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REGIONAL IDENTITY BUILDING WITHOUT LIBERAL DEMOCRACY

The case of the ASEAN Community

Ph.D. Dissertation

by

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PREFACE AND ACKNOWLEDGEMENTS

The idea of writing my dissertation on this topic came when I read "Key facts and figures about Europe and the Europeans", which states that democracy, the rule of law and respect for human rights are indispensable to EU membership. At the time, I recalled none of these requirements are needed in the ASEAN Community. This new knowledge of the European Union raised my interest in the possible impacts the type of regime in a member country can make on the construction of a regional community of countries. However, soon enough, I realized that, due to time constraints, instead of examining regional community, I'd better focus on regional identity of the people, which is the soul of such a community.

I was very glad that Professor Sebastiano Maffettone found the topic interesting and encouraged me to pursue it. Despite his busy schedule, he has always been generous in giving me guidance and valuable advice. The warm and constant support he has given me since I came to LUISS Guido Carli is another thing I won't forget.

Dr. Raffaele Marchetti is the other person I am very grateful to. He has been my guiding light from the days I was finding a topic to work on until today when I am writing this page. I would like to thank for the time he spent, for every comment he made on each chapter of this dissertation. I have learned a lot from his professionalism, while his encouragement and kindness have boosted my confidence and strength.

Dr. Gianfranco Pellegrino, Dr. Daniele Santoro, Dr. Aakash Singh and Dr. Domenico Melidoro are the persons whose names surely appear in my Acknowledgements. During the past four years, they have not only taught me but also made my studying in LUISS memorable. They remind me of the song You raise me up. Although I cannot walk on stormy seas, I have learnt a lot. Many other lecturers and visiting professors are also in my memory.

Students in the PhD programs in Political theory and GEM are all friendly and nice people. I have always found the comments they made on my papers at the Graduate Faculty seminars valuable and constructive. Pardon me for not writing their names here because the list is too long.

I appreciate the research fellowship LUISS Guido Carli granted me. Without it, I could not have come and studied here. In my eyes, LUISS is a beautiful and modern university with helpful administrative staff, such as Mr. Giordano Otalli.

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In my private life, I would like to thank my long-time close friend and old flatmate Nguyen Thi Kieu Oanh. She was my companion in Rome who shared my joys and sorrows. And I treasure the care and assistance many other friends have given me. Without them, how empty and lonely my small world would have been!

And of course, the persons I am most indebted to are my parents. Things come and go, but the love they have devoted to me is eternal.

ABSTRACT

Here and there in the world, states have gathered to build regional communities of countries, such as the European Union and the ASEAN Community. These communities have changed or have the potential to change their regions' politics, economy and society significantly, not to mention the far-reaching impacts they have made or have the potential to make outside their borders. This dissertation will try to develop a conceptual framework of regional identity of the people in a regional community of countries, which includes its conceptualization, as well as the reasons why and how it is built. Regional identity of the people, I argue, is the prerequisite for the existence of a regional community of people. Its defining essence is a shared identification of participating actors with the collectivity which is acknowledged by others. It originates from the expectation and/or belief of the inhabitants that by being a member, their individual needs, especially basic survival needs and shared values are better fulfilled and promoted, and the experience as well as interaction they have when participating in community building.

The next focus is on the examination of regional identity building with and without liberal democracy. The findings show that among non-democracy, illiberal democracy and liberal democracy, the last is most suited to the building of a regional identity of the people. At most, non-democracy helps build a regional identity of the governing elite and that of the states, not a regional identity of the people which is, however, facilitated by liberal democracy.

The next part of the dissertation is a case study of regional community building without liberal democracy. It examines the ASEAN Community, which consists of 10 countries that are governed by illiberal democratic and non-democratic states.

Key words: regional communities of countries, regional identity, liberal democracy, illiberal democracy, non-democracy, ASEAN, ASEAN Community, Southeast Asian regionalism

ABBREVIATIONS

AC	ASEAN Community
ACSC	ASEAN Civil Society Conference
AEC	ASEAN Economic Community
APA	ASEAN People's Assembly
APCET	Asia Pacific Conference on East Timor
APEC	Asia-Pacific Economic Cooperation
ARF	ASEAN Regional Forum
ASA	Association of Southeast Asia
ASC	ASEAN Security Community
ASCC	ASEAN Socio-Cultural Community
ASEAN	Association of Southeast Asian Nations
CSO	civil society organization
EC	European Community
EU	European Union
HLTF	High Level Task Force
MP	member of parliament
NGO	non-government organization
PM	prime minister
SAPA	Solidarity for Asian People's Advocacy
TAC	Treaty of Amity and Cooperation
U.S.	United States
WG	working group

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CHAPTER I: INTRODUCTION

I.1. Background of the study

Here and there in the world, states have gathered to build regional communities of countries[1]. These communities have changed or have the potential to change their regions' politics, economy and society significantly, not to mention the far-reaching impacts they have made or have the potential to make outside their borders. In Europe, the European Union (EU) describes itself as "a unique economic and political partnership between 27 democratic European countries". With a population the world's largest after China and India, the EU now accounts for approximately a fifth of the global economy and global trade, in addition to its universally recognized political power. It has also reunited a fractured continent. Less than a century after Germany and its allies twice invaded almost the rest of the region, wars have become obsolete and unthinkable within the EU's boundaries, while France and Germany are no longer nemeses. A single currency and a single market where goods, people, money and services can move around freely were created as well. In Southeast Asia, the ASEAN Community (AC) is envisaged to be attained by 2015, having ten countries and a combined population whose size will rival the EU. It is expected to bring permanent peace, a single market and cohesion to a war-torn region.

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[1] By country here I mean a politically organized body of people under a single state, whereas the state, according to Dahl's definition, is "a unique association whose government possesses an extraordinary capacity for obtaining compliance with its rules by (among other means) force, coercion and violence" over a territory (1998: 44).

I.2. Research problem statement

The emergence, power, influence and potential of these two have made them the research objects of many social sciences, especially political science, law, economics and sociology, etc. In political science, the literature on the EU, both theoretical and empirical, is immense. However, this is not the case about the AC, taking into account that the decision to build it was made only in 2003 and its strategic importance is much less than that of the EU. And in the limited existing scholarship, the empirical component is dominant, whereas the theoretical one is lacking. In addition to the shortage, theoretical works such as those of Emmerson (2005) and Acharya (2009) have been attracted to its security pillar, which is the ASEAN security community (ASC), only.

The same phenomenon exists in the theoretical literature on regional community of countries. While a comprehensive theory of security community of countries was developed by Deutsch et. al (1957), there is no such equivalent for regional community of countries. This dissertation will try to contribute to the theoretical research on the latter[2] by providing a definition of regional community of countries, reasons for its construction, its components and most importantly, the regional identity of the people in those countries, which I regard as the soul of a regional community of countries.

Why do I call regional identity of the people the soul of a regional community of countries? Because of its cognitive indispensability to the existence of a regional

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[2] I want to note that, in this dissertation, I will only discuss regional community of countries whose regional identity of the people are non-existent or insufficient when the grand project of regional community building is launched. Hereafter, when regional community of countries is mentioned, it has the above meaning.

community of countries. It is obvious that there cannot be a collectivity if its participating actors as well as outsiders refuse to recognize they belong to it. In other words, there cannot be a collectivity without a shared identification of participating actors with the collectivity which is acknowledged by others. This shared identification, in turn, is the defining essence of collective identity, understood in terms of social constructionism. It means a collectivity cannot exist without a collective identity, for example, a regional community of countries cannot exist without a collective identity among countries.

Collective identity among states is generally taken as an elite-centered phenomenon, focusing on "political elites, intellectuals, state officials, and international bureaucrats and civil servants, who were part of or who had immediate access to state power" (Adler & Barnet, 1998: 426), whereas collective identity among countries is the regional identity shared by the people in the countries. While the concept of collective identity among states has been researched in theoretical works of Wendt (1994), Adler & Barnett (1998) and Acharya (2001), as far as I am aware, no similar treatment has been available for the other concept.

On the way to put flesh and bone on the concept of regional identity of the people, I need to examine a host of other concepts, including collective identity, territorial community and, of course, regional community of countries. Definitions, in my understanding, of these concepts will be given, in addition to the reasons for the construction and the components of a regional community of countries. Then I will reach the definition of regional identity of the people in a regional community of countries, as well as the reasons why and how it is built.

Reading the literature on the EU and the AC, I have found another theoretical gap. While the debate about which type of state/regime is the best/better suited to the construction and development of a country has constantly been in the academic spotlight since the 1950s when the idea of regional community was still at an embryonic stage, there is no similar debate about which type of state/regime in member countries is best/better suited to the construction of a regional community. Liberal democracy is a prerequisite for EU membership. Many works have been written on democracy and the EU. But no one bothers to ask whether liberal democracy is the best suited, or the better suited to the construction of a regional community than its alternatives, namely illiberal democracy and non-democracy? This dissertation will try to partially answer this question by examining the principles, norms, rules and decision-making procedures each type pursues in regional community building and their impacts on the construction of regional identity.

I.3. Research questions and hypotheses

To meet these research objectives, I will deal with the following research questions:

- What is regional identity of the inhabitants in a regional community of countries? Why the inhabitants develop a regional identity among themselves?

- Among non-democracy, illiberal democracy and liberal democracy, which type of regime is the most/more conducive to regional identity building?

And to answer these questions, I propose the following hypotheses:

- The regional identity whose defining essence is a shared identification of participating actors with the collectivity which is acknowledged by others originates from

the expectation and/or belief of the inhabitants that by being a member, their individual needs, especially basic survival needs and shared values are better fulfilled and promoted, and the experience as well as interaction they have when participating in community building.

- Among non-democracy, illiberal democracy and liberal democracy, the last is most suited to the building of a regional identity of the people.

- At most, non-democracy helps build a regional identity of the governing elite and that of the states, not a regional identity of the people.

To test the last hypothesis, I will examine the building of the AC. More than half of its member countries are governed by non-democratic states.

Why the AC?

I choose the AC as a case study for several reasons. First, it provides an important and rich area of investigation to test the last hypothesis. Second, as I mentioned above, the scholarly works on the AC, especially theoretical ones are underdeveloped. The third reason is a personal one. I am Vietnamese. I lived and studied politics in Vietnam and Cambodia. When I pursued my master's in international studies, almost all of my essays and my dissertation were on Malaysia and Indonesia. Hence I am better equipped to write on Southeast Asia than on other regions. The fourth reason is related to the third. But it is not a personal one. LUISS Guido Carli has established and rookie professors, lecturers and visiting professors of the EU. Yet the AC is a faraway myth. I hope my PhD dissertation here will help, to some extent, unveil that myth.

In short, I will try to partially fill three research gaps. The first is the lack of a conceptual framework of regional identity of the people in a regional community of

countries. The second is the lack of research on which type of state/regime is the best/better suited to regional identity building. The third is the inadequacy of the literature on the AC.

I.4. Methodology

This dissertation will be conducted through a qualitative analysis that relies on both primary and secondary sources. The primary sources are:

- ASEAN, EU and UN official documents such as charters, declarations, treaties, plans of action, statements, speeches, reports and statistics, etc.

- Open letters of CSOs.

The secondary sources mostly consist of:

- Books, chapters and academic articles

- Reports and articles in international and national newspapers

- Keynote addresses, speeches, statements and papers of political leaders and academic experts in Southeast Asia at workshops and seminars.

As I mentioned above, I use social constructionism[3], which is a sociological theory holding that social phenomena or objects are socially constructed by interactions

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[3] Social constructionism is different from constructivism. Although both recognize Kant with his seminal Critique of pure reason (1998) as their intellectual progenitor and both examine ways in which social phenomenon/objects develop, constructivism emphasizes the meaning making of phenomena/objects through individual, cognitive processes within a social context, whereas social constructionism refers to the making of social phenomena/objects through social processes and interaction. In short, social constructionism cares about social, collective processes. It is less interested, or not at all interested in individual, cognitive processes which are the focus of constructivism (Young & Collin, 2004: 375 – 376). In addition, social constructionism is taken to be opposed to essentialism, which instead defines social

between the social actor and other related social actors, including its participating social actors, to deal with key concepts of the dissertation. In the meantime, Lockean liberalism heavily influences the way I look at the above-mentioned interactions.

I. 5. Structure of the dissertation

The dissertation is arranged in four chapters. Following the introduction in Chapter I, the first part of Chapter II uses social constructionism to examine a host of concepts, including collective identity, region, regional community of countries and regional identity of the people. I argue that a regional community of countries is decided to be built when there is be a fundamental, unambiguous and long-term convergence of needs among member states which can not be fulfilled by the states themselves. Meanwhile, the regional identity originates from the expectation and/or belief of the inhabitants that by being a member, their individual needs, especially basic survival needs and shared values are better fulfilled and promoted, and the experience as well as interaction they have when participating in community building. In other words, to meet and promote their long-term needs which can not be fulfilled by the states themselves, states build a regional community of countries. However, its realization requires the existence of a regional identity among inhabitants, which develops when the community in building meets and promotes their needs. It means the more in line with the needs of inhabitants the needs of states are, the better it is for the construction of a regional identity.

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phenomena/objects in terms of inherent and transhistorical essences independent of sentient beings that determine the categorical structure of reality (Mamo, 2005: 251).

The second part of Chapter II begins with a theoretical introduction of types of state classified according to their regime (i.e. form of government), namely non-democracy, liberal and liberal democracy. Then I move on to identify significant differences in the treatment by each type of state towards the most common principles, norms, rules and decision-making procedures existing at the regional and international levels in contemporary context, such as mutual respect for sovereignty and integrity, non-interference in internal affairs, non-use of force in interstate relations and peaceful settlement of disputes. My conclusion is that: Among non-democracy, illiberal democracy and liberal democracy, the last is most suited to the building of a regional identity of the people. Meanwhile, at most, non democracy helps build a regional identity of the governing elite and that of the states, not a regional identity of the people which is, however, facilitated by liberal democracy.

Chapter III is a case study of regional community building without liberal democracy. It examines the AC, which consists of 10 countries that are governed by illiberal democratic and non-democratic states. The first subchapter is on Southeast Asian regionalism up to 2003 when the grand project of the AC was announced. It first introduces the emergence of the region of Southeast Asia in history as well as its coherence and diversity. The next discusses the endogenous and exogenous reasons for the formation of the Association of Southeast Asian Nations (ASEAN). Then a brief history of ASEAN is given prior to a critical analysis of the correlation between regionalism and non-democracy in Southeast Asia. It is followed by a section on the AC, which includes the reasons for the formation of the AC and the AC building. A case study of the engagement between civil society and ASEAN in the AC building process

will serve as the catalyst for the analysis of regional identity building without liberal democracy in Southeast Asia. I argue that if ASEAN wants to establish a real community, it must change its modus operandi. It must be much more than an exclusive club for the governing elite by giving more space as well as power to the people.

Last but not least, Chapter V: Conclusion will check the compatibility between the findings of regional identity building in the AC and the findings of regional identity building without liberal democracy in Chapter II. It will also try to predict the future of regional identity building and regional community building in Southeast Asia.

CHAPTER II:

REGIONAL IDENTITY BUILDING

IN A REGIONAL COMMUNITY OF COUNTRIES

II.1. Regional identity of the inhabitants in a regional community of countries

II.1.1. Collective identity

It is widely acknowledged that identity is the characteristics which distinguish a social actor from others. But what are the characteristics have been highly contested. Three contrasting approaches, namely primordialism, social structuralism and social constructionism have been used to find the answer. Primordialism and social structuralism, which can be taken as variants of essentialism, claim that they are some fundamental set of characteristics. This set is often reduced to a sole determinative attribute regarded as the "defining essence" of the individual or collectivity. From the primordialist point of view, it is typically a biological trait, for example race and gender and hence identity is a natural given. From the structuralist perspective, it is typically a kind of master social category determining structural commonality, such as social class, ethnicity or nationality. Identity is thus a structural given. In both cases, identity is an objective and static property of social actors. Although neither rejects historical factors or social changes, they are construed more as supplementary variables that influence the relative salience and situational pervasiveness[4] of the biological or structural moorings of

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[4] Salience means the relative importance and centrality of an identity in relation to other identities, which have been conceptualized as being arranged in a salience hierarchy. Pervasiveness or comprehensiveness refers to the situational relevance or reach of any particular identity and the corresponding degree to which it influences social life, including collective action. (Snow & Oselin& Corrigal-Brown, 2005: 391)

identity (Snow & McAdam, 2000: 44, Snow & Oselin & Corrigal-Brown, 2005: 391).

Meanwhile, social constructionists claim that identity of a social actor is the characteristics the social actor identifies with and at the same time, is said to have by others. It is continually constructed and reconstructed by the interaction between the social actor and other related social actors, including its participating social actors. As a result, identity is always an ongoing social process.

Each approach has its own problems. In the case of primordialism and social structuralism, the hypothesized link between identities and the primordial roots or structural categories is too rigid and mechanistic. In this fast-changing world, identities change both over time and according to context. People join collectivities such as the Americans, or white-collar workers, or homosexual groups in different ways, for different reasons and with dissimilar degrees of commitment. When they were born, they might not belong to these groups. And once they have become members, they may also walk out. Using primordialism or structuralism to explain the origin and maintenance of identities in these cases is empirically untenable (Benhabib, 1996: 148; Snow, 2001: 2215). As for social constructionism, the characteristics the social actor identifies with do not always coincide with those it is said to have. For example, when Australian Foreign Minister Gareth Evans depicted his land Down Under as smack in the heart of the East Asian hemisphere, his Malaysian counterpart Abdullah Badawi said under questioning from Australian journalists, "I don't know your geography" (Lewis & Wigen, 1997: Preface). Not to mention, different observers might have different opinions about one social actor. Take for instance, the U.S. government has put Osama bin Laden in their most-wanted list for being a terrorist, but many Muslims consider him a great hero. In

this dissertation, I follow social constructionism but only consider the cases where the characteristics one identifies with overlap with those it is said to have by others.

Being one type of identity, collective identity is the characteristics participating actors in a collectivity are said to share and with which they identify. Phrased differently, collective identity is the characteristics with which participating actors in a collectivity identify and are identified by others. The most defining characteristic is the shared identification of participating actors with the collectivity which is acknowledged by others. This shared identification must exist in order for a collectivity to exist as obviously there cannot be a collectivity if its participating actors as well as outsiders refuse to recognize they belong to it.

It means a collectivity's participating actors carry a collective identity when they self-identify and are identified by others as part of it. This implies the participating social actor has the feeling, belief and expectation that he/she/they (e.g. an NGO in a social movement) fits in the collectivity and owns a place there. Not to mention he/she/they gradually develops emotional bonds with it. This implication may be represented in the reciprocal statements "It is my collectivity/group" and "I am part of the collectivity/group." Take it to the "we" level among social actors who share a collective identity, it will be "It is our collectivity/group" and "We are (part of the) collectivity/group". Here a boundary of people who belong and people who do not is implied. Put another way, the definition leads to the distinction between 'we' and 'they'/'others' (or 'us' and 'them'/'others'), in which 'we' mean people who share the collective identity and 'they' are the rest (Snow, 2001: 2213; della Porta & Diani, 2006: 24, 94).

Yet a shared collective identity does not necessarily suggest the homogeneity of the participating actors as well as their attachments and commitments. A collectivity may be multilayered. Each successive layer may be attached to the larger more inclusive one. Obviously the strength of collective identity at one layer does not guarantee the same at another. The strength of collective identity at the core is usually more intense and durable than that at the periphery. Besides, an actor may identify with heterogeneous collectivities concurrently, sometimes defined in reference to very different criteria. Nowadays people are normally the carriers of multiple identities that are operative on disparate levels of social structures (e.g., race, gender, class, job, religious affiliation, national origin). In one certain situation, one identity is more salient and/or pervasive than others and thus easily invoked; but in another, it may be much less (Snow, 2001: 2215, 2218).

