[i] Chalermpalanupap, Termsak. 2016. "Five Decades of ASEAN: The History of a Political Miracle." *The Diplomat*, December 27.

[ii] Less than three weeks later, the Foreign Affairs Secretary of the Philippines lost his job when the Commission on Appointments refused to confirm his appointment for failing to disclose or to admit he once held US citizenship.

[iii] That was the only time a Chinese President met ASEAN leaders in an ASEAN-China Summit. At the ASEAN-China Summit in Hanoi on 16 December 1998, China was represented by Vice-President Hu Jintao. In subsequent ASEAN-China Summits, China was always represented by its Premier, starting with Premier Zhu Rongji in 1999. On the other hand, the Chinese President has regularly attended the APEC Economic Leaders Meeting and the G20 Summit.

[iv] In 2016, in order to cut hosting costs, Laos convened the 28th and 29th ASEAN Summits consecutively from 6-8 September in Vientiane. In 2017, the Philippines hosted the 30th ASEAN Summit in Manila from 26-29 April, and will host the 31st ASEAN Summit in Pampanga (Clark Airbase town) from 10-14 November.

[v] The 1995 Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) does provide for decision-making by a two-thirds majority vote if there is no consensus. But so far voting has never been resorted to either in the SEANWFZ Commission or its Executive Committee.

[vi] In the EU, at least three languages are usually used: English, French and German. Even after the withdrawal of the United Kingdom from the EU, English is likely to continue as one of the main working languages in the EU.

[vii] "The ASEAN Way" was composed by three Thais: Kittikhun Sodprasert, Sampow Triudom and Payom Valaipatchra. It was chosen on 20 November 2008 in an ASEAN-wide competition. Beethoven's Ode to Joy is the Anthem of Europe adopted by the Council of Europe in 1972. The EU has adopted the music of *Ode to Joy* without words as its anthem.

[viii] At first the drafters of the ASEAN Charter were considering using "Unity in Diversity" as the ASEAN motto. But it was dropped because it was similar to the EU's motto of "United in Diversity".

ASEAN Norms and Practices

Lee Jones

Most Association of Southeast Asian Nations (ASEAN) elites, scholars and even journalists will testify that ASEAN developed a set of treasured norms early on – the so-called ASEAN Way – and has barely departed from these since.[i] The most important of these norms are supposedly the practices of consultation and consensus decision-making; an informal and quiet approach to solving problems, avoiding legal or binding agreements or "megaphone diplomacy"; and a deep aversion to interference in states' internal affairs. In the early post-Cold War period, the ASEAN Way was celebrated as a unique and worthwhile route to regional order. However, since the 1997-1998 financial crisis, the Association, beset by increasingly complex problems and growing expectations, is more often criticised for its inaction and incompetence, with virtually everyone blaming the restrictive ASEAN Way.

In reality, as I have shown at length elsewhere, all of these norms have been violated at some point, even the supposedly sacred non-interference principle. Indeed, some of these violations have been extremely egregious and harmful, involving war, annexation, proxy conflicts, military and civil assistance, membership conditionality and soft-peddled regime change (Jones, 2012). As one top Singaporean diplomat told me, "Frankly, we have been interfering mercilessly in each other's internal affairs for ages, from the very beginning" (Kausikan, 2008). Likewise, former ASEAN Secretary-General Rodolfo Severino admits that non-interference "is not a doctrine that is

adhered to and applied on dogmatic or ideological grounds. It springs from a practical need to prevent external pressure from being exerted against the perceived national interest – or the interest of the regime .... [Consequently] ASEAN's practice of non-interference has not been absolute" (Severino, 2006: 94). In addition to sometimes egregious disparity between official norms and actual practices, we have also seen overt attempts to revise ASEAN's norms, such as a push for "flexible engagement" in the late 1990s, and proposals to include sanctions for non-compliance with ASEAN agreements in the 2007 ASEAN Charter. Although these efforts formally failed, they were nonetheless followed by practices departing from non-interference, including attempts to promote regime change in Myanmar, and quasi-sanctions levelled on Myanmar and Cambodia.

