularly as the Association's security goals have evolved over the decades. Originally, "regional peace and stability" and a "region which can stand on its own feet, strong enough to defend itself against any

negative influence from outside the region” was the extent of ASEAN’s regional security goals.<sup>121</sup> If these were still the only references to regional peace within the organization, it could be argued that they achieved what they set out to. There have not been wars between member states since the creation of ASEAN, and no substantial outside threats. However, security goals grew with the Association, into those of creating a just and harmonious region, one that “puts people at the centre of concern” and overall, a united Southeast Asian community.<sup>122</sup> These goals have not been attained, and one could argue that the organization has in some aspects, failed in their endeavors as even after 50 years, ethnic minorities within the region continue to be violently targeted.

In order to fully facilitate ASEAN’s pursuit of its goals, all members need to have the same understanding of political boundaries and regional responsibilities. Their states are more intertwined than ever, and this will only increase. Discrepancies within their understandings of key concepts and responsibilities will only serve to stall and weaken the region. If they want the international community to see them as a truly effective component of the region’s peace and stability, member states should be united in their understandings of regional issues, as well as better hold themselves accountable to the treaties they are a part of. Noninterference and the ASEAN Way were intended to protect the region from the outside, but they still have a responsibility to protect themselves from within. They would only benefit by recognizing that security issues can easily spill from state one to the next, and are better dealt with together, rather than apart. However, changing their modus operandi would not be easy. A major reason for member’s devotion to the ASEAN Way is that it helps maintain the balance of power within the organization and the region. Furthermore, it is a way for Southeast Asian states to participate in regional dialogues regardless of their political, historical, or economic backgrounds. It ensures all states have the same input and are protected from large states exerting their power and pushing their agenda on others. Changing the ASEAN Way would be a precarious process, one that would require a delicate balance to sustain equality between states, while also saving their face.

All this is not to say that the Association and its approach have been entirely useless in facilitating regional peace. Their successes in creating the SEANWFZ, ZOPFAN, and TAC should not be overlooked. Furthermore, consistent engagement through the ASEAN Way has successfully

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<sup>121</sup> “History.”

<sup>122</sup> Henning Borchers, “ASEAN’s Environmental Challenges and Non-Traditional Security Cooperation: Towards a Regional Peacekeeping Force?,” *ASEAS – Austrian Journal of South-East Asian Studies*, 7, no. 1 (2014): 14, <https://doi.org/10.14764/10.ASEAS-2014.1-2>.

encouraged change within Myanmar. However, it seems that the ASEAN Way has its limits and is most useful in times of peace. On multiple occasions, ASEAN has used noninterference almost as a way to pick and choose which situations to involve themselves in and have often picked noninterference over intervening in situations that led to mass casualties. It has allowed the region to continue to exist in varying states of conflict, and there is no reason the ASEAN Way, noninterference, and face cannot be respected while also working diligently and effectively towards true regional stability. The ASEAN Way is effective in promoting a peaceful and stable region, but only to a point. ASEAN leaders have said that the ASEAN Way is dynamic and ever evolving, yet for the majority of the organization's history, it has remained static. Longevity does not equate efficacy, and although this approach was ideal in the first turbulent decades of the Association's existence, the ASEAN Way should be evolving with the rest of the region.

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