What is more, most of the times, the collective identities involved may be inclusive. Nonetheless, at times, they may be exclusive, conflicting and reject other possible forms of identification, as in the case of religious cults declaring a complete denial of the secular world. In addition, identity is changing and stable at the same time. On one hand, mentioning identity evokes the relative constancy and stability of loyalty. On the other, as a social construct, identity is also subject to recurring modifications. (della Porta & Diani, 2006: 24, 92)

Collective identities can appear among almost any grouping or aggregation in a number of settings, covering from mobs to fan clubs to trade unions, to neighborhoods and communities, to even more inclusive sets of categories – sexuality and gender, religion, ethnicity, nationality and supra-nationality (Snow, 2001: 2214). In this paper, I

will restrict my focus on one type of collective identity, namely the collective identity of the inhabitants in a regional community of countries. Inhabitants share a regional identity when they self-identify and are identified by others as part of a regional community in building.

II.1.2. Regional community of countries

<u>Region</u>

While the idea of 'region' can in current debates be conceptualized at various spatial scales, in this dissertation it will be scrutinized as an inter and supra-country level category. In traditional usage, regions were often taken by primordialism as objectively given and static. They were presented as geographically bounded units that contain specific cohesive features of nature and humans as well as a permanent identity. Although of ancient origin, such conceptualization was historically untenable – either normatively or empirically[5]. (Lewis & Wigen, 1997; Paasi, 2009)

Recently this primordialist approach has been challenged by social constructionists who believe that regions are spatial 'containers' of countries which are continually constructed and reconstructed by processes of interaction and socialization among various economic, political and cultural factors that may originate from both

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[5] For example, a distinct region called the Near East emerged in diplomatic circles in the late nineteenth century. By the early twentieth century, the name had gained wide currency, usually referring to the territories of the Ottoman Empire in southwestern Asia and southeastern Europe. However, with the fall of the Empire, it faded away from public vocabulary. Meanwhile, the current region of Southeast Asia appeared only during World War II. Its existence was later on strengthened as the battleground of several wars in which almost all the countries in the region were involved. (Lewis & Wigen, 1997: 66 - 173)

inside and outside. They must be treated as social constructs[6]. (Acharya, 2001: 27; Vayrynen, 2003: 25-26; Passi, 2009: 133)

Community

Gusfield (1975) distinguished between two main usages of the term community. The first is the territorial and geographical notion of community such as a village. The second is "relational," concerned with "quality of character of human relationship, without reference to location", such as virtual and academic communities. While the relational type may need no reference to location, the traditional geographical type cannot count on proximity or shared territory alone; the relational dimension is still essential. Apart from Gusfield's categorization, communities may also be divided into two categories: bottom-up and top-down. By top-down I mean the model of community building which emanates from the authority/authorities' initiatives and methods, whereas bottom up is built from the grassroots. While the latter needs no reference to top-down influence most of the times, the former cannot succeed without the engagement of the mass. As the focus of this paper is on regional community of countries, whose building always bases on territorial aspects and needs the initiatives and active involvement of the authorities, and therefore follows the top-down model, the word 'community' hereafter means the territorial and top-down model only.

Like identity and region, community is now widely recognized as a social construct. It is constructed and reconstructed by patterns of human interaction that take

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[6] Yet regions are not constructed carte blanche, they still have real territorial and geographical characteristics (Lewis & Wigen, 1997: 17). For example, physical proximity seems to be a necessary, though not sufficient condition for regions (Evans & Newnham, 1998: 472).

on shared meanings among the members of a particular group (Adelman & Frey, 1997a: 5). As human interaction is continuously ongoing within that group, community is always under construction. In other words, whenever community is mentioned, it means community (in) building. Talking about it, Mara Adelman and Laurence Frey wrote:

"We reference community as a noun, like some construction project that is finished when particular types of communication are practiced. But community is better referenced as a verb, as processual and continually in flux. We must never forget that it is community building, and this "ing" is often disorderly, rebellious and messy." (1997b: xii)

When do a community in building and a community become one?

But community (in) building does not necessarily mean community. It must predate the latter. Then when do a community in building and a community become one? I argue that when at least the overwhelming majority[7] of the inhabitants self-identify and are identified by others as its members. A community in building has no need to satisfy this requirement, but a community does. Why so? Because it is obvious that there cannot be a community which is a group of individuals if those individuals and outsiders refuse to recognize they belong to it. Put another way, to be a community, the overwhelming majority of the inhabitants must share a collective identity.

It implies in the way I envisage the top-down model that before the initiatives and methods are implemented, the collective identity pertaining to the would-be community

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[7] There may be people who reside in a community but refuse to consider themselves members. From my viewpoint, a community only needs the endorsement of the overwhelming majority of residents. It can be inferred from general surveys and polls, for example.

is not shared by the overwhelming majority of the inhabitants. I now want to limit further the objects of this dissertation to the communities in building in which the related collective identities are non-existent or insufficient, before the initiatives and methods are carried out.

At this point, I claim that, community consists of persons living within a geographical area and having one or more additional ties, in which the most important is a collective identity shared by an overwhelming majority of the inhabitants.

<u>Regional community of countries</u>

Applying the definition of community to regional community of countries, we have: regional community of countries consists of persons[8] living in countries within a region and having one or more additional ties, in which the most important is a regional identity shared by the overwhelming majority of the inhabitants.

But why does a country decide to be part of a regional community in building? To be more concise, why does a state decide that its country should be part of a regional community in building as a country is run by a state? I argue that it is because the state expects the participation to serve and promote its needs.

A state has its needs, of which the first and foremost is its survival and security. Also important is its pursuit of wealth and power. Besides, many states, especially in modern times, have regarded the preservation of their values and their countries' cultures as of great importance. I hold that a state which is usually zealous about its sovereignty decide that its country should be part of a regional community in building when there is

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[8] Whereas the existence of residents is neither a necessary nor a sufficient condition of a region. Arctic and Antartic are two regions with few inhabitants.

be a fundamental, unambiguous and long-term convergence of needs among member states which can not be fulfilled by the states themselves[9]. If the needs can be met by the states, the states will deal with them within themselves. Besides, the needs must include at least long-term fundamental security and economic ones, which constitute the two pillars of a regional community of countries. Because if security and economic needs are not long-term, states will form a security and economic regime[10] instead. If the needs revolve around security only, states will form an alliance or security regime. If for economic benefits only, signing FTAs or creating a common market may be enough.

In case there is no convergence of socio-cultural needs at the beginning, it will come up soon enough as they are linked inextricably with the economic and security ones. Political and economic instability can exacerbate poverty, unemployment, hunger, illness and disease, whereas political stability and economic growth can reduce them. Eco-unfriendly economic policies result in environmental degradation and health risks. Meanwhile, social inequities and problems can hamper economic development and in turn undermine political regimes[11].

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[9] For example, the attainment of economic goals and the preservation of socio-cultural values need the involvement of the business community and civil society.

[10] Regime here means international regime, which is "defined as principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area" (Krasner, 1982: 185). Its meaning is different from the one I will use in the rest of the dissertation.

[11] For example, the race riots between the Malay and Chinese communities in May 1969 led to a major restructuring of Malaysia's political and economic system, including a temporary suspension of parliament and a new economic policy that moved away from the laissez faire system (Acharya, 2003: 378 – 379). The

Hence a regional community of countries normally comprises three intertwined and mutually reinforcing pillars, which are the security community, the economic community and the socio-cultural community. In Chapter 3, I will examine one real case, namely the reasons that led to the building of the ASEAN Community and the two's three pillars.

Having dealt with why countries want to be part of a regional community in building, now I will move on with what makes their inhabitants want to be part of it.

II.1.3. Regional identity of the inhabitants in a regional community of countries

Why do individuals want to join a community in building? I argue that because they want their individual needs to be met.

Basic needs

Drawing on John Locke (1690), I hold that individuals expect and/or think that by being members of a community in building, the life, liberty and possessions of themselves and the people they care about are about to be preserved and promoted, "for no rational creature can be supposed to change his condition with an intention to be worse" (Locke, 1690: Sec. 131). In order to have theirs secured and advanced, they are also expected to respect and promote others'. In other words, rational creatures enter "into a community for their mutual good" (Locke, 1690: Sec. 163).

Shared values

After basic needs, what other needs make individuals want to build or join a community? In the seminal article "Sense of community: A definition and theory", David

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rampancy of HIV/AIDS in several countries in Africa negatively affects the labor force, and therefore, the economy.

M. McMillan and David W. Chavis suggest shared values, which draw individuals together and help who share them be identified by people who don't as a group.

The two paragraphs above show that the participation in and identification with a community in building originates in need fulfillment. If individuals are not satisfied, they are not likely to identify with or participate in a community. The more effective and successful the regional community in building is in meeting the needs, the more mutually beneficial and rewarding it is for members, the more developed the collective identity of the inhabitants (and the more solid the community) will be. The paragraphs also imply the indispensability of interaction in collective identity building as individuals cannot fulfill and promote their needs on their own, they need to interact with other participating actors within the community in building. If interaction leads to greater need fulfillment, individuals are more inclined to feel satisfied with and attached to the community as well as other actors in the community that they have interacted. That is why it is called "factories of shared identification" by Adler and Barnett (1998: 7).

Besides interaction, the whole evocation of a collective identity cannot be triggered without meaningful and real experience of participating in community building. This experience may be politically manipulated but a symbol or an ideology without a relevant experience is meaningless and unable to evoke identification (Bloom, 1993: 52). Collective identity comes only if it interprets and provides an appropriate attitude for an experienced reality. Put differently, collective identities exist as forms of political, social and cultural discourse, practice and action, not as abstract symbols or slogans (Paasi, 2003: 478). The more positive the experience is, the greater the bonds with the community are. Success promotes cohesion (McMillan & Chavis, 1986: 13).

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I conclude that a collective identity of the inhabitants in a community is constructed firstly because the inhabitants expect and/or think that by being a member of the community in building, their individual needs, especially basic survival needs and shared values are better fulfilled and promoted. Then by spending time and efforts in community building, by experiencing its ups and downs together, members nurture and increase shared needs, values and emotional connections[12] with it and with each other.

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[12] The following features are significant for the experience of shared emotional connection:

1. Contact hypothesis: Generally, the more people interact, the more likely they are to understand each other.

2. Quality of interaction: The more positive the experience and the relationships, the greater the connection. Success promotes cohesion.

3. Closure to events: If the interaction is obscure and the community's tasks are left unsolved, group cohesiveness will be hindered.

4. Shared valent event hypothesis: The more pivotal the shared event is to those affected, the greater the community connection. For instance, after going through a crisis together, people tend to be closer.

5. Investment: This feature contributes more than just boundary maintenance and cognitive dissonance. It causes change to the member's history and status. For example, people in one

They are also increasingly recognized by others as part of the community in building. The more effective and successful the regional community in building is in meeting the needs, the more mutually beneficial and rewarding it is for members, the more developed the collective identity of the inhabitants (and the more solid the community) will be. The more positive and facilitated the experience and interaction members have in a community in building, the stronger and more deep-rooted collective identity (and the more cohesive the community) will be.

As regional identity of the inhabitants in a regional community of countries is one type of collective identity of the inhabitants in a community, the construction of the former requires all the conditions needed by the construction of the latter.

Applying it to regional community of countries, now we have: regional community of countries consists of persons living in countries within a region and having one or more additional ties, in which the most important is a regional identity shared by an overwhelming majority of the inhabitants. The regional identity originates from the expectation and/or belief of the inhabitants that by being a member, their individual needs, especially basic survival needs and shared values are better fulfilled and promoted,

country who invest money or buy a house in another country in a regional community are more likely to feel the repercussions of the life events in that community. Similarly, people who spend time and efforts in the same group will be more emotionally bonded with the group and with each other.

6. Effect of honor and humiliation on community members: Reward or humiliation in the presence of community has an important influence on attractiveness (or adverseness) of the community to the member.

7. Spiritual bond. (McMillan & Chavis: 1986: 13)

and the experience as well as interaction they have when participating in community building.

To end this section, I want to note that: To meet and promote their long-term needs which can not be fulfilled by the states themselves, states build a regional community of countries. However, its realization requires the existence of a regional identity among inhabitants, which develops when the community in building meets and promotes their needs. It means the more in line with the needs of inhabitants the needs of states are and the more positive the interaction and experience they have when taking part in community building, the better it is for the construction of a regional identity.

II.2 Regional identity building with and without liberal democracy

II.2.1. Regimes

As mentioned earlier, the state is "a unique association whose government possesses an extraordinary capacity for obtaining compliance with its rules by (among other means) force, coercion and violence" (Dahl, 1998: 44) over a territory. In this section, I will examine its form of government, or in other words, the regime of a state.

I divide the regimes which exist in the contemporary world into two categories: democratic regimes and non-democratic regimes. Each has two subtypes: liberal and illiberal democracies for the former and pseudo-democracies and authoritarian regimes for the latter.

Liberal and illiberal democracy

* Democracy

I understand democracy in terms of classical political philosophy as a political form of government which is defined separately from any social and economic features.

It is well-known that the idea of democracy took shape and was seriously put into practice (though on a limited scale) in ancient Greece, before it broke down and was supplanted by more authoritarian and asymmetric forms of government (Sen, 1999: 4)[13]. The term also comes from the ancient Greek word: δημοκρατία - (*dēmokratía*), which is combined by dēmos (δημος), "people, the mob, the many," and kratos (κρατος), "rule" or "power" (Han, 2008: 623). Literally it means "rule of the people", which is differentiated from oligarchy (the rule of the few), monarchy (the rule of one person) and aristocracy (the rule of the best) (Plattner, 1998: 172).

In the modern world, where the diversity and the sheer size of the citizenry have made the so-called direct democracy that existed in the old time impractial, the periodic, free, competitive multi-party elections of legislative representatives and other public officials facilitated by universal adult suffrage and eligibility to run for office has become the chief mechanism by which the people exercise their rule (Plattner, 1998: 172). Other

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[13] Afterwards, democracy as we know it took a long time to emerge, from the signing of the Magna Carta in 1215, to the French and the American Revolutions in the eighteenth century, to the expansion of voting rights in Europe and North America in the nineteenth century (Sen, 1999: 4). Democracy finally became established as the "normal" form of government in the world in the twentieth century, whereas all the main alternatives to democracy – whether of ancient or of modern origins – one by one experienced failures which greatly lessened their appeal and claim to legitimacy. Since the 1990s after the communist bloc collapsed, it has prevailed over others and its Western followers have loudly pressured others to convert. "Not democratic" is equivalent to something bad and should be criticized. Amartya Sen comments that: "In the general climate of world opinion, democratic governance has now achieved the status of being taken to be generally right" (1999: 5). Nonetheless, democracy contains problems within itself that have failed to be solved, both in theory and in practice (Dahl, 1998).

mechanisms for their political representation include civil society organizations and lobby groups.

* Liberalism

Meanwhile, liberal here refers to the adherence to political liberalism. While democracy concentrates on the process of selecting governments and political representatives, liberalism is about governments' goals (Zakaria, 1997: 25). It focuses on the protection of human rights[14], or the rights of individuals and groups to live life and pursue happiness as they deem worthy (Wingo, 2005: 451). As bearers of these rights, individuals and groups are protected by the government, providing that they follow their own interests within the limits of the law, which contain protections against government intrusions as well. This also means that government is constrained in its powers and actions by the rule of law (Plattner, 1998: 172).

* Liberal and illiberal democracy

Nowadays, democracy and liberalism in the Western world form such an organic whole/ are so interwoven in the political fabric in such a way that reference to democracy is a reference to the two ideas / it is difficult to imagine the two apart (Wingo, 2005: 451). Liberal democracy[15] is generally understood as a regime which includes not only free and fair elections, but also a substantial commitment to the rule of law under fair and equal conditions, a separation of powers, and the respect of basic human rights and political

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[14] The concept of human rights, which are now thought of as natural or inalienable, originates in liberalism. (Plattner, 1998: 172)

[15] Liberal democracy has various appellations, including Lockean democracy, constitutional democracy, representative democracy, parliamentary democracy and modern democracy (Benhabib, 1996: 21 - 245).

pluralism. But actually, the conflict between democracy and liberalism is old (Benhabib, 1994: 80), structural and inevitable (Maffettone, 2010). It centers on government power. As noted above, liberalism is about the liberties of citizens and the limits of government power, democracy about the acquision and use of power. For that cause, democracy was seen by many as a threat which could weaken liberty (Zakaria, 1997: 30) and vice versa (Maffettone, 2010). In the eighteenth century, James Madison claim that "the danger of oppression" in a democracy lies in "the majority of the community." The invasion of private rights is mainly not from the act of government contrary to the wish of constituents, but "from the acts in which the government is the mere instrument of the major number of the constituents" (Madison, 2006: 160). Later on, in the nineteenth century, Alexis de Tocqueville (1864) and John Stuart Mill (1954) also warned of the "tyranny of the majority." Meanwhile, liberalism may be against the majority rule, which is the popular and necessary aspect of contemporary democracy, take for example the counter-majoritarian arrangements in the United States such as federalism, the Constitution, the Supreme Court, the demographically unequal allocation of Senators and the Electoral College (Wingo, 2005: 451).

The fact that liberalism and democracy are not immutably linked is affirmed by the historical examples of both non-liberal democracies and liberal non-democracies[16].

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[16] However, liberal non-democracy has become extinct as nowadays, unlike in the past, no polity can be called liberal when it fails to give the people voting rights and political pluralism. Hong Kong before returning to China was the last one of this club. Yet it should be noted that Hong Kong's membership was owing to its unique historical conditions. In contemporary context, non-democracy always goes with illiberalism.

The democracies of the ancient time, although their citizens were undoubtedly more engaged in governing themselves than we are today, did not include freedom of speech or religion, protection of private property, or constitutional government (Plattner, 1998: 172). On the other side, long after the essential institutions of liberalism had been established, the right to vote was closely limited, and elected legislatures had little power in Western countries[17] (Zakaria, 1997: 27).

Understandably, before the marriage between democracy and liberalism in the United States as well as in other Western countries, there was a considerable amount of doubt as to whether the match would be harmonious and lasting or not. Yet like in good marriages, both spouses have compromised to adapt to each other. Take for instance, in the United States, democracy conceded counter-majoritarian arrangements such as federalism, the Constitution, the Supreme Court, the demographically unequal allocation of Senators and the Electoral College to political liberalism. Meanwhile, among concessions by liberalism to democracy are the customary restrictions on speech. (Wingo, 2005: 451)

But in the non-Western world, liberalism and democracy are still coming apart. Many countries, even among those that hold obviously free and fair elections, fail to satisfy the guarantee of rights of individuals and groups and the loyalty to the rule of law available in deep-rooted democracies. They are coined electoral democracies by Larry

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[17] For example, Great Britain, which is the birthplace of liberalism (Plattner, 1998: 172), allowed only two percent of its populace to go to the polls for one house of Parliament in 1830. That figure increased to seven percent after 1867 and around 40 percent in the 1880s (Zakaria, 1997: 27). Universal suffrage was achieved only in 1928 (McLean & McMillan: 2009: 517).

Diamond[18] or illiberal democracies by Fareed Zakaria (Diamond, 1996: 21; Zakaria, 1997: 23 - 28; Plattner, 1998: 171). At the end of 2007, 121 out of 193 countries were listed as electoral democracies (The Economist, 2008: 15).

According to Fareed Zakaria, the promotion of elections in non-Western countries may frequently result in the success of anti-liberal forces. He contended that: "Democracy without liberalism is not simply inadequate, but dangerous, bringing with it the erosion of liberty, the abuse of power, ethnic divisions, and even war[19]." Relying on this argument, Zakaria proposes that instead of searching for new lands to democratize and new places to hold elections, the international community should not only consolidate democracy where it has taken root, but also promote liberalism. Holding election is the chief mechanism of democracy, but it is merely one step in a long and winding road to liberal democracy. Apart from helping set up a democratic government, elections by themselves do not solve most other political problems (Zakaria, 1997: 35 - 43; Plattner, 1998: 172).