It is therefore clear that ASEAN's norms and practices are neither consistent nor static. If we are interested in what norms and practices ASEAN will use in 50 years' time, then, it is necessary first to understand the forces that have created dynamism and change in the past, then to ask whether these pressures will continue in the future. In what follows, I argue that the main drivers of change in ASEAN norms and practices has been the evolving interests of ruling coalitions of socio-political forces and threats to these interests. However, while these drivers often prompt ASEAN states to behave in ways that depart from, or explicitly challenge, ASEAN norms, because different ruling coalitions have different interests and perspectives, formal changes are thwarted due to a lack of inter-state agreement, creating the appearance of stasis. Looking forward, I suggest that we are already seeing a decline in external threats to regime interests, which will diminish the propensity for change. Moreover, there is little sign that the nature, interests and strategies of ASEAN's dominant coalitions are converging on a more liberal or progressive set of values, meaning their capacity to agree on new norms and practices will remain very limited. Accordingly, while *ad hoc* departures from formal norms will likely continue, in 2067 – if ASEAN still exists at all – I suggest it will be stuck with a "lowest common denominator" approach.

What causes ASEAN norms and practices to change?

Past changes in ASEAN norms and practices have been driven by the interests of the dominant socio-political coalitions underpinning incumbent regimes, and especially by perceived internal and external threats to these interests. However, because these coalitions and their modes of governance are so diverse, consensus on formally changing ASEAN's norms remains elusive.

The most obvious threat to dominant interests came from communist forces during the Cold War. In every ASEAN state, leftist or even mildly reformist groups – seen as threats to capitalist social order and the political, military and business elites dominating these countries – were marginalised politically and fiercely repressed at home. They were also seen as linked to the communist parties of other states, notably China, Burma and Indochina. To crush communism at home, ruling elites saw a need to intervene beyond their borders, to prop up non-communist regimes, create buffer zones between communist parties and generally deny succour to their domestic enemies. The most obvious examples include: Indonesia's invasion and annexation of East Timor, designed to prevent the emergence of a "communist" mini-state that might help revive the Indonesian Communist Party; over a decade of covert intervention in the Cambodian civil war; and the sponsorship of rebel groups in Burma, to maintain "buffer zones" between Thailand and neighbouring communist parties (Jones, 2012, part I).

After the defeat of communism, threats to ASEAN's authoritarian and oligarchic regimes came more from liberal/democratic opponents or

resistance movements, coupled with rising pressure from Western states. An important example was the East Timorese liberation movement. The Indonesian government abandoned several ASEAN norms to bully its neighbours into helping to suppress this movement in their countries. However, following the 1999 referendum and humanitarian crisis in East Timor, most ASEAN states reversed the pressure, urging Indonesia to accept international intervention and sending personnel to join, and even lead, the United Nations operations there (Jones, 2012, ch 7). Meanwhile, democratic oppositions had (re-)emerged in several states, while Western pressure over democracy and human rights intensified. Myanmar was a particular focus of pressure, causing recurrent crises in ASEAN relations with Europe and the United States. This threat to ASEAN regimes' economic and diplomatic ties prompted regional states to abandon non-interference and push Myanmar's junta for accelerated democratisation (Jones, 2012, ch 8).

The post-Cold War period also saw overt attempts to change ASEAN's formal norms, to unleash even more interventionist practices. This included proposals for flexible engagement vis-à-vis Myanmar; the despatch of "ASEAN troika" to mediate a new political settlement in Cambodia in 1997-1999, when that country's membership bid was suspended following internal unrest; and suggestions that ASEAN develop norms to punish non-compliant members in the 2007 ASEAN Charter (Jones, 2012, ch 5: 8). However, these proposals failed. "Flexible engagement" was diluted to "enhanced interaction"; the "troika" has never been deployed again, despite being formally retained as an ASEAN instrument (rather like the ASEAN High Council and Dispute Settlement Mechanism, which exist only on paper); and proposals for sanctions were quietly dropped during the drafting of the Charter (Caballero-Anthony, 2008: 73-75).

This failure to change ASEAN's formal norms reflected two factors. First, as Severino notes, the non-interference principle, while never universally respected, remains a useful strategic tool to fend off threats to regime interests. It can be invoked – albeit not always successfully – to exclude external actors and resources from domestic political struggles, bolstering incumbent elites' position in these conflicts. Accordingly, even states that agitated for normative change have fallen back, self-interestedly, on non-interference. Thailand, for instance, proposed "flexible engagement" in 1998, but invoked "non-interference" in 2004 to prevent discussion of the civil war in southern Thailand. Second, the sheer diversity of ASEAN regimes and the interests they defend precludes agreement on new norms and practices. For example, the Organisation of American States and the European Union have adopted sanctions systems to punish democratic backsliding. This is only possible because a critical mass of ruling coalitions have adopted democratic governance and state managers see regional guarantees as a way of embedding their regimes (see, for example, Pevehouse, 2005). ASEAN regimes will not agree to such norms and practices because they do not share common political characteristics. Hence, although Indonesia promoted democratisation, human rights and a rejection of unconstitutional changes of government through the 2003 Bali Concord II, there was no real consensus underpinning the declaration. Accordingly, little to no action has followed. In this respect, ASEAN is just like any other regional grouping in international politics: the "thickness" of its norms depends on state consent. If, reflecting the interests they serve, regimes disagree on substantive issues, the organisation can only uphold "thin" norms, a lowest common denominator position (Bull, 1977). Practices may continue to depart from norms, but in an *ad hoc* rather than rule-governed manner.