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[18] According to Larry Diamond, unlike liberal democracies, electoral democracies only acknowledge minimal levels of political rights and civil freedoms for the sake of decent elections. (1996: 21)

[19] It is because elections require that politicians compete for people's votes. In societies without strong traditions of multiethnic groups or assimilation, it is easiest to organize support along racial, ethnic, or religious lines. Once an ethnic group is in power, it tends to exclude other ethnic groups. For example, soon after the collapse of communism in the Soviet Union and Yugoslavia, nationalist separatists won in a series of elections. Their victory led to the disintegration of the two, which is not in and of itself bad, as they had been tied together by coercion. Yet the sudden breakup without adequate power and protection of the many minorities within the new entities resulted in spirals of revolt, oppression in places like Bosnia, Azerbaijan and war in Georgia. (Zakaria, 1997: 35)

In several aspects, liberalism and democracy are mutually supportive; and so are illiberalism and non-democracy. Where the freedoms of speech, expression and the press, of assembly and association and the rule of law are respected, it is easier for political activists to express their views, for political activities to take place, for political parties to be formed and developed. If elections are to be reasonably free and fair, they require a substantial protection of the above-mentioned rights between as well as during them (Diamond, 1996: 22). They can be deeply flawed if one or more parties are limited in their campaigning or if the voters are prevented from receiving unrestricted information about the political agenda and candidates of competing parties (Sen, 1999: 10). That's why in reality liberalism often leads to democracy (Zakaria, 1997: 28). Besides, human rights as they are generally held nowadays include some kinds of rights to electoral participation (Plattner, 1998: 173). Thus Article 21 of the U.N. Universal Declaration of Human Rights states: "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives... The will of the people shall be the basis of the authority of the government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures" (1948). Meanwhile, free and fair elections are always opportunities for voters to realize their political rights and choose the representatives who they think are better at protecting and promoting their rights. In reality, countries that hold free and fair elections tend to be more liberal than those that do not, and countries that are more liberal are more inclined to hold free and fair elections than those that do not (Plattner, 1998: 173).

<u>Non-democratic regimes</u>

By non-democratic regime I mean a regime which came to power not through reasonably free and fair elections (e.g. the absolute monarchy in Oman and the communist regime in Laos) or did come to power through reasonably free and fair elections but clinging to power without holding new reasonably free and fair elections as constitutionally mandated (e.g. the Marcos regime in the Philippines). As mentioned in Footnote 15, liberal non-democracy no longer exists, so non-democracy nowadays means illiberal non-democracy.

I divide non-democratic regimes into two subtypes: pseudo-democracies and authoritarian regimes. Larry Diamond defines pseudo-democracies as regimes that "have legal opposition parties and perhaps many other constitutional features of electoral democracy, but fail to meet one of its crucial requirements: a sufficiently fair arena of contestation to allow the ruling party to be turned out of power" (1996: 25). What differentiates pseudo-democracies from the residual category of authoritarian regimes is the presence of independent opposition parties (Diamond, 1996: 25).

In contemporary context, when being criticized for not being democratic, the defense of non-democratic regimes includes:

- In many cases of pseudo-democracies, they say they are democracies, e.g. Singapore and Malaysia (Mahathir, 1994)

- Their legitimacy and power are hereditary (in the cases of absolute monarchies). In several cases, the majority of the inhabitants (e.g. the people of Brunei) are content with it.

- Imported Western democracy is not suitable for the specific conditions of their countries. For example, village and urban lower-class voters have not been competent to participate in political issues yet. They would be better off, if they would only leave the complicated business of governing to wise and professional administrators.

- The regime (e.g. the Islamic regime in Iran) upholds values which are dear to the inhabitants and different from Western values (Mahathir, 1994).

- Their performance is at least as good as or better than all conceivable alternatives. Performance here mainly means proven increases in the public good, especially economic growth and political stability (e.g. those in China).

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	Democratic regimes		Non-democratic regimes	
	Liberal democracies	Illiberal democracies	Pseudo-democracies	Authoritarian regimes
Free and fair mechanisms for selecting political and bureaucratic personnel	Yes	Yes	No	No
Independent political forces	Yes	Yes	Yes	No
Adherence to liberalism	Yes	No	No	No

II.2.2. Regional identity building with and without democracy

A regional/international entity is always based on principles, norms, rules and decision-making procedures recognized by participating actors[20]. Examining the most common ones existing at the regional and international levels in contemporary context, such as mutual respect for sovereignty and integrity, non-interference in internal affairs, non-use of force in interstate relations and peaceful settlement of disputes, I find out significant differences in the treatment by a liberal democracy, an illiberal democracy and a non-democratic regime towards them and agenda-setting and decision-making procedures. I will start by looking at the ones a non-democratic state sets as indispensable in the regional community in building and their impacts on the building of a regional identity of the people.

Regional identity building without democracy

* Non-interference and respect for sovereignty

Nowadays, the violation of human rights committed by a state within its own borders has become a subject of outside interference, which might take the form of criticism, sanction, and at times, military intervention by international organizations and

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[20] Stephen D. Krasner defined principles as beliefs of fact, causation, and rectitude, norms as standards of behavior in terms of rights and obligations, rules as specific prescriptions or proscriptions for actions, decision-making procedures as prevailing practices for making and implementing collective choice (1982: 186). They help regulate actors' behaviors and interactions by making some sorts of behavior proper in a normative sense while proscribing other sorts, coordinate expectations as well as cooperation and limit defection, and so, reduce uncertainty. Hence they are considered the basis of a community in building.

states whose regimes take democratic and liberal values seriously[21]. The grosser the violations are, the more pressures and punishments the state might encounter. Deliberately curtailing political rights and in many cases, infringing on other human rights, non-democratic states are the most frequent target of international outrage[22].

Will a non-democratic state decide that its country should be part of a regional community in building where it knows when it tramples on human rights, according to the legal documents of the community in building, it will be the subject of scrutiny, criticism and/or punishment and/or intervention, which damage its security, legitimacy and sovereignty? It won't. It can even self-isolate like North Korea. Only when the state is confident that interstate cooperation will not lead to a challenge to its own domestic position can integration take place and move forward (Adler & Barnet, 1998: 191). A non-democratic state will let its country join only when it is guaranteed that the principles of non-interference and respect for sovereignty will be strictly adhered to. As a consequence, there will no military intervention and supranational authority within the community in building.

Once the country has been a member, in case an embargo from outside is (to be) imposed and/or a military operation launched against its state, the least other fellow states

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[21] For example, the Tiananmen Square massacre in 1989 prompted the then European Community (now the EU) to impose a range of punitive measures against China, including an arms embargo, a decrease in economic cooperation, a halt in military cooperation and new aid programs (Youngs, 2001: 166); meanwhile, Japan froze its economic assistance (Kesavan, 1990: 677). In 1999, the North Atlantic Treaty Organization bombed Yugoslavia because of gross human rights violations in Kosovo.

[22] Committing to both liberal and democratic values within their own countries, liberal democracies are not.

are supposed to do is not to support and side with outsiders[23], whereas the most is to support and side with their "brother/sister"[24]. One of the results is that in case of military punishment, outsiders will not be allowed to use territories in the region, be it land, air or sea to attack an insider. This scenario makes a military campaign less likely and if it does happen, the damage to the punished will be much lessened and the costs to the punishers much higher.

Not to mention, in a country where political and civil rights are restricted and opposition forces cannot find legal channels and means for the expression and representation of their needs, be it parties or civil society organizations (CSOs) and movements, they usually resort to illegal ones. Illegal here is in the sense that it is not allowed by the state. Their operations and activities may be conducted within the country and/or outside. In case they operate abroad, for obvious reasons, the most common places are bordering countries. However, the states of where the dissidents find sanctuary more often than not have their own interests in the internal affairs of neighbors. In the most extreme cases, they may use exiled groups as an excuse for invasion, for example Vietnam said it overran Phnom Penh in January 1979 (Markinda, 2001) on behalf of the anti-Khmer Rouge front in exile. Once countries are in the same regional community in building, one member state can no longer recognize and provide sanctuary or other forms of support to any rebel group seeking to threaten the government of another. If it does, it is violating the principle of non-interference. Instead, it is expected to give political

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[23] Besides, if they do, they are violating the principles of non-interference and respect for sovereignty.

[24] However, a regional community in building does not require member states to create a regional military alliance.

support and material assistance to fellow members in their actions against subversive and destabilizing activities.

    *   Consensus

A non-democratic state much prefers consensus to its popular alternative, majority rule. Why? Because apart from the threats of intra-regional embargo and/or military intervention and the like (which are shielded first by the principle of non-interference), others may arise from majority rule. For instance, the legitimacy and image of a non-democratic member will be undermined both internally and externally if the majority of member states decide that the regional community in building generally supports democracy, human rights and transparency. Or it will be put into an awkward situation if the majority opt to attack a non-member state because of their grave human rights violations or to participate in election monitoring outside the region. Therefore, consensus is a safety device which lets a state veto whatever it finds disadvantageous or potentially harmful. It will not be afraid of being forced to do what it does not want or receive what it does not want.

In a consensus environment, attendants look for the issues and positions that are acceptable to each and every member. Contentious issues such as democracy, human rights and transparency are dropped from the multilateral agenda owing to the objection of non-democratic member(s). Positions reached are usually the lowest common denominator. As a result, conflict avoidance is in the fashion, not conflict resolution. Yet to be fair, it should be noted that consensus helps divert attention from a conflict and lets it not prevent progress in other areas of cooperation.

*   The three Tracks

At the regional and international level, agenda-setting and decision-making processes follow the Track I, Track II and Track III model. Track I refers to the practice of diplomacy among government channels. The participants stand as representatives of their respective states and reflect the official positions of their governments during negotiations and discussions. Track II on the other hand refers to diplomatic activities that are unofficial and includes participants from both government and non-government institutions such as the academic, economic communities and NGOs. Officials are said to participate in their private capacity on paper, though in reality they seldom venture beyond the positions of their ministries. This track enables governments to discuss controversial issues and test new ideas without making official statements or binding commitments, and, if necessary, backtrack on positions. The track that acts as a forum for civil society is called Track III, which is essentially people-to-people diplomacy undertaken mainly by CSOs and concerned primarily with raising public consciousness over issues. It tries to influence government policies indirectly by lobbying and generating pressure through the media. This track is often lack of institutionalization and cooperation with government agencies (Kraft, 2002: 49 – 51; Acharya, 2001: 67).

Whether participating states are democratic or not, all decisions are made in Track I. Those on the most important issues relating to the regional community in building, according to different regimes, need approving by the monarch, or ratifying by the parliamentary/Congress which is said to represent the people, or endorsing by the people themselves through the form of a referendum. In an absolute monarchy, the monarch is the one who has the final say. In other types of non-democratic states, the legislative

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body is packed with representatives, not of the people, but of the ruling party who easily give their blessings. Referenda are not held because the state is afraid that it might have difficulty getting what it wants and that they will set precedents for extending more political rights to the populace. Not to mention the people may use the event to express their discontent with the regime by voting against or by simply not going to the polls at all. Therefore, the usual scenario in a non-democratic state is: The government does all the planning, negotiations and signing; then the parliament/Congress shows their overwhelming support and the media informs the public of the results which are often portrayed as a success for the country.

Before moving to Track II and Track III, I want to briefly introduce the concept of civil society, which provides all the participants in Track III and around half of the participants in Track II. After that, the role of civil society in regional identity building will be examined.

The concept of civil society / What civil society is and is not

According to Larry Diamond, civil society is defined "as the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules" (1994, 5). He distinguishes civil society from society at large in that it involves citizens acting collectively in a public sphere to express their needs, emotions and ideas, exchange information, accomplish shared goals, make demands on the state, and hold state officials to account (Diamond, 1994: 5).

Standing between the private sphere and the state, civil society covers a wide range of formal and informal organizations. Diamond classifies it into different groups:

1) economic (productive and commercial associations and networks); 2) cultural (religious, ethnic, communal, and other institutions and associations which protect collective rights, values, faiths, beliefs, and symbols); 3) informational and educational (organizations concerned with the production and distribution of public knowledge, ideas, news, and information); 4) interest-based (organizations set up to promote or fight for the shared functional or material interests of their members, be it workers, veterans, pensioners, professionals, or the like); 5) developmental (organizations that unite individual resources to improve the infrastructure, institutions, and quality of life of the community); 6) issue-oriented (movements for free trade, environmental protection and women's rights, etc).; and 7) civic (organizations that make the political system more participatory and responsive in a nonpolitical and pacifist way through election monitoring, anticorruption efforts and so on). (1994: 6)

The role of civil society in regional identity building

Civil society is suited to regional identity building for three main reasons:

First, at the individual level, according to A.Z. Pelczynski's interpretation of Hegel's Philosophy of Right, civil society is not only "an arena in which man legitimately gratifies his self-interest and develops his individuality, but also learns the value of group action, social solidarity and the dependence of his welfare on others" (cited in Kumar, 1993: 379). This view is similar to that of Robert Putnam, who writes civil society instills in its members "habits of cooperation, solidarity and public spiritedness... Participation in civil society organizations inculcates skills of co-operation as well as a sense of shared responsibility for the collective endeavors" (1993: 89 – 90). These values and skills are significant for any kind of collective identity, including

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regional identity. Second, at the group level, as many concerns and problems tackled by CSOs in one country originate and/ or exist in its neighbors, CSOs may create regional coalitions to join forces and find solutions together[25]. A growing sense of solidarity, relatedness and mattering emerges from regional CSO activities and this bodes well for the construction of a regional identity through a bottom up process. Not to mention networking facilitates communication and improves the flow of information (Putnam, 1993: 174). Third, to varying degrees, CSOs can put pressure on the authority and join the policy-making process. Their pressure and presence make community building more people-oriented and participatory (Collins, 2007: 211).

Civil society in non-democratic countries[26]

If one uses a Western definition of civil society, such as that of Larry Diamond, then at best, a semi-civil society exists in non-democratic countries. It is because such regimes tend to adopt a statist-corporatist model, in which the vast majority of social organizations are under the direct or indirect jurisdiction and surveillance of the state or encapsulated by the state. As a result, CSOs have a limited autonomy. At the regional level, they always opt out of regional CSOs[27] working on human rights, democracy and transparency. When joining those working on non-sensitive issues, they follow the

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[25] For example, Southeast Asia has witnessed the emergence of the Asian Forum for Human rights and Development, the Asian Forum for Development and the Asian Migrant Center, among many others. (Collins, 2007: 220).

[26] By a non-democratic country I mean a country with a non-democratic state

[27] A regional CSO is made up of CSOs in (at least several) countries in the region.

government's policies, instead of having their own positions. They are more an extension of the state, rather than part of a different sphere.

Now I return to Track II and Track III. In theory, they are socialization mechanisms that, based on interaction and dialogue, foster the development of common understandings, innovative ideas and cooperative solutions. Track II activities mainly involve conferences, symposia, seminars and workshops on various regional issues participated by government officials, academic think-tanks and CSOs. That is why this track is also called seminar diplomacy (Adler & Barnett, 1998: 121). In non-democratic countries, think-tanks and CSOs are, in most cases, very much linked to their respective governments, and dependent on government funding for their academic and policy-relevant activities. Their recommendations in Track II, unsurprisingly, are often close to the policies of their states. Meanwhile, Track III is the forum for civil society in the region. But here the participation and contribution of CSOs from non-democratic countries are no different from those in Track II. Last but not least, a non-democratic state, apart from imposing pressures and limits on civil society in its country, is likely to try to minimize the influence of CSOs from democratic countries by showing its dissatisfaction and complaining to other member states in the community in building.

My examination of the principles, norms, rules and decision-making procedures a non-democratic state set as indispensable in the regional community in building leads me to conclude that:

The participation of their countries in a regional community in building, first and foremost, serves the needs of the non-democratic states. Instead of compromising some of its sovereignty, with the principles of non-interference, respect for sovereignty and

consensus, the non-democratic state turns a regional community in building into a sovereignty-enhancing mechanism. The later becomes an effective shield protecting the former against its internal opposition and external interference, and thus enhances its security/survival and gives it more freedom in terms of domestic affairs. The acceptance in a regional grouping also bestows some external legitimacy, of which the former is always short. In case the needs of the state are generally in line with those of the people, the people who find their country's membership beneficial to them and those they care about, as I argue in I.3., will be more likely to identify themselves with the community in building. And vice versa, when the needs of the states are in conflict with those of the people, the people who find their country's membership do nothing good or even harm to them and those they care about will be more unlikely to identify themselves with it. Then the regional community will actually be the regional community of the states, or the regional community of the governing elites, not that of countries. However, empirically speaking, the performance of most of non-democratic states fails to prove the congruence of their needs and those of the populace.

Besides, controlling and dominating all the access to the agenda-setting and decision-making processes at the regional level, the non-democratic state leaves the ordinary people sidelined. Put it another way, the ordinary people have almost no experience of participating in the agenda-setting and policy-making processes of the regional community in building, be it direct or indirect. The citizens who disagree with the state's policies regarding the community (in building) have no channels to express their opinions and make influence. As a result, the population feels remote and detached from both the affairs of the community in building and the community in building itself.

As I argued in I.3., the remoter and more detached they feel, the less they self-identify and are identified by others as part of a regional community in building; or in other words, the less developed the regional identity is.

Regional identity building with democracy

* Regional identity building with liberal democracy

In this section, I will examine the principles, norms, rules and decision-making procedures a liberal democratic state advocates in the regional community in building and their impacts on the building of a regional identity of the people.

Non-interference vs. Responsibility to protect

Liberal democratic states adhere to both democratic and liberal standards within their own borders. All of them claim that the latter should be pursued elsewhere in the world, and many say the same about the former. In their view, in contemporary context, sovereignty includes a new responsibility, which is the responsibility of the state to protect the dignity and basic rights of all the people within the country[28]. They acknowledge that the principle of non-interference is important, but human rights violations, election frauds and undemocratic changes of government should be condemned, punished and if necessary, prompt military intervention[29] without the consent

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[28] Backed by liberal democratic states, the concept of a responsibility to protect was adopted by the General Assembly at the UN World Summit in September 2005. This event has been viewed as evidence of change in the normative climate of international relations (Hurrell, 2007: 155).

[29] In reality, whether and to what extent the criticisms and punishments will be pursued are dealt case by case, depending on the power, interest and preferences of the liberal democratic states as well as the power of the defendant and the scale of its violations.

of the affected states[30]. Besides, they do not have the specific reasons to fear foreign interference that their non-democratic counterparts do. As a result of all this, liberal democratic states see the principle of non-interference in a much weaker light. They are also more flexible about building or joining supranational communities.

Majority voting vs. Consensus[31]

Owing to their democratic nature which is based on majority rule, liberal democratic states have much fonder views of majority voting in the decision-making processes at the regional and international level. For example, in issues concerning trade, occupational health and safety, decision making of the European Community was mostly by qualified majority voting, only where commercial issues touch on important national interests - such as agriculture - in practice consensus is sought (Youngs, 2001: 29; Miles, 1995: 190). While consensus tends to lead to the lowest common denominator, majority voting is much more efficient in building a community of large scale.

The three Tracks

Track I

Whether participating states are democratic or not, all decisions are made in Track I. However, while in non-democratic countries, the ordinary people have almost no chance and experience of participating in the agenda-setting and policy-making processes of the regional community in building, in many liberal democratic countries, the states let the people decide the most important issues relating to the regional community (in

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[30] In reality, liberal democratic states are the one who criticize human rights violations most loudly, impose the most embargoes and take the lead in humanitarian campaigns.

[31] Consensus is more democratic in nature than majority voting, but much harder to achieve.

building). Then the states convey the choice made by the majority of the people to the regional community in building. The issues range from whether the country should join the community in building or not[32] to the constitution of the community[33] or a common currency and others. In case the parliament has the authority to decide, the MPs are voted by the people to stand for them and their interests. The basic function of an MP is to ensure effective representation of their constituency at the legislative body, in the expression of the constituents concerns and demands on government. Therefore, their votes in the parliament are likely to reflect the opinions of the people as a whole, or at least the majority of them. In a liberal democracy, no leader can make the final decision pertaining to the regional community in building on behalf of the people.

Tracks II and III

Civil society in liberal democratic countries fits the definition given by Larry Diamond. National CSOs feel free to join regional coalitions of their interests and their opinions are welcomed and taken into account by governments. CSOs who engage unsuccessfully with the governments can go to the regional authority. There they may persuade the latter to put pressures on the national level. These pressures are called the "boomerang effects". In Track II, many academic think-tanks are, to some extent, still

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[32] At least 13 countries held referendums on EU membership. The pro-EC/EU side won 12 referenda. Norway held twice and in both, the preference of the governments was overtaken by a bare majority of voters who were against. The outcome of the first produced a crisis in the Norwegian politics that led to the resignation of the Labor government in 1972 (Miles, 1996: 22 – 131; Doyle & Fidrmuc, 2006: 521).

[33] The EU constitution was abandoned after the majority of the French and Dutch who cast their votes in the referenda were against it (Doyle & Fidrmuc, 2006: 523).

influenced by the funding from regional and international institutions, governments and transnational corporations, but not as much as their counterparts operating in a non-democratic environment. Meanwhile, Track III is the forum for civil society in the region. Many of the participating CSOs are quite critical of policies pursued by their governments relating to regionalism.

My examination of the principles, norms, rules and decision-making procedures a liberal democratic state advocates in building a regional community leads me to conclude that:

Compared to their non-democratic counterparts, liberal democratic states see sovereignty in a much weaker light. As a result, they are more flexible about building or joining supranational communities, which is the most integrated kind of its sort in contemporary context.

In a liberal democratic state, governments and MPs count on the votes of the citizens for their political survival. Politicians only say Yes to the membership which clearly touches on national and to varying degrees, individual interests when they know that their constituency gives their blessing and expects it to be beneficial to them and those they care about. Later, the people also have the power over other important issues of the community in building. The process of community building is not out of their control. They are part of it. Therefore, they tend to self-identify and be identified by others with the community.

Not only the people, or a majority of them are the ones who give the final say in important issues of the community in building, not to mention the opinions of the minority are, at least, voiced, but the people also have the opportunities and experiences

of setting the agenda and making the decisions on the most important issues in the community in building, be it directly in referenda or indirectly via the operations of governments and regional civil society. The opportunities and experiences make them feel attached to the community in building and its affairs. As I argued in I.3., the more attached they are, the more they self-identify and are identified by others as part of a regional community in building; or in other words, the more developed the regional identity is.

What happens when all the members of a regional community in building are liberal democratic countries?

When all the members of a regional community in building are liberal democratic countries, they may be in favor of the creation of supranational legislative and executive bodies[34]. Both adhere to democratic and liberal values within the community and promote, at least with lip service, them elsewhere[35]. The former consists of MPs voted by the citizens and has the power to approve or reject proposals on important issues put forward by the later. In the early stages of community building, the latter mainly comprises officials assigned by their governments and acts as the coordinator between member states. It helps speed up the processes of formulating policies and implementing them. In the most mature stage, it will move to acquire more openly recruited staff and

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[34] Such bodies exist in the European Union (EU) in the form of the European Parliament and the European Commission (Youngs, 2001).

[35] The European Commission declares that, "With its neighbours and others, the EU works to spread prosperity, democratic progress, the rule of law and human rights beyond its frontiers" (2007).

may be similar to a government in a country, in particular to that of the United States. Its ups and downs are then decided by the constitution and party politics.

Majority voting rules the legislative body. In the executive body, the more mature the community is, the more frequent it is used. In the most mature one, consensus is out of fashion. Meanwhile, in Track II and III, civil society has a favorable environment to play fully its role in regional identity building mentioned in Page 38. All of the above-mentioned features are not available in a regional community in building which includes a non-democratic country.

In addition, in terms of political culture, in any liberal democratic country, there is the existence of fairly widespread and in many cases, deeply rooted liberal democratic ideas, beliefs and practices, etc. among citizens and leaders. When liberal democratic countries build a regional community, they automatically share a liberal democratic culture. As a consequence, states and people are inclined to see those in other liberal democratic countries as more like themselves (Dahl, 1998: 50). Besides, as this culture emphasizes the protection of human rights and collective rights, those who belong to it see other members as hospitable and less threatening.

In terms of security, according to the democratic peace theory[36], liberal democracies do not fight each other. What is more, there has been little fear of and preparation for war among them either (Dahl, 1998: 57). There is no use of force and disputes are dealt with peacefully. That is not always the case between non-democracies and illiberal democracies, even they are in a community in building[37].

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[36] Democratic peace theory originates in Kant's "Perpetual Peace" (1917).

[37] The latest example is the border skirmishes between Thailand and Cambodia in February 2011.

In terms of economic systems, all countries with liberal democratic systems have predominantly market-capitalist economies. Not to mention, the rule of law is usually enforced more rigorously in liberal democratic countries; courts are more independent; property rights are better protected; contractual agreements are more sufficiently sustained; and arbitrary intervention in economic life by government and politicians is more unlikely (Dahl, 1998: 59). Therefore, doing business in other liberal democratic countries is safer; the authorities and their partners there are seen as more transparent and trustworthy.

In terms of communication, in liberal democratic countries, the barriers to communication which is "the cement of social groups" (Adler & Barnett: 1998: 7) are lower[38] (Dahl, 1998: 59). A smoother flow of information and a more enabling environment for interpersonal contact facilitate interaction among people.

In short, liberal democratic characteristics are conducive to regional identity building. Shared liberal democratic culture means shared values and safety. Meanwhile, market-capitalist economies and unconstrained communication promote economic interests and interaction.

*	Regional identity building with illiberal democracy

Now I turn to the last type of regime – illiberal democracy. It is the most difficult to deal with in this chapter as it is the ambivalent one. Being the half-sister of both liberal democracy and non democracy, it is democratic and more democratic than the latter, but illiberal and less liberal than the former. In terms of the principles of non-interference and

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[38] Facebook is blocked completely in China and partially in Vietnam as well as Syria.

respect for sovereignty, it is less strict than the latter but less flexible than the former. In terms of consensus vs. majority voting, I argue that it tends to go with the flow. If its liberal democratic sister is more powerful and influential, it chooses majority voting in issues that do not touch on important national interests. If its other sister has greater leverage, it follows her suit. When illiberal democratic states flock together, the decision is made case by case. Relating to the three Tracks, the most common method for ratifying international treaties and conventions is by majority voting in the parliament. As for civil society, several democratic states, for instance, those of the post-Soeharto Indonesia, the post-Marcos Philippines after 1986 have created a favorable environment, while the post-communist Russia has not. At the regional level, I argue that a state that is hostile to civil society behaves like its non-democratic sister. Meanwhile, states such as those in Indonesia and the Philippines will take it easier; however, when the non-democratic sister puts pressure on it, it will do as she wishes. The result is true to its ambivalent nature. It is better at building the regional identity than a non-democratic state and but worse than a liberal democratic one. In the next chapter, I will examine the post-Marcos Philippines, the post-Soeharto Indonesia and Thailand when they are led by democratic regimes as case studies.

CONCLUSION

Among non-democracy, illiberal democracy and liberal democracy, the last is most suited to the building of a regional identity of the people. The membership of a liberal democratic country in a regional community in building receives the support of a majority of the populace who believes it promotes their needs and those of the people they care about. They also have the opportunities and experiences of taking part in the

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agenda-setting and decision-making processes of the regional community in building, whether directly in elections and referenda, or indirectly via the operations of liberal democratic governments and civil society. Hence the people are more likely to self-identify and be identified as part of the community (in building); or in other words, a regional identity of the people is more likely to develop. Meanwhile, at most, non democracy helps build a regional identity of the governing elite and that of the states, not a regional identity of the people which is, however, facilitated by liberal democracy.

CHAPTER III:

REGIONAL IDENTITY BUILDING WITHOUT LIBERAL DEMOCRACY:

THE CASE OF THE ASEAN COMMUNITY

III.1. Southeast Asian regionalism up to 2003

III.1.1. The emergence of the region of Southeast Asia

The boundaries of Southeast Asia today are relatively undisputed. The region consists of Viet Nam, Laos, Cambodia, Thailand, Burma (i.e. Myanmar) which together make up the "peninsular" (or mainland) part as well as the Philippines, Indonesia, East Timor[39], Brunei, Malaysia and Singapore[40] which comprise of its "insular" (or maritime) extension. Yet the concept of Southeast Asia as a region is actually quite recent and was externally contrived. It was in many ways an artifact of Western military and political expedient during World War II. (Lewis & Wigen, 1997: 170 – 172)

In the following decades, military and political events continued to contribute to its solidification. Southeast Asia was always mentioned as the battleground of several wars[41] in which almost all countries in the region were involved to different extents. The term neatly designated an important arena for geopolitical rivalry, hence a suitable geographical platform for military strategists, and had a geopolitical rather than cultural and/or economic connotation. During that time, it quickly spread from military and political to academic circles and gained the acceptance of scholars as well as people of

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[39] East Timor broke away from Indonesia in 1999. (Acharya, 2001: 206)

[40] Singapore was expelled from Malaysia in 1965. (Narine, 2002: 35)

[41] The most notable are the Vietnam war (late 1950s – 1975) (Moïse, 1998) and the Vietnamese invasion and occupation of Cambodia (1978 – 1989) (Unger, 1995: 234 – 255).

the region thanks to its neutrality, unlike such classifications as "farther India" or "East Indies" (Lewis & Wigen, 1997: 170 – 173; Emmerson, 1984: 9 - 17).

After the wars, through regionalism, Southeast Asian political leaders have been trying to forge an ever more internalized region, mainly via the institutions of ASEAN and more recently via the processes of ASEAN Community building. Their endeavors have strengthened the existence and coherence of Southeast Asia.

III.1.2. The coherence and diversity of Southeast Asia

Southeast Asia does not have the widely-shared socio-political as well as religio-philosophical and to some extent linguistic systems that give coherence to Europe, the Middle East, South Asia, East Asia, and even Latin America. Quite the reverse, its socio-political and religio-philosophical traditions are both heterogeneous and exogenous, having been imported significantly from four distinct world regions – South Asia, East Asia, Southwest Asia and Europe with diverse intensity and in different times (Lewis & Wigen, 1997: 173 - 174).

The derivative nature of Southeast Asian socio-political and religio-philosophical forms is a historical outcome. South Asian influence came early to the peninsular. In the early centuries of the first millennium, Mahayana Buddhism and a socially simplified variant of Hinduism (without the full complement of caste ideology) moved east from India through the more heavily populated parts of the region. In the course of time, Hinduism was to wither away everywhere other than the islands of Lombok and Bali, but it left behind a sub-stratum of ideas and practices in many other areas. This was overlaid much later by Theravada Buddhism – a doctrine refined in Sri Lanka and among the Mons of the Irrawaddy Delta – which set up a solid position in Burma, Thailand, Laos

and Cambodia (Lewis & Wigen, 1997: 174). In terms of political influence, except for the Cholas in the eleventh century, no Indian kingdom exerted political or military presence in Southeast Asia. It spread naturally through the latter's adoptions of ideas as well as political and legal systems, and at times through marriage. Without outside pressures, the precolonial states of Southeast Asia, exempting Vietnam, willingly followed the Indian model, and their interstate relations were in many ways similar to those of the Indic system[42] (Alagappa, 1998: 66 - 80).

The second world-civilization to influence the region was that of Southwest Asia via India. Islam was first introduced to the islands of Southeast Asia by Arab traders via India during the 8th century, but it was not until approximately the 13th century that large-scale conversions took place and largely replaced Hinduism as well as Buddism, first on the island of Sumatra of Indonesia. It is noteworthy that the religion of the prophet advanced in this region peacefully by trade and commerce, not by conflict and conquest. Herein lies one of the fundamental distinctions between the spread of Islam in Southeast Asia and that in the Middle East. By the 16th century, Sunni Islam from the Indian subcontinent was well on its way to becoming the most pervasive religion and sultan the most common ruler throughout most of the peninsular and archipelago which was to become Malaysia, Indonesia and the southwestern corner of the Philippines. In places most directly involved in international trade such as Aceh, Melaka, Makassar, relatively "pure" forms of Islam took root. In others, like the inland agrarian society of central and eastern Java, Islam never fully displaced folk religions but became thoroughly synthesized with them, Hinduism as well as Buddism. Thus, Islam in Southeast Asia,

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[42] They also took part, though only peripherally, in the Sinic interstate system. (Alagappa, 1998: 66)

which developed autonomously from that in the Middle East and coexisted with preexisting structures and systems, are diverse and multifarious and fissured. (Legge, 1994: 29; Lewis & Wigen, 1997: 174; Miller, 2004: 1; Ramage, 2004: 21)

China was the third important source of influence in the region. Viet Nam adopted Mahayana Buddhism, Taoism, and Confucianism from its former owner of almost a thousand years[43]. In feudal times, Vietnamese culture, state apparatus and education in the North and the Central were so highly Sinified that some scholars have regarded it as part of East Asia. Yet further in the South, local practices were mixed with Chinese imports to give rise to a more "Southeast Asian" form of Vietnamese culture, which results in a cultural north – south bifurcation within the country that can still be seen. Elsewhere, Chinese political contacts and Chinese trade made their way throughout the region. And Chinese mass migration later brought typical East Asian beliefs and customs into the heart of Southeast Asia, particularly in Singapore and other major urban areas. (Legge, 1994: 9; Henley, 1995: 299; Lewis & Wigen, 1997: 174; Sen, 1999: 14)

The last civilization in the list was that of Europe. European imprints first came with Christian missionaries who were most active in coastal areas. Yet it was European domination in the form of colonialism that changed the fate of every kingdom in the region. Western intrusion into Asia began in the early sixteenth century. By 1900, except Siam (i.e. Thailand), which was able to preserve its nominal independence[44], others that

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[43] Viet Nam was annexed and made part of the Chinese empire from 111 B.C. to A.D. 939. (Alagappa, 1998: 70)

[44] While all of its neighbors were colonized, the kingdom was still governed by indigenous leaders. In spite of its geographical position which is relatively unprotected by natural barriers to foreign forces from the

were to become current countries comprising the rest of the present Southeast Asia were eaten up by various European empires. France colonized Vietnam, Laos and Cambodia. Britain controlled what are today Burma, Malaysia, Brunei and Singapore. The Netherlands occupied the would-be Indonesia. Portugal was in East Timor while its neighbor Spain united the Philippines, which later fell into the hands of the United States (Emmerson, 1984: 3 – 10; Legge, 1994: 10 - 14; Unger, 1995: 237; Lewis & Wigen, 1997: 171 – 172; Alagappa, 1998: 81).

European powers reshaped the map of Southeast Asia (Lewis & Wigen, 1997: 171), restructured its economies, stimulated enormous social changes, established modern political systems (Legge, 1994: 14) and integrated them into a global politics dominated by the West (Alagappa, 1998: 81). Henley wrote: "If its colonial history had been different, what is now Indonesia could just as easily have been twenty nations" (1995: 288). Kingdoms, some of which had had almost no contacts, were bundled together in a colonial state. The same went for Malaysia and the Philippines. For practical reasons, after gaining independence, the borders of the new states were often corresponded to those of colonial ones. It is fair to say Burma, Indonesia, Malaysia and the Philippines were created by European powers and they all finally turned against their imperialist creators. Besides, colonialism introduced Western ideas such as capitalism, communism, party politics, equality, etc. that would become the defining features of the post-

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east or west, Siam cleverly succeeded in keeping its independence by pitting Britain against France in an arrangement that suited the interests of both colonial empires. However, the cost of independence was high. It was forced to sign unequal treaties which put restraints on its fiscal and judicial sovereignty, and most painfully, ceded to the two powers some 40 percent of Siamese territory. (Unger, 1995: 237)

independent political system, and created a class of European-educated elite who would lead the new states and make long-lasting impacts on the nations (Henley, 1995: 289 – 317; Alagappa, 1998: 81).

Given this history of successive outside influences and given the complex patchwork that is its legacy, Southeast Asia does not constitute a unified cultural unit. By modern economic criteria as well, Southeast Asia is the most divided of contemporary world regions, covering one of the world's most competitive and innovative economies such as Singapore alongside some of the world's poorest and agrarian backwaters (e.g., Laos and Burma). Politically as well, Southeast Asia has since independence been rent by competing systems of communism, capitalism (of several varieties), and Buddhist socialism. Wherever one looks, differences seem to be more prominent than similarities. (Lewis & Wigen, 1997: 175; World Economic Forum, 2009; The Strait Times, 2010)

Not a few experts of the region, bothered by this apparently absence of unifying characteristics, have tried to find features that are available in the whole Southeast Asia. Several shared patterns were detected, such as a social order cemented by debt relationships, wet-rice cultivation in river-valleys as well as on volcanic plains, and shifting slash-and-burn methods of agriculture in upland areas, or, except landlocked Laos, penchants for and involvements in international trade extending round the coasts of Asia from China to the Middle East, etc. Besides, as mentioned above, all were subject to significant outside influences and except Thailand, later occupied by Japan during the World War II (Legge, 1994: 13; Lewis & Wigen, 1997: 175 - 176). Bitter experiences of the colonial period and tenacious struggles for independence in many have strengthened

their shared attachment to the principles of sovereignty, territorial integrity, and non-interference in domestic affairs (Alagappa, 1998: 87).

III.1.3. ASEAN up to 2003

<u>Reasons for the formation of ASEAN</u>[45]

From the end of World War II until 1963, all colonized Southeast Asian countries but Brunei[46] and East Timor became independent (Lopez, 1978: 59; Legge, 1994: 15; Henley, 1995: 290; Alagappa, 1998: 102; Miller, 2004: 3).Yet the future of regional security and stability in the region was especially bleak. Southeast Asia was characterized variously as a 'region of revolt', the 'Balkans of the East', or a 'region of dominoes'. The lack of a close congruence between ethnic groups and territorial boundaries, an equally problematic lack of strong regime legitimacy in several newly independent countries, interstate territorial disputes, intra-regional ideological polarization and intervention by foreign powers were prominent features of the geopolitical landscape of Southeast Asia.

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[45] What are the triggering mechanisms to build or join in a regional organization? I divide them into two groups: external and internal. By external I mean the factors that do not originate from states which want to build or join in a regional grouping, whereas internal the factors that come from within. External factors may include external common enemy/threats/challenges and/or opportunities such as globalization. Internal factors may include internal common threats, regime security, expected political and economic benefits from regional integration, as well as shared political, economic and cultural values. The internal threat might be a security threat, such as the rivalry among states (especially among regional powers) which are willing to build or join in the group. It might also be regional environmental problems or a recent regional economic crisis. Of course, the list of triggers mentioned here is by no means exhaustive.

[46] Brunei gained independence peacefully from Britain on 1 January 1984. Before that, in 1975 East Timor won independence from Portugal but it was invaded by Indonesia very shortly after.

These conflicts posed a threat not only to the survival of some of the new states, but also to the prospects for regional order en masse (Acharya, 2009: 5).

Historically, Southeast Asian countries had not had any important previous experience in multilateral cooperation. The first indigenous attempt[47] at regional cooperation was made by Malay (now Malaysia), the Philippines and Thailand when they formed the Association of Southeast Asia (ASA) in July 1961[48]. Malaya and the Philippines had initially anticipated a highly institutionalized organization modeled on the European Economic Community, whereas Thailand pushed for a less formal and binding structure. The former yielded to the latter as they needed its participation and also hoped that fewer obligations would encourage other Southeast Asian states to consider joining. ASA turned paralyzed a year later owing to the Malaysian – Philippine dispute over Sabah[49] but its minimal institutionalization and lack of obligation were transferred to MAPHILINDO and later ASEAN. Its successor, MAPHILINDO is an abbreviation for a loose confederation of three countries of Malay origin, i.e. Indonesia,

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[47] Earlier in 1954, the United States created the Southeast Asia Treaty Organization (SEATO) in Manila in a feat of cold-war gerrymandering, but only two members, Thailand and the Philippines are actually Southeast Asian states. It ceased to exist in 1977. Unlike ASEAN, it was initiated by an outside power and meant to serve its interests. It was a failed project. (Narine, 2002: 10)

[48] Indonesia did not join because it was suspicious of ASA's pro-Western and anti-communist tendency which might affect its strategy of non-alignment and invite the hostility of China, the Indochinese states and the Soviet Union. As the most influential country in the region, Indonesia also did not want to participate in an organization it had no role in creating (Narine, 2002: 12).