The next 50 years

Forecasting the next five decades thus involves answering two interrelated questions. First, are there growing threats to regimes and their socio-political coalitions that will likely prompt departures from existing norms? Second, will these coalitions and regimes evolve in a more convergent direction, permitting consensus on new norms? The answer to both, I suggest, is no.

First, the threats ASEAN regimes face seems relatively low and in decline. Unlike during the Cold War, there is no well organised opposition to ASEAN's oligarchic regimes. The crushing of the left has deprived ordinary people of the institutions and organisations they need to represent themselves and achieve meaningful change, leaving politics dominated by narrow political, economic, bureaucratic and military elites (Hewison and Rodan, 2012). In retrospect, the 1990s threat from liberal/democratic opponents seemed severe for only two reasons. The first was the apparent brittleness of authoritarian regimes. Today, however, ASEAN's regimes have increasingly adopted sophisticated modes of governance that make concessions to their opponents and channel their grievances down non-threatening routes, creating more participation, but reducing actual contestation (Jayasuriya and Rodan, 2007; Rodan and Hughes, 2014). Of course, there is still some significant opposition. The Malaysian government is experiencing a long, grinding crisis of hegemony; the Cambodian regime is in open conflict with trade unions and an opposition party that apparently won the 2013 elections; and grinding ethno-political strife continues in Myanmar and Thailand. Moreover, capitalist development will always generate new social contradictions. However, whereas in the 1990s most observers assumed that such conflicts could push countries towards democracy, today we should be more alert to the opposite possibility: a turn to stronger and possibly more sophisticated authoritarian controls. Representative government

seems in decline everywhere today, even in established Western democracies, battered by the twin demons of technocracy and populism. The optimism of the "third wave" is giving way to alarm and pessimism, with many noting rising democratic backsliding, even as the number of formal democracies grows (Plattner et al., 2015). Moreover, thanks to a growing body of scholarship, we are now far more aware of the resilience of authoritarian regimes and their ability to combine formal democracy with severe constraints on freedom and political contestation (Rodan and Jayasuriya, 2009). The last decade has seen serious democratic reversals in Thailand and the erosion of civil and political liberties in Malaysia, Cambodia and elsewhere, while the election of populist strongman Rodrigo Duterte in the Philippines – and the narrow defeat of alleged war criminal Prabowo Subianto in Indonesia's 2014 presidential election – are signs of democratic decay even in the region's most "liberal" countries.

A second reason why the liberal/democratic threat looked so potent earlier was its presumed linkage with Western states which were supposedly "stirr[ing] up rebellion everywhere", fomenting "liberal democratic insurrection", as former Malaysian Prime Minister Mahathir Mohamed put it (cited in Jones, 2012: 95). If this was ever true, it no longer is. Western pressure was always mitigated by a desire for economic engagement with Asia's booming markets and developments since the early 2000s have exacerbated the West's timidity. The catastrophic failure of the US-led invasion of Iraq, and its reverberations across the Middle East and North Africa, has severely dented Western states' faith in their capacity to promote democracy overseas, while entangling them (and the desperate populations of many Arab states) in a colossal crisis with no end in sight. The onset of the so-called "war on terror" had already severely diluted the United States' pressure on Southeast Asian states for liberalising reforms, with Western agencies settling for (often superficial) moves towards good governance over democratisation and human rights.

The only exception was Myanmar, where Western pressure remained intense. However, with Washington's pivot to Asia in 2009, even this rapidly waned. Western governments have been remarkably timid in response to the massacre of red-shirt protestors and two military coups in Thailand; violent crackdowns on trade unions in Cambodia; escalating ethnic conflict in Myanmar; and the horrendous "war on drugs" in the Philippines, to name but a few. An important context here is the rise of China as an authoritarian economic powerhouse. Obviously, China's rise prompted the United States to "return" to Asia with the hope of courting local states to side against Beijing. Most ASEAN states are wary of both US and Chinese intentions, but this geostrategic competition means Western states – themselves increasingly illiberal in character – are even more leery of confronting illiberal practices in Southeast Asia, for fear of driving ASEAN governments into China's embrace.