[49] From 1962 to 1992, the Philippines made repeated claims on Sabah - a former British colony which had opted to join the Malaysian federation in 1963. (Khong, 1997: 322)

Malaya and the Philippines. Being formed in August 1963, it collapsed just a month later when Indonesia objected to the formation of the Federation of Malaysia and began a program of economic, political, diplomatic, and military Konfrontasi that ended only after the bloody fall of Indonesia's President Sukarno in 1965. (Alagappa, 1998: 107; Acharya, 2001: 47 – 48; Narine, 2002: 10 - 11)

The idea of ASEAN[50] itself was conceived in the course of intra-regional diplomatic maneuvers giving rise to the end of Konfrontasi. The high costs and the lose – lose situation caused by the confrontation had underscored the importance of regionalism, in which each country had their own geographical interests. Indonesia realized that attempts to influence other countries by unilateral force might be self-disastrous. A regional framework might supply Indonesia with an opportunity to actualize its desire to hold a position of primacy or primus inter pares without recourse to force or a policy of confrontation. Malaysia, Singapore, the Philippines, which are its fearful neighbors, recognized that a regional framework based on the principles of non-interference and non-use of force in inter-state relations under Indonesia's putative leadership might constrain its possible return to belligerence. The giant would seem to be in a 'hostage' position, even though in a golden cage. (Acharya, 2001: 48 – 49; Narine, 2002: 12)

ASEAN's inception also helped doom the possibility of coercion and force being carried out against its smallest component, Singapore. Singapore, which is sharply aware of its susceptibility as 'a Chinese island in a sea of Malays', could use its membership in

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[50] At first, the organization was tentatively named the Southeast Asian Association for Regional Cooperation, or SEAARC. But Malaysian Foreign minister Adam Malik rejected it as the pronunciation of the acronym did not sound good in his mother tongue. (Chongkittavorn, 2007e)

the organization to gain acknowledgement as part of Southeast Asia and play a greater role by being able to influence other like-minded countries on issues of mutual interest[51].

Another important motivation for the birth of ASEAN was the focus on nation building in nearly all nationalist-minded member countries, namely Indonesia, Malaysia, the Philippines[52] and Singapore, which never existed before the European colonialists came. Since nation building was arduous and often messy[53], the governing elite always wanted to have free hands to act without the fear of outside interference. Besides, the birth of ASEAN was founded upon the shared desire of its constituents, which by then retreated considerably from their postcolonial experiments in liberal democracy, to ensure regime survival in the face of domestic and external threats, in particular communist subversion[54]. These above-mentioned reasons led to the exceptional salience

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[51] Subsequently, another small state, Brunei, would conceive the meaning of ASEAN in a similar way. ASEAN's acceptance served to reduce its sense of vulnerability against its bigger neighbor Malaysia. The principle of non-interference would decrease the risk of Kuala Lumpur sponsoring subversion against the monarchy in Brunei which, unlike Sabah and Sarawak, had refused to join the Malaysian federation (Acharya, 2001: 49).

[52] Manila joined ASEAN with the hope that the indigenous Asian organization would help it shed its image as a client of the United States and assert its Asian identity. (Lopez, 1978: 58)

[53] The early stage in the nation-building process is often characterized by use of coercion and/or violence by the state. When opposition to the state arises, with the institutional machinery in its infancy, the only available tool to the state is the military. (Collins, 2003: 13)

[54] Take for instance, Indonesia had seven cabinets from late 1949 when it won independence until 1957 and one bloody change of regime which caused the death of up to more than one million people, most of whom were communists or their sympathizers in 1965 – 1966 (Narine, 2002: 12 - 35; Feith, 2007: xvii – xix). In late 1960s, the primary focus of the new regime was its consolidation and survival.

of the principle of non-interference within ASEAN, which has served to shield its member regimes from external pressures as well as intervention and to enhance the sovereignty of its member states. (Acharya, 2001: 49; Acharya, 2003: 375; Narine, 2002: 4).

Apart from reasons that came from within, exogenous ones did play a role. In the 1960s, the emergence of communist China was a big concern for anti-communist Singapore, Malaysia and Indonesia, which contain a considerable proportion of residents of Chinese descent. Besides, all Southeast Asian countries were anxiously following the changes in the Great Power rivalry among the capitalist United States, the communist Soviet Union and the communist China and its repercussions on the region, especially the tensions among regional countries and the possibility that the three powers would undermine or ignore local security interests for the sake of their own. If not uniting, smaller countries were unlikely to have their say. In the face of this, regionalism might help smaller countries get their interests taken into account by increasing the collective bargaining power (Acharya, 2001). S. Rajaratnam, Singapore's first foreign minister and one of ASEAN founders summed up nicely: "If we do not hang together, we of Asean will hang separately."(Rajaratnam, quoted in Chongkittavorn, 2007e).

In this context, ASEAN was founded by five countries Indonesia, Malaysia, the Philippines, Singapore and Thailand in 8 August 1967[55]. Burma and Cambodia had turned down the offer (Severino, 2007c: 408).

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[55] Sri Lanka wanted to join but its willingness was rejected by Singapore because of its internal problems (Chongkittavorn, 2007e). As time went by, its membership prospect died out. Now it is always considered part of South Asia, not Southeast Asia.

However, as the name states, from the very beginning, ASEAN was expected to embrace all Southeast Asian countries. Brunei join in 1984 immediately after it was granted independence by Britain. Vietnam finally joined the team in 1995, Laos, Myanmar in 1997 and the 10th member, Cambodia in 1999. After breaking away from Indonesia, East Timor became Southeast Asia's 11th countries and eagerly applied for ASEAN's 11th membership in 2006. The accession process is said to take at least five years and it will be the grouping's last member[56] (Chongkittavorn, 2007e; Severino, 2007b: 411).

ASEAN's history up to 2003

In the developing world, ASEAN has been acclaimed as one of the most successful regional organizations, especially by the leaders of its member states. From 1967 to 1997, Southeast Asia changed from a region of enmity, fear and rivalry to a region of amity, trust and cooperation. ASEAN members did not fight each other; they were busy enjoying their world-fastest growth rates and new status as emerging economies. The organization itself had a high international profile and occupied the "driver's seat" in the ARF and APEC, both of which include world powers such as the U.S., Russia and China, as well as an indispensable role in the Asia – Europe Meeting. How did ASEAN contribute to these achievements?

* 1967 – 1976: Years of formation

Born in a turbulent environment right after the premature deaths of its two siblings, namely ASA and MAPHILINDO, ASEAN had a fragile infancy indeed. Several

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[56] Papua New Guinea has expressed its hope to join ASEAN (Romero, 2009) but its membership is very unlikely (Chongkittavorn, 2007e).

months after its birth, the escalation of the Sabah dispute between Malaysia and the Philippines which killed ASA threatened its very survival[57]. But it still managed to establish the principles, norms, rules and decision-making procedures that later became known as the above-mentioned ASEAN Way. Its operations lied in the annual meetings of foreign ministers – the AMM and ad-hoc meetings which made high-ranking officials in the foreign ministries of member states get to know each other. In this period, ASEAN began to provide effective channels of communication among mutually suspicious states. It helped cool down and put the Sabah dispute in the back-burner. Although high-stated in the Bangkok Declaration, which gave birth to ASEAN, economic cooperation and integration is not a feature in this period.

* 1976 – 1991: Years of showdown

The political map of Southeast Asia changed drastically in 1975 when communist triumphantly took Cambodia, Laos and Vietnam, turned Indochina into a red stronghold. During this period, in terms of military power, no state in the region is a match to Vietnam. These facts put its capitalist neighbors in great unease. At first, ASEAN states and Vietnam tried a conciliatory approach. In late 1975, the first ASEAN summit took place to discuss a way to deal with the new situation and decided to introduce the Treaty of Amity and Cooperation. After that, Vietnam's long-time Prime Minister Pham Van

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[57] In March 1968, reports in the Manila press said that a secret army was being trained on the island of Corregidor to prepare for a future attack on Sabah. While the Filipino government denied any involvement in such a plot, its response to the news showed a renewed pursuit of its claim on Sabah. (Acharya, 2001: 49)

Dong toured several ASEAN countries and the organization hinted that it was willing to accept Vietnam into its fold.

Yet in a surprising turn of events, Vietnam signed the special treaty with the Soviet Union and invaded Cambodia in 1998 after the Khmer Rouge continuously attacked several Vietnamese provinces in the South[58]. In January, it took over Phnom Penh and set up a puppet regime. The boldness, ambition and military might it showed frightened all ASEAN states, especially Thailand, which now directly faced the Vietnamese army at Cambodian border, where the latter did not hesitate to cross over in hot pursuit of Khmer Rouge's remnants. Immediately, ASEAN states flocked together in a united front against Vietnam. They supported Cambodian resistance forces inside and outside the country. Their diplomats lobbied for international sanctions against Vietnam everywhere they went. The embargoes and protracted warfare bogged Hanoi down and made it unable to threaten ASEAN countries.

In the early 1980s, aid reduction from the Soviet Union and the failure of its centralized economic programmes worsened Hanoi's woes. In 1986, the Communist Party of Vietnam decided to carry out comprehensive reforms. Regarding Cambodia, it showed more flexibility. As the Cold War saw its end, ASEAN gave a hand in brokering a peaceful settlement in Cambodia. In 1989, Vietnam withdrew its troops from Cambodia. In 1991, the Peace Treaty on Cambodia was signed. ASEAN did not, and could not solve the Cambodian conflict, and earlier, the Sabah conflict. But it did play a

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[58] Historically, these provinces belonged to Cambodia. After France colonized Indochina, it gave them to Vietnam. The Khmer Rouge claimed that they should be returned to Cambodia.

role in moderating and solving them. In other words, ASEAN became a mechanism of conflict moderation.

This period also witnessed the organization's institutionalization. The ASEAN Secretariat was set up in 1982, headed by a Secretary-General and based in Jakarta. It has no supranational function and remains subordinate to national ASEAN secretariats, which are parts of the foreign ministries. Its responsibilities have been confined to overseeing economic and technical issues.

In the same period, ASEAN states decided to create the ASEAN Free Trade Area.

* 1991 – 1997: Years of expansion

After Vietnam withdrew its troops from Cambodia, its relationship with ASEAN states was improved rapidly. In 1995, Vietnam became ASEAN's seventh member.

Why did ASEAN states accept Vietnam into the organization?

First, from the very beginning, the founders of ASEAN hoped that one day the organization will cover all Southeast Asia. Second, most ASEAN states, especially Thailand, saw Vietnam and its ideology a threat. Having Vietnam signed the TAC and be a member, hopefully they would have it play by their rules and reduce its hostility. Third, letting Vietnam adrift might lead it towards China, which has always been considered a bigger threat than Vietnam by Malaysia and Indonesia. Last but note least, they foresaw economic gains from investing in Vietnam's huge untapped market, cheap labor and natural resources.

And why did Vietnam want to become an ASEAN member?

First, after the sudden collapse of the Soviet Union, Vietnam completely lost its backer. It no longer had any ally. Diplomatic relationships with the two powers left, the

US and China were still suspended. After a decade of international embargoes and partial isolation, Vietnam was desperate to improve its ties with the outside world, especially with its neighbors. ASEAN membership would also boost its image and help fend off Chinese influence, pressures and hostility. In addition, Hanoi wanted to find allies in its dispute with Beijing over its East Sea (internationally known as South China Sea). Second, to succeed in its economic overhaul, Vietnam needed foreign investment, technology and a friendly surrounding. Its ASEAN neighbors, who were in a higher stage of economic development, were potential sources.

Vietnam's membership is a big achievement of ASEAN. After its entry, Vietnam immediately became an active component. It turned from a threat, a danger to a partner, a friend. Its inclusion significantly reduced hostility and the possibility of wars and conflicts in the region. It was expected that the rest of Southeast Asia would follow suit. However, unlike Laos, Myanmar and Cambodia, on their way into ASEAN's fold, raised a lot of eyebrows.

The entry of Myanmar caused more dissatisfaction outside Southeast Asia than inside. ASEAN's intention of admitting Myanmar without any human rights and/or democratization attachments was heavily criticized by the U.S. and the EU. Surely ASEAN's image and relationships with the two would be damaged once Myanmar was in. Although there was division within ASEAN over the subject, Myanmar became a member as scheduled in 1997.

Why did ASEAN embrace Myanmar knowing that its membership would do harm to ASEAN?

Firstly, ASEAN has always considered Myanmar part of Southeast Asia. The latter was invited to be a founding member but it turned down the offer. Second, ASEAN states hoped that ASEAN membership would reduce the increasing influence of China in Myanmar. The third reason was the economic gains several ASEAN states, particularly Thailand and Singapore, want to get from Myanmar's natural resources and untapped market.

Why did Myanmar, who had been known for being an introvert, want to be part of ASEAN?

The undemocratic rise of the SLORC and its poor human rights records failed to give it both internal and external legitimacy. It has received embargoes and pressures from the international community, especially from the U.S and the EU. As non-interference the cardinal principle of ASEAN, by being a member, the SLORC would not be afraid of thr pressures and intervention from its Southeast Asian neighbors. Being in the same regional organization, ASEAN states are likely to show more support and sympathy with the SLORC than in the past. Membership also gave it some external legitimacy it longed for. And also, economic gains from foreign investment and trade were much needed for its backward economy.

The next troublesome candidate was Cambodia. It was expected to join ASEAN alongside with Laos and Myanmar in August 1997. But in late June, when first PM Ranariddh was out of the country, his co-PM Hun Sen staged an overthrow and seized power. When ASEAN sent its Indonesian envoy to Phnom Penh to ease the situation, Hun Sen expressed its anger and dissatisfaction over what he called ASEAN's

intervention in Cambodia's internal affairs. He even said Cambodia should reconsider its decision to join ASEAN.

Hun Sen's tantrum personally offended Indonesia President Suharto, who was used to face saving and keeping disagreements behind closed doors. In spite of strong lobbying by Vietnam, ASEAN decided that, in the current situation, it is better to delay Cambodia's entry to a later date.

Also in this period, owing to ASEAN's successes and self-confidence in moderating regional conflicts and disputes, its ARF attracted the participation of the U.S., China, Japan, South Korea and North Korea, etc. The latter even accepted ASEAN's the "driver's seat". The same happened with the APEC.

* 1997 – 2003: Years of crisis

ASEAN's heyday ended in 1997 with the Asian economic crisis. After several decades of impressive economic development, Thailand, Indonesia, Malaysia and to some extent, Singapore plunged into an economic crisis, which led to political crises in Indonesia and Malaysia. Instead of trying to deal with the crisis collectively, each followed its own approach. The crisis damaged the unity, image and strength of ASEAN. Also in this period, ASEAN fell into an identity crisis. In the past, ASEAN established for itself an image of a regional organization which aimed for peace, cooperation, economic development, non-interference and non-use of force, in contrast to the turbulent and war-prone image of Indochina, led a hostile and expansionist Vietnam. Now ASEAN has embraced all Indochina, including Vietnam and Laos, which are still under (so-called) communist rule. ASEAN needed to find a new raison d'être.

III.1.4. The correlation between regionalism and non-democracy in Southeast Asia up to 2003

Indonesia declared independence in August 1945. From 1959 to 1965, its first President Sukarno dismissed the legally elected parliament and set up an authoritarian regime under the label of "Guided Democracy" (Feith, 2007). The next president Suharto, who played a key role in the bloody overthrow of Sukarno, established and led the New Order regime that was regarded as centralized and coercive authoritarianism until 1998 (Kelly, 2003: 76).

In Malaysia, which was granted independence by the British in 1957, the tenures of Prime Ministers Tun Razak and Hussein Onn (1961 – 1981) were considered an era of increasing authoritarianism. The following leadership of PM Mahathir Mohammad (1981 – 2003) can be divided into an earlier period of liberalism and, beginning from the late 1980s, a period of soft authoritarianism. (Hussein, 2002: 83 - 84)

The United States receded its sovereignty over the Philippines in 1946. After more than two decades of democracy, democratically elected President Marcos imposed martial law in September 1972, citing the threat of communist insurgency. According to Marcos, the new society was centered on the principle of "constitutional authoritarianism", which emphasizes the prior importance of stability over participatory politics. (Acharya, 2003: 378).

Singapore, which is the most prosperous member of ASEAN, became an independent republic in 1965 following the separation from Malaysia. It then developed into a dominant-party system. The form of government in Singapore has been described

as soft authoritarianism or illiberal democracy rather than true democracy. (Mutalib, 2000: 314)

Thailand survived as the only country in South and Southeast Asia to avoid European colonization. Yet from 1932 until 1992, Thai people were ruled by a series of military governments, with brief periods of democracy.

As a result, unlike in Europe, the emergence of regionalism in Southeast Asia was not based on a shared adherence to, but on the contrary, on a collective retreat from postcolonial experiments in liberal democracy (Acharya, 2003: 375).

ASEAN's principles, norms and rules come from several primary sources. Unsurprisingly, many of them are based on the principles of the Westphalian state system which constitute the basis of modern international law (Acharya, 2009: 27), such as mutual respect for independence and territorial integrity, non-interference in internal affairs; peaceful settlement of disputes; renunciation of the threat or use of force; and effective cooperation (ASEAN, 1976). The origin of another principle, that of regional autonomy, may be traced to the 'universalist-regionalist' debate that accompanied the drafting of the UN Charter at the San Francisco Conference[59]. Besides, regionalism in

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[59] During the drafting of the UN's Charter at the San Francisco conference, the so-called 'universalists', led by the United States, regarded regional entities as a potential impediment to the realization of a universal collective security system. The 'regionalists' (including representatives from Latin America and Middle East), on the other hand, argued that regional organizations would have a more thorough knowledge of threats to peace and stability in their own areas and would be better able to intervene in such circumstances than the distant UN bureaucracy. They also pointed out that putting exclusive authority for settlement of international disputes in the Security Council would amount to refusing permission to small

Southeast Asia has developed its own ASEAN Way - a process of intra-mural interaction based on the practice of informality, minimal institutionalization, consultation, consensus and the non-interference principle, which has come to have a special meaning in the ASEAN context. With this basis, it is often contrasted with the adversarial posturing, majority vote and other legalistic style in Western multilateral negotiations. (Acharya, 2001: 25 - 64)

* The principle of non-interference

The fact that ASEAN was at the beginning a group of newly independent developing countries (excepting Thailand) who are nationalist-minded and zealous about their hard-earned sovereignty and independence made the strict adherence to the principle hardly surprising. However, its origins and remarkable salience have to be conceived in the context of members' quest for regime survival, nation building and safe surrounding environment as discussed in the previous section. A regional framework could not be maintained without an agreement on the central significance of regime security anchored/ grounded in the principle of non-interference (Acharya, 2001: 57 - 58).

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states in regional groupings the primary responsibility for their own security. The result of this debate was a compromise in which regional organizations were permitted a role in dealing with peace and security issues, though bound by the overall authority and jurisdiction of the UN (Acharya, 2001: 43 - 44). Therefore, the UN Charter identified mediation by regional agencies as one of the techniques of international conflict control (Article 33/1, Chapter VI), while UN members were urged to 'make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council" (Article 52/2, Chapter VIII).

According to Amitav Acharya, the implementation of this principle in ASEAN, in operational terms, has had four main features: (1) refraining 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 criterion for deciding their membership in ASEAN; (2) criticizing the actions of states that are perceived to have breached the non-interference principle; (3) denying recognition, sanctuary, or other kinds of backing to any rebel group trying to threaten the government of a member state; (4) supplying political support and material assistance to fellow members in their actions against subversive and destabilizing activities, such as communist insurgency. (2001: 58 - 60)

Examples are plenty to be found. For the first feature, none of ASEAN members seconded a UN resolution condemning Indonesian invasion of East Timor in 1975 (Collins, 2007: 213) and they all kept silent about Thai armed forces' clampdown on pro-democracy protesters in May 1992 and admitted Myanmar despite international concerns about the legitimacy of the regime in July 1997. For the second, the grouping chastised Vietnam's invasion of Cambodia in December 1978 as a serious violation of the universally recognized principle (Acharya, 2001: 59). In their fist collective reaction made public on 9 January 1979, member states called "upon all countries in the region to strictly, respect each other's independence, sovereignty, territorial integrity and political system; to refrain from… interfering in each other's internal affairs, and from carrying out subversive activities, directly or indirectly, against each other" (ASEAN, 1979). What

was noteworthy was the explicit mention of the "political system"[60] in the list of the objects to be guarded, along with paramount values such as independence, sovereignty and integrity, as well as the identification of the category of activity perceived as interference, namely "subversive activities, directly or indirectly". The third feature can find vivid evidence in the hostile attitude of the governments of the Philippines, Malaysia and Thailand towards CSOs-sponsored conferences on East Timor which sought independence for East Timor from Indonesia (Kraft, 2002: 55-57). Not only that, ASEAN members also provided support to each other in their campaign against internal threats. For instance, Indonesia sent military transport aircraft to help Ferdinand Marcos counter communist guerrillas in the Philippines; in the 1970s, Thailand and Indonesia even gave Malaysia the permission to cross the borders in "hot pursuit" of communist rebels (Acharya, 2001: 59 - 62).

* Consultation and consensus

The practice of consultation and consensus is by no means unique to Southeast Asia. Yet in the ASEAN setting, its origin is usually traced to the decision-making practices of musjawarah (consultation) and mufukat (consensus) in village societies of Malay stock, namely Malaysia, Indonesia and the Philippines (Collins, 2003: 133). Musjawarah means a process of discussion and consultation, in which "a leader should not act arbitrarily or impose his will, but rather make gentle suggestions of the path a community should follow, being careful always to consult all other participants fully and to take their views and feelings into consideration before delivering his syntheses –

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[60] Though the political system in this specific case is a genocidal one, which killed a quarter of the Cambodian population (Dahl, 1998: 46).

conclusions" (Feith, 2007: 40). Mufukat is the consensus reached through musyawarah. In the spirit of musjawarah/consultation, new positions, proposals or initiatives are floated, differences can be aired so as to ascertain as much common ground as possible before the issues are submitted to more formal official meetings where mufukat/ consensus might be reached (Collins, 2003: 133; Narine, 2002: 31). The discussions are described by Indonesia's former foreign minister Subiandro "not as between opponents but as between friends and brothers" (quoted in Narine, 2002: 31).

Sensitive handling of intra-mural differences is a trademark of consensus building. While parties can argue and disagree on the merit of a particular position behind closed doors, they must avoid making public these differences. They must speak and act as if a certain level of unity has been reached. This means an inclination to play down or give a positive spin to intra-mural disagreements. A great deal of care must be taken not to isolate or make any individual ASEAN state lose face in international fora. (Acharya, 2001: 68)

In this sense, the idea of consensus is a pragmatic way of promoting regional economic and political cooperation in a diverse region like Southeast Asia where lack of trust, lack of experience in multilateralism and zeal for sovereignty prevailed. It also excludes the tyranny of the majority (Acharya, 2001: 68 – 69). Even when no compromise is reached, the issue is at least discussed. Such discussions offer the participants a chance to exchange national outlooks and develop a certain level of transparency (Severino, 2007b: 421).

But everything has two sides. In the ASEAN context, consensus means looking for the positions that are acceptable to each and every member in a socio-psychological

setting in which all parties have power over each other[61]. As a result, in practice, the principle of consensus is a safety device to assure regimes in the region that their (fundamental) interests will not be affected against their will and usually the lowest common denominator among member states. It has led to an inclination to drop out contentious issues from the multilateral agenda. It is geared more towards conflict avoidance rather than conflict resolution (Acharya, 2001: 68 - 70; Narine, 2002: 32; Capie & Evans, 2002: 17) and therefore conflicts have been "swept under the carpet" (Wanandi, 1992: 417). This helps divert attention from a conflict and let it not prevent progress in other areas of cooperation. But the conflict still exists and problems may come up again. Besides, it should be mentioned that traditionally, *musyawarah* and *mufakat* are highly elitist and not really democratic because decisions are made first by leaders and then people are told about them (Acharya, 2001: 70 - 78; Narine, 2002: 31). That's exactly what has happened in ASEAN's decision-making process.

* Thin institutionalization

Another important component of the "ASEAN Way" has been its members' reluctance towards formal institutionalization, which is different from regionalism in Europe. Singapore's Foreign Minister S. Jayakumar coined it "organizational minimalism", whereas Robert Scalapino called it "soft regionalism" or "soft dialogue" (Capie & Evans, 2002: 15). During ASEAN's formative years, its operation was marked by a predilection for concealed and often 'unofficial' preliminary transactions by special

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[61] In several economic issues, the disapproval of a party at a particular proposal can at times be neglected so long as that party's fundamental interests will not be damaged. This practice is sometimes called "flexible consensus" or "Ten Minus X". (Capie & Evans, 2002: 20 – 26)

agents prior to formal ministerial conferences and the importance of elite diplomacy among ASEAN leaders[62]. Member states also preferred *ad hoc* rather than institutionalized practices and avoided judicial or arbitration machinery for the settlement of disputes. The first ASEAN summit only took place eight years after its inception and there were only four summits in its first 25 years (Acharya, 2001: 64).

The looseness and informality have become less obvious since the 1980s. Intra-ASEAN interactions have become increasingly more regularized with frequent summits and a proliferation of consultations over a broad range of functional issues. From 1992, ASEAN began convening a formal summit every three years and since 1996, 'informal' summits have been held in between the official summits. From 1 June 2003 to 31 May 2004, 541 meetings involving heads of government, ministers and senior officials coordinating policies in areas ranging from foreign policy, economy, health to agriculture and forestry, etc. took place under the auspices of the grouping. But the preference for thin institutionalization and informality can still be seen in the emphasis on consultative processes such as "habits of dialogue" and non-binding commitments, instead of legalistic formulae and codified rules. At present, ASEAN's institutional mechanisms only include (1) summits; (2) an annual meeting of foreign ministers; (3) national ASEAN secretariats, which are parts of the foreign ministries, although a small ASEAN

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[62] Carlos Romulo, the former Foreign Secretary of the Philippines, was quoted to have said: "I can pick up the telephone now and talk directly to Adam Malik or Rajaratnam [Romulo's Indonesian and Singaporean counterparts, respectively]. We often find that private talks over breakfast prove more important than formal meetings" (Collins, 2003: 133).

secretariat, which remains subordinate to national ones was formed in Jakarta in 1982[63]; (4) other official meetings dealing with ASEAN issues (Khong, 1997: 331; Acharya, 2001: 65 - 66; Capie & Evans, 2002: 16; Narine, 2002: 16; ASEAN, no date).

Why have member states chosen to follow the ASEAN Way? It is just because of the traditional origins in the case of consultation and consensus? Surely not. Another reason is their zeal for sovereignty. Unlike the European Union, ASEAN has just been a tool of sovereignty-enhancing regionalism. There has been no official intention of creating a supranational entity. What is more, most members are afraid that majority voting might undermine their interests, such as those relating to human rights and legalistic mechanisms might undermine their control over the regional integration of their countries.

As a result, the ASEAN Way is a realistic and unexacting approach to dealing with intra-ASEAN differences. It helped newly independent and mutually suspicious states feel safe and comfortable with interacting with each other within the ASEAN framework and not allow disagreement in some areas to prevent cooperation in others. Later, the ASEAN Way was useful in attracting new members and persuading ASEAN's external dialogue partners to see things from an ASEAN perspective. The ASEAN Regional Forum (ARF) and the Asia-Pacific Economic Cooperation (APEC) have been modeled in part after the ASEAN Way. In the post-Cold War era, several Asian observers

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[63] Its responsibilities have been confined to overseeing economic and technical issues. Until 1992, its head was called the Secretary-General of the ASEAN Secretariat, rather than the Secretary-General of ASEAN (Acharya, 2001: 65 - 66).

even promote the ASEAN Way as the Asian way of conducting international relations. (Acharya, 2001: 69 - 195; Narine, 2002: 33)

However, the ASEAN Way is also indicative of ASEAN's institutional limitations (Narine, 2002: 33). It has been criticized for supporting a narrow elite-centered and sovereignty-bound framework of Southeast Asia "patrimonial" regionalism which is confined to intergovernmental contacts (Acharya, 2003: 380), providing little scope for contentious issues such as democracy, human rights and transparency.

The principle of non-interference did face several tests in the post-Cold War period. The first was the intra-ASEAN debate surrounding the admission of Myanmar in May 1997, in which Thai Foreign Minister Prachaub Chaiyasan stated that the country's internal politics 'are an important factor to consider'. However, Bangkok soon succumbed to the pressures from other members and its problematic neighbor was accepted in the last minutes (Acharya, 2001). The second was the idea of "flexible engagement"[64], later called "enhanced interaction" proposed also by another Thai

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[64] Earlier, from 1992 to 1997, ASEAN followed Thailand in adopting the policy of "constructive engagement" as ostensibly the most promising method to bring about political change made by Yangon. The policy, in operational terms, means "polite" criticisms of junta by way of quiet diplomacy (Haacke, 1999: 587 - 588). However, at that time, Myanmar was a non member; therefore, ASEAN's intra-mural understanding of non-interference was not applied/does not apply.

In July 1997, Anwar Ibrahim, who was then Malaysian Deputy Prime Minister and Minister of Finance advocated the idea of constructive intervention, which suggested that ASEAN members invite each others' assistance to boost their civil society, human development, education and national economy (Haacke, 1999: 582). Yet constructive intervention does not violate the principle of non-interference as the

Foreign Minister in mid-1998 as ASEAN experienced further strains, in the forms of the controversy concerning the power struggle in Cambodia, the haze caused by forest fires in Indonesia[65] and the Asian economic crisis (Haacke, 1999: 582). Surin Pitsuwan argued that, "Perhaps it is time that ASEAN's cherished principle of non-intervention is modified to allow ASEAN to play a constructive role in preventing or resolving domestic issues with regional implications… when a matter of domestic concern poses a threat to regional stability, a dose of peer pressure or friendly advice at the right time can be helpful… Lending a helping hand in times of need even on domestic matters should not be interpreted as interference in internal affairs (1998). Surin's idea received support from his Philippine counterpart Domingo Siazon and, unsurprisingly, objection from others[66]. At the informal evening session prior to their annual meeting in July 1998, ASEAN foreign minister decided to rebuff Thailand's proposal. However, they agreed that member states can pursue "enhanced interaction" vis-à-vis one another (Haacke, 1999: 582).

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measures proposed by Ibrahim took the form of pro-active and positive assistance to be carried out with the consent of the state concerned (Thayer, 2000: 22).

[65] In 1997, more than 1,500 fires destroyed more than 300,000 hectares of forests, mainly in Kalimantan and Sumatra islands. They generated intense smoke, which formed a haze covering much of Indonesia and neighboring countries, especially Singapore and Malaysia. The haze paralyzed transportation and caused secondary disasters (i.e., airbus and tanker crashes) (Kunii et all, 2002: 16 - 17) and negatively affected health, tourism as well as other economic sectors in all three.

[66] For the reasons why Thailand proposed the policy of flexible engagement and why most of other member states rejected it, see Haacke (1999)

The first practice of enhanced interaction in Southeast Asia was related to the controversial detention and trial of Anwar Ibrahim, who was then Malaysian PM Mahathir Mohamad's deputy and heir apparent in late 1998. Enhanced interaction à la Bangkok, Indonesia President Habibie's reformasi approach and in particular, Philippine President Estrada "personal diplomacy" angered the Mahathir government which clearly showed its hostility towards enhanced interaction and breaches of the principle of quiet diplomacy (Haacke, 1999: 598 – 605). Rather strengthening corporate unity, the new policy caused resentment and mistrust among members. In a dramatic way, the "Anwar Ibrahim" story put an end to the official debate on the principle of non-interference and reaffirmed the traditional quiet and "polite" diplomacy[67].

From 1984 until 1999, ASEAN brought into its fold Brunei, Vietnam, Laos, Myanmar and Cambodia. None of their governments have been rated democratic ones by liberal standards.

Despite its fondness for grand declarations, ASEAN is reluctant to put down its values or principle on democracy in its official documents. The word democracy does not

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[67] The Asian economic crisis led to a political crisis in Indonesia, which once again raised the question of what role if any should ASEAN play. In that context, in their 1999 meeting, ASEAN foreign ministers surprisingly endorsed consideration of the concept of an ASEAN Troika, which was hoped to deal more effectively and cooperatively with "issues affecting peace and stability in the region." In 2000, a general agreement has been reached that a consensus of all ten ASEAN foreign ministers would be required before the troika, which is non-permanent, can be set up and the troika would exercise its good offices only with the consent of all members and parties involved in a dispute. In addition, the troika has to uphold ASEAN's principle of non-interference. So basically, the concept of a Troika still did not break away from the traditional ASEAN Way. (Thayer, 2000: 28 – 29)

appear at all in the ASEAN Vision 2020 (1997). Unlike other international or regional intergovernmental bodies, ASEAN does not have a document like the Organization of American States' Santiago Declaration which expresses an explicit commitment to democracy as a key principle of regionalism; or that of the Organization of African Unity, which endorses democratic governance as a way of dealing with Africa's political conflicts and economic ills (Acharya, 1999: 428).

ASEAN does not insist on democratic political systems as necessary criteria for gaining and maintaining membership in the Association. In fact, this was the main argument of ASEAN when it decided to admit Myanmar as member in 1997, despite international civil society's outcry against ASEAN's acceptance of a military dictatorship.

Unlike other regional groups, the theory and practice of democratic assistance (like election monitoring, programs to assist members to establish and consolidate democratic institutions) were never an agenda of ASEAN because of its time-honored principle of non-interference.

II.2. The ASEAN Community

III.2.1. Reasons for the formation of the ASEAN Community

The process of ASEAN community building is a result of the considerable change in the association's mission in the recent two decades. The end of the Cold War, the advance of globalization, the rise of China and India in economic size and political influence as well as the Asian financial crisis have forced ASEAN to shift from its original preventive diplomacy of maintaining peace and harmony among its members to

the constructive diplomacy of community building to cope with increasing political and economic competition in a globalised world.

In more details, one of the most notable threats to ASEAN members is China, whose robust economy is in direct competition with those of its Southeast Asian neighbors, especially in trade and foreign direct investment. Besides, in recent years, the sleeping dragon has shown more interest in enhancing its economic and political presence in the region, particularly in Myanmar, Laos, Vietnam and Cambodia. Its awakening has increasingly drawn ASEAN states, which share the common fear of intrusive outside powers, into the long-term strategic competition between China and the United States in Asia Pacific (Neves, 2004: 162). To cope with China and avoid external intervention, Southeast Asian countries feel the need to act collectively and to lean on each other, so that they can have combined strengths as well as better bargaining power in both economic and political issues (Almonte, 2006). The same will work when dealing with an amalgamated or regional community such as the United States and the European Union, or with international organizations such as the United Nations and the World Trade Organization.

Besides, in the time of economic globalization and after it was hit hard by the Asian financial crisis, forming an economic community which develops a single market and production base with effective facilitation for trade and investment will help Southeast Asia improve its economic competitiveness and attractiveness (Almonte, 2006). In terms of political and security issues, internal ethnic and religious tensions (most dangerously in Myanmar, Southern Thailand, Eastern Indonesia and Southern Philippines) have led to cross-border instability, terrorism, illegal migration and drug-

trafficking. These and other problems such as air pollution, avian flu, AIDS all require regional concerted and coordinated actions.

Against this backdrop, the future of the region and of ASEAN will be, to a considerable extent, contingent on the degree of success of community building.

III.2.2. ASEAN Community building

At its ninth Summit in October 2003, ASEAN announced its decision to establish an ASEAN Community comprising three intertwined and mutually reinforcing pillars, namely the ASEAN Security Community (ASC), ASEAN Economic Community (AEC) and ASEAN Socio-Cultural Community (ASCC) by 2020. In January 2007, its leaders reached an agreement to shorten the time frame to 2015. The ASC is expected to maintain and strengthen peace, security and stability and enhance ASEAN's capacity for self-management of regional security. It will include maritime cooperation and fight against terrorism, but no plan for a regional military bloc or defense pact. Besides, member countries are free to pursue their own foreign policies and defense arrangements (ASEAN, 2006a). Meanwhile, the mission of the AEC is to develop a single market and production base that is stable, prosperous, highly competitive and economically integrated with effective facilitation for trade and investment in which there is free flow of goods, services investment, skilled labors, and freer flow of capital. But it will not adopt a common currency like the European Union (ASEAN, 2007b: 4). And last but not least, the ASCC envisages a Southeast Asia bonded together in partnership as a community of caring and sharing societies. The ASCC Plan of Action contains four core elements: Building a community of caring societies, Managing the social impact of economic integration, Enhancing environmental sustainability, and Strengthening the

foundations of regional social cohesion towards an ASEAN Community (ASEAN, 2004b). In 2005, member countries agreed to establish an ASEAN Charter, which would serve as the legal and institutional framework for the regional organization and the ASEAN Community. Although it will not take on any supranational functions, with its ambitious goals, the ASEAN Community is believed to have far-reaching and important impacts on the lives of the people in Southeast Asia.

Unlike the European Union, ASEAN is still a pure inter-governmental organization. It has no supranational institution (Ong, 2004) responsible for monitoring and facilitating the realization of the ASEAN Community. Members rely on mutual trust and goodwill to fulfill integration commitments. However, a study by the three past secretaries-general released in 2007 showed that only 30% of commitments had actually been fulfilled (Fernandez, 2007), including those related to community building.

ASEAN officials admit the AEC is the simplest part, as it has clear objectives and benchmarks such as liberalization and facilitation measures in the area of trade in goods, services and investments; recognition of educational qualifications; enhanced infrastructure and communications connectivity and the like. Yet, although much has been done[68], the regional economy is far from being effectively integrated. The ASEAN Free Trade Area agreement of 1992 directs their elimination, but non-tariff barriers remain largely in place. In addition, "Reforms of customs procedures and practices, required for the proper implementation of ASEAN trade agreements, have been uneven. The harmonization of product standards, necessary for an integrated market, is extremely

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[68] Almost all intra-ASEAN trade is now, at least on paper, free of duty. (Severino, 2007)

slow. So is the conclusion of mutual recognition arrangements that would do away with multiple tests of traded products. Negotiations on the liberalization of trade in services, although mandated by the 1995 'framework agreement', seem to be marking time. Transportation between or through ASEAN countries remains cumbersome and expensive, and the development of infrastructure is highly uneven. Communications within ASEAN are still fragmented", former ASEAN Secretary-General Rodolfo Severino points out (2007: 5). As a result, the intra-regional trade share increased slightly from 22% in 2003 and 2004 to 25% in 2006, the intra-regional investment share in 2006 was the same as the average share of the 2002 – 2006 period (only 11%). Businessmen still view ASEAN as 10 different countries, with 10 different customs' authorities, rules and regulations, and 10 different borders (Taing, 2007). ASEAN trade officials themselves said the AEC blueprint, which was approved only in late November 2007 with detailed timelines, must be implemented swiftly and effectively if the 2015 deadline is to be met (Fernandez, 2007).