Conclusion

These trends do not favour significant evolution in ASEAN's norms and practices. The threats to ruling coalitions that spurred past departures from, and challenges to, ASEAN norms have dwindled as oligarchic forces have recovered from the challenges of the 1990s and Western powers have moderated their policies in Southeast Asia to cope with crises in the Middle East and the rise of China. Moreover, hopes that ASEAN states might converge around liberal principles, much anticipated in the "democratic moment" of the late 1990s and early 2000s (Acharya, 1999), seem to have been dashed. As so often in the past, regimes have made some concessions to their opponents and critics, liberalising governance in some areas, but their fundamental contours have changed remarkably little. The region remains a motley collection of fully autocratic states, electoral authoritarian regimes and highly compromised and somewhat fragile democracies, dominated in every case by illiberal, oligarchic forces. The most likely outcome for

ASEAN's norms and practices, therefore, is more of the same. From time to time, ASEAN states' actual practices will diverge sharply from formal ASEAN norms, reflecting the interests of socio-political forces underpinning their respective regimes. At times this may even prompt formal challenges to the ASEAN Way. However, because ASEAN regimes continue to evolve in very idiosyncratic ways, and there is little prospect of liberal convergence, intergovernmental agreement to radically change the ASEAN Way will remain elusive. Indeed, with the prospect of more democratic backsliding and authoritarian practices, ASEAN elites will perhaps find the non-interference principle increasingly useful in maintaining their domination. Similarly, as the region becomes increasingly torn by geopolitical competition between the United States and China, common ground will become harder to find, necessitating the retention of other lowest common denominator norms, like consultation and consensus decision-making, to avoid further dividing the region.

References

Acharya, Amitav. 1999. "Southeast Asia's Democratic Moment." *Asian Survey* 39 (3): 418-432.

Bull, Hedley. 1977. *The Anarchical Society: A Study of Order in World Politics*. London: Macmillan.

Caballero-Anthony, Mely. 2008. "The ASEAN Charter: An Opportunity Missed or One that *Cannot* Be Missed?" In *Contemporary Southeast Asia 2008*, edited by Daljit Singh, 71-85. Singapore: Institute of Southeast Asian Nations.

Hewison, Kevin, and Garry Rodan. 2012. "Southeast Asia: The Left and the Rise of Bourgeois Opposition." In *Routledge Handbook of Southeast Asian Politics*, edited by Richard Robison, 25-39. London: Routledge.

Jayasuriya, Kanishka, and Garry Rodan. 2007. "Beyond Hybrid Regimes: More Participation, Less Contestation in Southeast Asia." *Democratization* 14 (5): 773-794.

Jones, Lee. 2012. *ASEAN, Sovereignty and Intervention in Southeast Asia.* Basingstoke: Palgrave Macmillan.

Jones, Lee. 2015. "Explaining the Failure of the ASEAN Economic Community: The Primacy of Domestic Political Economy." *Pacific Review* 29 (5): 647-670.

Kausikan, Bilahari. 2008. Interview with the Author, February. Singapore.

Pevehouse, Jon. 2005. *Democracy from Above: Regional Organizations and Democratization.* Cambridge: Cambridge University Press.

Plattner, Marc, Francis Fukuyama, Robert Kagan, Philippe C Schmitter, Steven Levitsky, Lucan Way, Thomas Carothers, Tarek Masoud, Alina Mungiu-Pippidi, E Gyimah-Boadi, Scott Mainwaring, Aníbal Pérez-Liñán, Alfred Stepan, Andrew J Nathan, and Lilia Shevtsova. 2015. "Is Democracy in Decline? 25th Anniversary Issue." *Journal of Democracy* 26 (1): 5-182.

Rodan, Garry, and Caroline Hughes. 2014. *The Politics of Accountability in Southeast Asia: The Dominance of Moral Ideologies.* Oxford: Oxford University Press.

Rodan, Garry, and Kanishka Jayasuriya. 2009. "Capitalist Development, Regime Transitions and New Forms of Authoritarianism in Asia." *Pacific Review* 22 (1): 23-47.

Severino, Rodolfo C. 2006. *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-General.* Singapore: Institute of Southeast Asian Nations.

[i] Given space limitations I focus here on diplomatic and security norms and practices, especially non-interference. The story in economic governance is somewhat different (see Jones 2015).

Chapter 4

ASEAN Institutions and Regional Architecture