The security community is known to be more difficult to build. Although the likelihood of war between ASEAN countries has become remote, a set of important norms and values have been developed and shared, so far security and political cooperation within regional framework is mostly focused on highly selective and not highly controversial issues of common concern since several members have been obsessed with non-interference in the internal affairs and consensus in the association's decision-making process. Many scholars argue that the principle of non-interference has blunted ASEAN efforts in handling the problem of Myanmar, human rights abuses and haze pollution in the region. Meanwhile, with the consensus-based approach, every

member in fact has a veto and decisions are usually reduced to the lowest common denominator. There has been a widespread belief that ASEAN members should have a less rigid view on these two cardinal principles when they wish to be seen as a cohesive and relevant community. (Chongkittavorn, 2006, 2007b; Collins, 2007: 216)

The socio-cultural question is the most complex (Ong, 2004) because of the immense diversity in Southeast Asia. Member states include sprawling archipelagoes (Indonesia and the Philippines) and tiny city-states (Singapore); the world's fourth-largest country (Indonesia) and the 170th (Brunei); modern developed economies such as Singapore and agrarian backwaters like Laos. Their cultures, languages as well as political and economic systems are not less heterogeneous. However, the socio-cultural pillar has received the least attention and is the least developed among the three. The ASCC Plan of Action has vague objectives and no detailed implementation plan. Not many activities have been conducted so far. An ASEAN agreement on transboundary haze pollution has come into force, and some progress has been made in terms of mechanisms and local-community consciousness. Yet the haze problem still recurs every year. The effectiveness of an ASEAN response to an avian influenza pandemic is uncertain. Programmes to familiarize the people of Southeast Asia with one another's cultures are dependent on external funding and, therefore, inadequate. Little is being done in informing the public or educating children in the region about ASEAN, although these are essential for community building (Severino, 2007: 5).

ASEAN says it aims at being a community of caring and sharing societies by 2015 (ASEAN, 2007a). But observers are skeptical about its feasibility. They disbelieve countries with protracted internal conflicts such as Myanmar, Thailand and the

Philippines will become caring and sharing societies in the next seven years. Not to mention the notorious human rights violations in Myanmar. At the 39th anniversary of ASEAN in August 2006, Jose Almonte, who is a respected analyst in the region, argued in his lecture that, "Even now - a full generation since ASEAN's founding - I think it fair to say that our peoples feel no personal intimacy - no moral commitment - no historical continuity - with each other." In other words, there is almost no sense of community among the people in Southeast Asia[69]. Besides, the people and civil society have been excluded from ASEAN's decision-making process. Until now, regionalism has been essentially elite-centered and politically illiberal, and the engagement of civil society minimal. To establish a community in the next seven years, the governing elite are urged to work hard to put their grand declarations into practice.

The most visible efforts by ASEAN so far are those related to the ASEAN Charter. After two years of deliberations and drafting, the Charter was signed on November 20, 2007. It is by all accounts as good a lowest common denominator as could have been expected, given the disparate interests, histories and sensitivities of Southeast Asian countries (Fernandez, 2007).

The Charter confers a legal personality on the association. It codifies all ASEAN norms, rules and values, including the cardinal principles of consensus and non-interference. It is touted as a means of getting members to take their commitments and ASEAN's rules more seriously. However, the document lacks clear mechanisms for

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[69] Analyzing the results of surveys and interviews he conducted in all ten ASEAN countries from May 2004 to July 2007, Christopher Roberts concludes that the process of embedding a sense of community will probably occur over the course of many decades rather than by the official goal of 2015. (2007, 6)

dispute settlement, accountability and redress. It does not offer anything new to deal with Myanmar.

The Charter will also lead to a reformed structure of ASEAN. It states that several new institutions, including three Community Councils, the Coordinating Council, and the long-awaited ASEAN human rights body will be created and the roles of the secretary-general as well as the ASEAN Secretariat strengthened. But the time frames for the establishment of these organs are unknown.

III.3. Regional identity building without liberal democracy in Southeast Asia

Before going to the analysis of regional building without liberal democracy in Southeast Asia, I will first examine a case study, which is the engagement between civil society and ASEAN in the ASEAN Charter process

III.3.1. Case study: The engagement between civil society and ASEAN in the ASEAN Community building process

Civil society in Southeast Asia[70]

In the early years of the post-colonial period, throughout the 1950s and 1960s, military-backed regimes in Myanmar, Thailand, Indonesia, Laos, and North and South Vietnam suppressed civil society groups that were critical of, or perceived as a threat to, the state. In the 1970s, the triumph of communism in Vietnam, Cambodia and Laos aborted any prospect of the development of civil society as the self-organisation of

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[70] In this essay, I put aside civil society in East Timor, which is also a Southeast Asian country (but not yet an ASEAN country), because after it broke away from Indonesia in 1999, CSOs operating in this tiny enclave have not joined the engagement of civil society in the region with ASEAN. East Timor applied for ASEAN membership in 2006 and the accession process is expected to take at least five years.

citizens in Indochina[71]. For a while CSOs were relatively active in the Philippines, Malaysia and Singapore, but also in the 1970s, President Marcos resorted to martial law to stay in power in the Philippines, and the Malaysian and Singaporean states used a combination of legal and coercive instruments to exert control. As authoritarianism of various forms came to dominate the region, civil society faced varying degrees of constraint in all the countries. (Lee, 2004: 11 – 12, Hewison, 1999: 228)

More importantly, from the 1970s onwards, countries like Singapore, Malaysia, Thailand, Indonesia, and, to some extent, the Philippines were in the throes of major social, cultural and economic changes. Rapid economic development resulted in the growth of the middle class and more class-stratified, as well as industrialized and urbanized societies. Partly owing to the major transformations, new social movements began to emerge in civil societies in Southeast Asia; for example, student, environmental, women's, human rights, consumer, and other public interests movements. However, although the number and type of civil society groups grew dramatically, this growth did not necessarily translate into a democratization process in all of these countries. (Lee, 2004: 12)

The democratization of Indonesia, the Philippines and Thailand witnessed the preeminent role of the elite, but it would not have been achieved without the active participation of civil society organizations, which played a supportive role by generating political pressure for reform that led to the liberalization of political systems and eventually brought down dictatorial regimes. In the Philippines, in the mid-1980s a

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[71] Indochina comprises of Vietnam, Laos and Cambodia.

number of CSOs, notably the church and church-related groups, helped to overthrow the authoritarian Marcos regime. In Thailand, the rise of student organizations, NGOs and trade unions proved critical to forcing the junta out of political office in 1973 and 1992. In Indonesia, it was the wide array of mobilizational campaigns initiated by Islamic-inspired student and women's organizations that finally resulted in the downfall of the Suharto's New Order regime in 1998, when the country was crippled by the Asian economic crisis. All these events paved the way for the much-awaited democratization process[72]. However, except from the Philippines where the Church was invited to consult the President-elected when she had yet strengthened her powerbase in the 1980s, civil societies in the other two have not been able to provide substantive contributions to the consolidation of democracy and to the agenda-setting and decision-making of the state. Meanwhile, in Singapore and Malaysia, democratization just did not come (Bunbongkarn, 2004: 137 - 141; Lee, 2004: 54 – 77).

In the late 1990s, the Asian economic crisis marked a milestone in the development of civil societies in ASEAN countries in two aspects. First, it destabilized authoritarian regimes and helped bring about democratization (in Indonesia) or accelerate

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[72] However, viewed in a Gramscian light, the realm of civil society in Southeast Asia also appears to have thrown up many obstacles to democratization. Individual Buddhist monks and monasteries in Thailand joined movements to topple military rule in 1973 and again in 1992, while others backed military coups in 1976 and 1991. The Catholic Church leadership in the Philippines did not oppose the martial law in the 1970s but eventually backed the "People Power" in 1986 to overthrow Marcos, after years of underground (and in some cases armed insurgent) radical activity by hundreds, if not thousands, of its priests and nuns. Besides, studies in more recent years have shown religious institutions are deeply intertwined in the reproduction of money and machine politics in both countries. (Baharuddin, 2004: 19)

it (in Vietnam, for example), thereof opened up more space for civil society to organize and operate. Second, the devastating onslaught of the crisis increased the importance and proliferation of civil society groups as they are always at the front of tackling pressing concerns of local communities and relieving the plight of the poor, the minorities, women and children who were among the most affected (Caballero-Anthony, 2004: 568, 575).

However, until now, the question of whether civil society exists in authoritarian states of different kinds such as Myanmar, Vietnam, Laos, Singapore, Brunei and even Malaysia is still a much-debated issue. If one uses the Western definition of civil society, which is the realm of organized social life that is voluntary, self-generating and autonomous from the state (Diamond, 1994: 5), then the conclusion is that civil society has not been present in the above-mentioned countries where the governing elite have followed a statist perspective, in which civil society refers to civil organizations that are under direct or indirect jurisdiction and surveillance of the state or encapsulated by the state.

Against this backdrop, civil societies have insufficiently and unevenly developed in ASEAN countries (Houben, 2004: 65). They represent a fragmented and complex picture (Baharuddin, 2004: 18). But they share the same problem that unlike trade and business groups, they have had little access to national policy making and programming, even in more democratic countries where CSOs are on the front line of social development. Another notable similarity is that the majority of CSOs which operate in an ASEAN country are issue-based and they essentially concentrate on assisting local communities, alleviating the miserable living conditions of the poor, the underprivileged,

and looking into the plight of abused women and children (Caballero-Anthony, 2004: 573).

Because poverty, economic and social injustice can easily be found in neighboring countries while other problems (avian influenza, HIV/AIDS or migration) that are transnational require transnational responses, civil society groups in Southeast Asia have created regional coalitions and networks to find solutions together. These regional CSOs share many characteristics of the national ones and their organizations are also mostly issue-based. Among the most prominent regional groups are those identified in their work on democratization, promotion of human rights and advocacy against globalization; for example, the Bangkok-based Asian Forum for Human Rights and Development (FORUM-ASIA), the Asian Cultural Forum on Development and Focus on the Global South (Caballero-Anthony, 2004: 574).

<u>The engagement between civil society and ASEAN prior to the ASEAN Community building process</u>

* The engagement between civil society and ASEAN before the Asian economic crisis

At the same time, it could be argued that this situation has also been caused by the lack of interest and pressure from civil society on ASEAN. Prior to the Asian financial crisis, most CSOs in the region (without those in Vietnam, Laos, Myanmar and Cambodia, which became members only in 1995, 1997 and 1999) saw ASEAN as a weak and elitist organization with little power to affect the well-being of Southeast Asian people. Therefore, they were indifferent to engaging with it (Chandra, 2006: 71, 74).

Many others such as the Asia Pacific Conference on East Timor (APCET) and Alternative ASEAN adopted mainly confrontational tactics that condemned ASEAN's pursuit of economic globalization and its neglect of, and tolerance for, human rights abuses and anti-democratic practices in the region (Acharya, 2003: 383). Except from the APCET[73], they have lacked the capacity, skills and opportunities to make their criticism have impacts at national and regional levels (Chai, 2003).

Among a minority of civil society groups that built a relationship with ASEAN were a dozen think-tanks in the academic community such as the ASEAN – ISIS, the Singapore-based Institute of Southeast Asian Studies and the Council for Security and Cooperation in Asia Pacific... Playing the pioneering role in Track II, these think-tanks have habored opportunities to discuss with and make recommendations to the governing elite, therefore, provided input to ASEAN's agenda-setting and policy-making processes. For example, since 1993, ASEAN – ISIS members have met senior officials prior to their annual meetings; and since 1999 they have had formal meetings with ASEAN foreign ministers. They have also wanted to act as a bridge between the association and the rest of civil society. However, these think-tanks have been perceived in certain circles as being too close to governments and "sometimes a gatekeeper for expanded popular participation in ASEAN concerns". (Chandra, 2006: 73; Collins, 2007: 221; Caballero-Anthony, 2004: 581)

In addition, a small number of independent CSOs decided to engage with ASEAN at that time. Such cooperation was often issue-specific, conditional and context-dependent. For instance, in 1995, along with government officials, parliamentary human

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[73] APCET conferences brought a lot of media attention to East Timor.

rights committees as well as the academe in more democratic countries in the region, several high-profile NGOs set up the Working Group (WG) for an ASEAN Human Rights Mechanism. In pursuing its goal, the WG has tried to establish its national WGs and approach ASEAN high-ranking officials such as foreign ministers and senior officials. Since 2001, the national WGs have co-organized annual workshops on the ASEAN regional mechanism on human rights with the host ASEAN government (through its foreign ministry) and its National Human Rights Commission (if it has one). Governments of Brunei, Laos, Myanmar and Vietnam have yet to participate in the WG (Medina, 2006).

Besides, there were about 50 NGOs affiliated with ASEAN, most of which were set up and sponsored by national governments such as the ASEAN Academics of Science, Engineering and Technology or the Veterans Confederation of ASEAN countries. Of these NGOs, less than ten worked directly on social development issues. Those related to human rights documentation or monitoring would fail to join. For example, the ASEAN Journalist Association has been denied accreditation for years (Kang, 2006a: 28).

* After the Asian economic crisis

After the Asian economic crisis, despite its continuing suspicion of the association and member governments, civil society has taken a new stand on ASEAN. Instead of being resentful or indifferent, now a lot of CSOs have shown interest in the grouping. There are several reasons for this change. (Chandra, 2006: 74)

First, after the crisis, civil society has given more weight to ASEAN in the hope that a more institutionalized and effective regional organization might be better at

preventing and solving regional problems. Second is ASEAN's intention to establish an ASEAN Community by 2015. Many regard the ASEAN Community as its most far-reaching and important project, one that has forced CSOs to take ASEAN more seriously (Chavez, 2006). Therefore, Southeast Asian CSOs are increasingly of the opinion that ASEAN is a platform from which it is possible to somehow influence policies at the regional level (Chandra, 2006: 74) to maximize the potential benefits and minimize the negative impacts that an unaccountable regional grouping could bring to the region's peoples. Third, regional organizations, to varying degrees, also make changes in national policies. Civil society hopes via ASEAN, it can encourage "boomerang effects" on the national level, especially on Myanmar.

ASEAN People's Assembly

In 2000, under the initiative of a pro-democracy group within ASEAN-ISIS of Track II[74], the ASEAN People's Assembly (APA), which has been designated as a Track III mechanism, was set up (Acharya, 2003: 386). It took the APA project about four years to be realized with funding from outside the region due to the reservation and reluctance of several ASEAN governments (Caballero-Anthony, 2004: 578), particularly those of Laos, Myanmar, Singapore and Vietnam.

At first, APA was optimistically expected to become "a useful vehicle for a more participatory form of regionalism" by Amitav Acharya (2003: 386) or "a people-empowering mechanism" by Mely Caballero-Anthony (2004: 567). The inaugural

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[74] The Track II grouping was seeking to make itself more effective and influential by developing a wider social base that includes elements of the regional civil society. (Acharya, 2003: 386)

meeting attended by around 300 participants in 2000 in Indonesia was the first time such a diverse set of CSOs were brought together (Collins, 2007: 220). Yet although APA1 was considered a historic event, it represented more a symbolic move than an actual CSO participation in the ASEAN process or even an opportunity to influence ASEAN policy. The meeting was not able to be held in Singapore, where the fourth ASEAN Informal Summit was to take place at the same time, as Singaporean authority cited political reasons to shake their heads. The only exchange between APA1 and the summit was the appearance of ASEAN Secretary General Rodolfo Severino and Indonesian President Abdurrahman Wahid, who delivered a presentation in his private capacity to brief the APA1 participants of the proceedings at the actual summit (Caballero-Anthony, 2004: 579; Chai, 2003).

There were five subsequent APA meetings. But they all took place not in other ASEAN countries but Indonesia and the Philippines, which are more democratic than their ASEAN counterparts. The second APA was held in Bali, Indonesia in 2002, and the rest in Manila, the Philippines[75]. The latest was organized in Manila in late October, 2007.

Although APA is incorporated in the Vientiane Action Program signed during the 10th ASEAN Summit in 2004 and the ASC plan of action as a means of promoting

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[75] The ASEAN Community has become the main focus of discussion in APA meetings since the plan of building a regional community was officially released by ASEAN in 2003. The theme of the third APA (2003) was "Towards an ASEAN Community of caring societies". The theme of the fourth (2005) was "Towards a People-Centered development in the ASEAN Community". That of the fifth (2006) was "The role of the People in building an ASEAN Community of caring and sharing societies".

people-to-people contact, it is conspicuous by its absence in the ASCC's plan of action, despite the latter calling for region-wide networks of NGOs and other ASEAN organizations to help strengthen social cohesion (Collins, 2007: 222). After all, it is only a general meeting place for NGOs and civic organizations. It provides little opportunity to influence the agenda-setting and decision-making processes of the association (Chandra, 2006: 75, 77).

The engagement between civil society and ASEAN in the ASEAN Community building process

In October 2003, ASEAN announced its intention to create an ASEAN Community, which is its most far-reaching and important project and the one that has forced civil society to take the association more seriously (Chandra, 2006: 74). It has drawn a lot of interest among CSOs who saw the community building process as an opportunity to bring to the regional agenda aspects of their advocacy that are regional in nature.

Within the academic circle, many scholars have had a strong position on the important role of civil society in ASEAN community building. For example, at the 39th anniversary of ASEAN in August 2006, retired General Jose Almonte, who was former Philippine national security adviser, claimed that:

"Community-building in practice is a task more suited to civil society than to government - because community-feeling cannot be enforced by law or commanded by force. Governments have never been good at social and communal tasks - although governments everywhere have often tried to undertake them. Community-building belongs properly to the dynamic side of citizenship - to public participation in voluntary

associations, the mass media, professional associations, trade unions, and similar groupings." (2006)

Outside the region, Alan Collins of Swansea University (the UK) argued:

"[I]f ASEAN is to become a security community it must change; its past experience is a hindrance not a help to community formation. I argue that if ASEAN is to form a security community it is only when the governing elite enable elites representing regional civil society organizations to have an influence on policy formation that such a community can be established. This is because regional CSOs can generate a common identification among the people, which is essential for community formation, and, by representing that common identification in the decision-making process, CSOs can use public opinion to constrain the governing elite and deprive them of the option of war to resolve their problems." (2007: 205)

* ASEAN Civil Society Conference and the Solidarity for Asian People's Advocacy

And the first significant move from ASEAN was already made earlier by the Malaysian government when it initiated the first ASEAN Civil Society Conference (ACSC) as a side event of the 11th ASEAN Summit in Kuala Lumpur in 2005 (Badawi, 2006). More than 120 participants from a number of civil society formations were chosen to attend the conference, which discussed a wide range of themes including human dignity, economy and trade, environment, women, youth, indigenous groups and ASEAN identity (Chandra, 2006: 77).

At the summit, for the first time in ASEAN history, ASEAN leaders invited the representatives of the ACSC to report their views on the process of ASEAN Community

building in 15 minutes. This unprecedented gesture heartened the whole civil society in the region. Initially, the ACSC was supposed to be a one-off event, with no follow-ups. But during the interface between civil society and heads of state, ASEAN recognized the ACSC and supported its annual convening (Chongkittavorn, 2008).

CSOs expected the next ACSCs to take place at the same time and place as a parallel event to the annual ASEAN Summit. However, ACSC II and III which were organised solely by civil society failed to do so due to different reasons, including the reluctance from the Summit-host governments.

One of the main reasons why CSOs participated in the ACSC was their dissatisfaction with APA's slow progress and disagreement with the pro-democracy faction in Track II over how to engage with ASEAN and over the way ASEAN regionalization, especially economic integration, should be pursued. However, the first ACSC was under the auspices of the Malaysian government and representatives of CSOs were carefully selected by the host country. After the conference, to further consolidate themselves independently, many participants joined other civil society groups starting a loose civil society network called the Solidarity for Asian People's Advocacy (SAPA) in February 2006[76] to build a vehicle by which regional groups could discuss, debate and strategize on ASEAN-related issues and actions. The main areas of engagement for

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[76] The first SAPA meeting in February 2006 was attended by more than 50 participants representing about 35 CSOs. It was born out of common concerns about how to enhance the effectiveness and impact of civil society advocacy by improving communication, cooperation and coordination among CSOs operating regionally, in the face of rapidly increasing and multiplying inter-governmental processes and meetings in Asia.

SAPA include issues of democracy and human rights, peace and human security, sustainable development and environment, as well as globalization and trade, finance and labour. SAPA has a specific WG on ASEAN and the ASEAN Charter[77] to promote broader civil society interface with ASEAN. (Chandra: 2006, 75, 77; Chongkittavorn: 2007d)

At the regional level, SAPA WG on ASEAN organized the second ACSC in the Philippines in December 2006 and the third in Singapore in October 2007. At the national level, CSOs involved with SAPA WG on ASEAN managed to carry out national consultation processes on the ASEAN Charter and on general issues of engagement with ASEAN in all but three members countries, namely Singapore, Brunei[78] and Laos in 2006 (Chavez, 2006: 1). Their objectives were twofold: (1) to familiarize local and national civil society groups with the concept of regionalism, ASEAN and its policy-making processes, the ways in which civil society groups can engage with ASEAN, and to examine ASEAN-related issues relevant to their country; and (2) to ensure that national level processes can be integrated and presented at the second ACSC, which took place before the 12th ASEAN Summit.

In essence, both ACSC and SAPA are considered alternative forums and networks for engaging ASEAN and ASEAN Community building, apart from APA. However,

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[77] Presently, the SAPA WG on ASEAN has more than 100 (national and regional) CSOs, as members.

[78] SAPA members were not able to hold the meeting in Singapore because of obstacles from the local authority. Meanwhile, the absence of plans in Brunei is due primarily to its CSOs' limited participation in regional activities so far. The national consultation process in Myanmar was held at the Thai – Myanmar border.

unlike APA, ACSC and SAPA are not mentioned in any existing formal ASEAN documents (Chandra, 2006: 75 – 77). And unlike APA, which was an initiative of a group in Track II, and the first ACSC, which was an initiative of the Malaysian government, SAPA was given birth by civil society itself, which marked another milestone in the consolidation of civil society in the region.

    * The ASEAN Charter

Also at the 11th Summit in Malaysia, ASEAN leaders announced the drafting of the ASEAN Charter. The Charter is important because it sets the framework and lays the legal foundation for the association to restructure its existing mechanisms and improve its decision-making process to enhance efficiency and ensure prompt implementation of all agreements as well as decisions. The document also provides ASEAN with a legal personality (Ong, 2007). As the age-old ASEAN Way has been under increasing criticism, the Charter is seen as a key part of the association's reform to stay relevant and a significant step to build the Community. Therefore, the Charter process at first drew a lot of interest among CSOs who were already excited about engagement after the interface with the leadership[79].

At the summit, ASEAN formed an Eminent Persons Group (EPG) composed of highly distinguished and well-respected citizens[80] from ten member countries (ASEAN,

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[79] The engagement between civil society and ASEAN in the charter process is, moreover, noteworthy as this is their first strategic interface and also the first serious test for the relations between the two.

[80] One of them is a former democratically-elected President of the Philippines, four are former deputy prime ministers, one is a former foreign minister, and the rest are current top officials such as deputy prime minister and foreign minister.

2005) who were asked to make "bold and visionary" recommendations on the content of the Charter. In general, officially the EPG concurred with the idea that ASEAN and its Charter process should be open to civil society participation. It even invited CSOs to provide input to the Charter.

At the regional level, EPG members and civil society representatives did meet three times to discuss issues pertaining to political and security cooperation, economic cooperation and socio-cultural cooperation respectively[81]. In the meetings, CSOs expressed their belief that regionalism is in the people's interests. Therefore, they welcomed the building of the ASEAN Community as well as the ASEAN Charter and called for a framework and mechanism to facilitate the participation of civil society in the community building process in general and the ASEAN charter process in particular.

Each time SAPA submitted a written statement to the EPG. In the first submission on the security pillar, SAPA hoped the ASEAN Charter would explicitly recognize human rights and human dignity as the foundation of the community. This principle should not be compromised by economic and trade, as well as security commitments. The forum also appealed for the protection of the rights of migrant workers, ethnic minorities and indigenous people, women, children, farmers and fisher folk, among others. And it hoped the charter and the ASC would aim for a broader definition of security. Current

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[81] The meetings took place in April, June and November 2006. For some practical reasons, the third meeting was mainly attended by representatives of civil society groups from the Philippines. From the EPG side, Ambassador Rosario Manalo, who has been a special adviser to former President Ramos, received the submission. In late November 2006, SAPA sent another letter to the EPG reiterating the key points of its previous submissions through Fidel Ramos.

ASC definitions of conventional and non-conventional security issues are comprehensive but not inclusive in terms of perspective and without any specific reference to human security. The submission also pointed out that the ASC plan of action contains two conflicting statements on principle. On one hand, it declares that the ASC process "shall be guided by well-established principles of non-interference (and) respect for national sovereignty"; on the other hand it asserts that ASEAN shall not condone undemocratic regimes. And finally, SAPA hoped the charter would include norms and standards that will eventually lead to a joint foreign policy.

In the second submission on the economic pillar, SAPA urged ASEAN to reconsider its neo-liberal economic integration and called for the regional harmonization and complementation in industry, agriculture as well as services. According to SAPA, the ASEAN Charter should recognize a mix of heterodox economic policies and analyses. It should include a strong element of social protection in economic development which is founded on redistributive justice, poverty eradication and growth with equity and non-discrimination. The forum believed the charter should encompass principles that protect regional currencies from the vagaries of the global dominant currency exchange system, and prepare the region for an independent exchange system. In addition, the document should enshrine principles that move away from economic activities based largely on natural resource extraction and promote economic growth anchored in and driven by rural industrialization.

In the third installment on the socio-cultural pillar and institutional mechanism, apart from the repetition of the requests mentioned in previous submissions, SAPA urged for a people-centered and people-empowered ASEAN community with the recognition of

local culture, language and heritage. Besides, it hoped ASEAN would commit to the environmental sustainability and a free, independent media. On the issue of drafting the ASEAN Charter, SAPA called for broad-based consultations at the regional and national levels, after the engagement with the EPG would have been completed. It also strongly recommended that the EPG put forward a proposed process for the ASEAN Charter through referendum in all Member States. This is to ensure that the Charter is made known to all ASEAN citizens, and that they are given the direct hand in determining the future of the regional organization. The Charter itself should incorporate mandatory social dialogue and consultation with civil society to ensure their access to decision making processes at all levels, national and regional.

In terms of institutional mechanisms, SAPA hoped ASEAN would be an institution that recognizes universally-accepted rights and standards, and provides mechanisms for monitoring and securing compliance at the national and regional levels. In the area of human rights, the ASEAN Charter should mandate the immediate creation of a regional human rights body responsible for, among others: monitoring and reporting human rights conditions within the region; investigating human rights violations; developing awareness on human rights among people in the region; and, providing effective compliance and redress mechanisms.

At the meetings, the EPG always said they appreciated civil society's contributions to the ASEAN Charter. Among them, the two representatives from the Philippines and Indonesia were the most active in the overall EPG - civil society engagement process. Others, particularly those representing the less democratic countries such as Cambodia, Laos, Myanmar, Singapore and Vietnam, were relatively silent and

cautious about confronting the CSOs (Chandra, 2006: 72 - 80). This quiet opposition soon made part of civil society in the region question the value and fruitfulness of engaging the EPG and the charter process. In December 2006, the second ACSC put forward the idea of an alternative ASEAN People's Charter.

The EPG submitted their report to ASEAN leaders during the 12th summit in the Philippines in January 2007. A large part of the report was devoted to proposed changes to push the association towards a more people-centered and rule-based orientation. Civil society might feel satisfied with the frequency of the calls for the strengthening of democratic values, good governance, respect for human rights and fundamental freedoms. The beginning of the report, which is Fundamental principles and objectives, was in line with civil society's input. The rest of the report recommended a formal dispute-settlement mechanism in all areas of cooperation, especially concerning economic and political issues; decision-making by majority vote rather than consensus in areas other than security and foreign policy; and steps to monitor compliance with ASEAN's objectives, principles, decisions, agreements, and timetables. Besides, the EPG discussed the possibility of setting up of an ASEAN human rights mechanism and proposed sanctions against members who are in "serious breach" of any of these terms, including loss of membership rights and privileges or, in extraordinary circumstances, expulsion from the organization. The EPG was also in favor of channels at different levels for regular consultations through appropriate mechanisms with civil society and parliamentarians from member states (ASEAN, 2006b).

Nonetheless, civil society's demand for the review of trade liberalization in Southeast Asia was completely ignored. Like other ASEAN governing elite, the EPG

believes in free flows of goods, services, investment, capital and skilled labor. Besides, in contrast to civil society's expectations, it also gave a limited acknowledgement to children, youth and women (Chandra, 2007). The word "children" appears only once in the whole 55-page report, while the word "women" was mentioned twice (ASEAN, 2006b).

It is difficult to evaluate or separate the amount of input from civil society included in the EPG report. Yet the repeated engagement with the EPG was itself a success, which made the ASEAN governing elite gradually become familiar with civil society's participation in ASEAN's decision-making process and change their mindsets. It can be considered an important precedent for future interface.

Besides, it was a good opportunity for both sides to interact and get to know each other's concerns and viewpoints. In other words, the Charter engagement has increased the interactions between Track I and Track III, which has led to a better understanding of and sensitivity towards each other. During the process, CSOs also had chances to cooperate and coordinate with others, thus improving their strengths and advocacy skills. It is noteworthy that despite their widely-known fragmentation, they showed a united stance in the engagement with the EPG.

The EPG report was forwarded to a fast-track High Level Task Force (HLTF) which was responsible for drafting the Charter in 2007. This 10-member panel comprised five senior officials, two directors-general, two ambassadors at large and one retired ambassador. It is natural that one should not expect any bold initiatives from them who would speak for no one but their governments, unless clear instructions have been given from their capitals to push certain viewpoints and issues (Chongkittavorn, 2007b).

The HLTF also engaged in a limited direct consultation with civil society groups in the Philippines in March 2007. At first, Thailand suggested that each member hold its dialogue with CSOs operating on its land and then gather this input for further consideration by the drafters of the Charter. However, time was running out so they agreed to have the Manila dialogue. Only the Philippine member (and former Chair) of the HLTF Rosario Manalo participated in a meeting with 60 representatives for CSOs from ASEAN countries before the convening of the first HLTF gathering to hear their concerns. Civil society activists from Thailand, Indonesia, Malaysia and the Philippines contributed much to the richness of the discussions. Those from Cambodia, Vietnam and Myanmar also chipped in from time to time. However, there was no guarantee that the views and recommendations of civil society would be taken up because ASEAN leaders could change everything, said Manalo (Chongkittavorn, 2007a). Several CSOs' demands might be seen as too radical by some ASEAN member governments (Chandra, 2006: 81), such as the proposal of adding the environmental community as another pillar of the ASEAN Community. At the national level, other members of the HLTF showed little intention to meet and engage with their civil society counterparts in the drafting of the Charter. This applied even in a democratic country such as Indonesia (Chandra & Djamin, 2007).

In the first half of 2007, bits and pieces of information which seeped through the closed-door meetings of the HLTF revealed that under the instructions of foreign ministers, the draft would not take in many recommendations from the EPG. For instance, the idea of an ASEAN Union as the highest community-building goal in the region was quickly rejected, as were the provisions for suspensions, expulsions and

withdrawals. Voting as a decision-making tool was not mentioned, meanwhile consultation and consensus remain sacrosanct. Furthermore, the drafters were not comfortable exploring and including new dispute-settlement mechanisms in the charter. (Chongkittavorn, 2007c)

In July 2007, ten ASEAN foreign ministers approved the first draft. They also announced that the draft charter included a provision on an ASEAN human rights body[82] (Forum Asia, 2007b: 1) that has been a target pursued tirelessly by civil society in the region for more than ten years. Ambassador Manalo said "the HLTF wishes to institutionalize the regional human rights body as a commission", meanwhile Singapore's Second Foreign Minister Raymond Lim further stated that "its powers are more likely to be consultative". It then leads to the question whether this commission will really be effective in monitoring human rights[83]. Human rights organisations in the region clearly know they cannot expect too much from such a body. However, the inclusion of such a provision is in itself a milestone for human rights in Southeast Asia (Chavez, 2007).

After that, many CSOs requested the draft to be made available as soon as possible for public scrutiny and consultation. Yet it was kept confidential prior to the 13th summit, which finalised the Charter on November 20th 2007. This decision by ASEAN

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[82] Mainly thanks to the efforts of the Philippines and Indonesia.

[83] Reference to a commission offers the chance for the creation of a political body, in which those governments most adverse to interference (often being those with the most to hide) can still be talked around. In contrast, reference to a mechanism leaves open the possibility for the development of a regional body which could have a real impact on the human rights situation on the ground, such as an ASEAN regional human rights court with the power to issue legally binding decisions. (Forum Asia, 2007a: 1)

was heavily criticised by civil society which has cited it as the best illustration of the association's continuation of their top-down elitist approach to policy-making (Forum Asia, 2007c: 1). According to the latter, the confidentiality of the draft effectively excluded the participation and contribution of civil society in particular and the people in general (Forum Asia, 2007d: 1).

In the first days of November, through the declaration of the third ACSC, civil society in the region started launching the process of drafting the ASEAN People's Charter that is said to embody the shared values and collective aspirations of the peoples in the region. Key issues such as human rights, social and economic justice, participatory democracy, rule of law, ecologically sustainable development, cultural diversity, and gender equality are promised to be enshrined here. It is set to be completed before the 14th ASEAN Summit and the fourth ACSC in Thailand in late 2008. While they welcomed the planned ASEAN People's Charter, several CSOs said the ASEAN Charter creates openings for important institutions and cautioned against rejecting it. Ray Paolo Santiago of the Working group for an ASEAN Human Rights Mechanism said, "Let us build on the gains achieved by the ASEAN Charter, in particular, the ASEAN human rights body as an organ of ASEAN. Let us strive to make this a credible and effective institution for the ASEAN peoples". Meanwhile, Yuval Ginbar, legal adviser of Amnesty International elaborated, "Even if some governments may sign things because they look good on paper, they can take on a life of their own as time progresses." However, they agreed with others that ASEAN leaders should postpone the signing of the Charter due to the violent crackdown on peaceful protests in Myanmar.

A few days later, Thai independent media outfit Prachatai and the Philippine Centre for Investigative Journalism posted leaked copies of the final draft on their websites (Chavez, 2007), so that it finally became known to the public. The concern then turned into disappointment - one failed to see the daring, visionary, people-centered and people-empowered that had been hoped for.

The charter does its job in terms of codifying ASEAN's many previous agreements and declarations, and providing it with a legal personality. It clarifies issues on membership, and delineates functions as well as responsibilities of different ASEAN organs. It creates a new formal bureaucracy - from the formation of the three community councils (political-security, economic and socio-cultural) and the establishment of the Committee of Permanent representatives, to the redefinition and strengthening of the roles of the secretary-general and the ASEAN secretariat. It even gives a mandate to the long awaited ASEAN human rights body. (Fernandez, 2007)

Disappointment came not so much from things that are found in the charter, but from things that are not but should be. The charter is by all accounts as good a lowest common denominator as could have been expected, given the disparate interests, histories and sensitivities of Southeast Asian countries. Taking in not many important recommendations from the EPG, the document reaffirms a state-centric ASEAN and institutionalises age-old values of consensus and non-interference. It lacks clear mechanisms for dispute settlement, accountability and redress. While the bodies mentioned above themselves are given a mandate, most of the statements are parenthood statements and much is left to further interpretation and how it is going to be concretely operationalised in ASEAN. (Fernandez, 2007; SAPA, 2007a; Chavez, 2007)

The inclusion of human rights in the charter's preamble and statement of principles, as well as the provision of a human rights body[84] are a milestone for ASEAN. It is regrettable that no internationally recognised standards, such as the Universal Declaration of Human Rights was mentioned in the document, and the body's operations remain to be determined at the ASEAN Foreign Ministers Meeting, which is another political elite gathering. (SAPA, 2007b; Fernandez, 2007)

The charter talks about a people-oriented ASEAN (page 4), and upholds consultation and consensus as basic principles in decision-making. Yet it neither provides clear mechanisms for transparency and participation, nor recognises engagement and interaction with non-state actors, including civil society. The document is also silent about how ASEAN's operations can be subject to independent scrutiny, how its processes can be accessed by interested groups, and how official information should be made public. (Chavez, 2007)

Other missing elements include the complete non-mention of children who are the future of ASEAN and migrant workers who make up a substantial portion of labour flow in the region (Chavez, 2007). And the only reference to gender and women's rights is in the selection of the secretary-general and two of the four deputies.

Therefore, even before it was signed, many analysts and civil society activists had already written off the charter as another of ASEAN's many grand declarations that failed to take into account the aspirations of ordinary citizens and never got implemented (Chavez, 2007). Commentaries by civil society from the 11th summit when the ASEAN

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[84] Apart from the provision of the human rights body, no other inputs from civil society were accommodated.

charter process was launched to the 13th summit when the charter was signed changed from the hopeful, optimistic and cooperative to the disappointed, skeptical and critical. After the signing, several CSOs said they would focus on the ASEAN People's Charter process while some others strongly criticised and called for a boycott of the ASEAN Charter (Chongkittavorn, 2008).

III.3.2. Analysis

The strict adherence to the principle of non-interference as well as consensus and the resulting lack of human rights mechanism are vivid examples of how the interests of the states take precedence to the interest of the people and the interests of the states, in many cases, have been in conflict with the interests of the people. The ASEAN Community building has become an instrument in the hands of the states for their own interests.

All official decisions are made in Track I. There has been no referendum on the most important issues of the AC, such as the ASEAN Charter because the state is afraid that it might have difficulty getting what it wants and that they will set precedents for extending more political rights to the populace. After decisions are made, treaties are signed, the monarch (in the case of Brunei), or the Congress/Parliament ratify them. In countries such as Vietnam, Laos, Myanmar, Malaysia and Singapore, the legislative body is packed with representatives, not of the people, but of the ruling party who easily give their blessings. Therefore, the usual scenario in these states is: The government does all the planning, negotiations and signing; then the parliament/Congress shows their overwhelming support and the media informs the public of the results which are often portrayed as a success for the country.

Although Track II dialogues are sometimes cited as examples of the involvement of civil society in the regional decision-making process by governments and other second track actors (Acharya, 2003: 383), NGOs have rarely got access to this track, meanwhile participants from the academic community are a dozen think-tanks[85]. However, these think-tanks are, in most cases, very much linked to their respective governments, and dependent on government funding for their academic and policy-relevant activities (Acharya, 2001: 66 – 67). Their recommendations, especially in economic integration[86], are often closer to ASEAN's decisions than the rest of civil society's positions.

The track that acts as a forum for civil society in Southeast Asia is called Track III. Track III networks claim to represent communities and people who are largely marginalized from political power centers and unable to achieve positive change without outside assistance. This track tries to influence government policies indirectly by lobbying, generating pressure through the media. Third-track actors also organize and/or attend meetings as well as conferences to get access to Track I officials.

While Track II meetings and interactions with Track I actors have increased and intensified, rarely has the rest of civil society had the opportunity to interface with Track II. Those with Track I have been even rarer. In other words, the participation of the big

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[85] Track II activities in Southeast Asia mainly involve conferences, symposia, seminars and workshops on various regional issues.

[86] For example, ASEAN - Institute for Strategic and International Studies (ASEAN-ISIS) has long supported an open economy for ASEAN and favored trade liberalisation. National and regional NGOs, on the other hand, are more cautious, fearing the possible adverse effects. (Chandra, 2006: 77)

majority of CSOs has been excluded from ASEAN's agenda-setting and decision-making. (Caballero-Anthony, 2004: 577)

ASEAN's interface with civil society during the ASEAN Charter process clearly reflects the attitudes of member states towards civil society in the ASEAN Community building process. In terms of engagement with CSOs, the organisation has been divided from within. It is quite clear that three different groups exist within ASEAN. The first consists of the states of the Philippines and Indonesia, which are now more democratic than the rest. The two are willing to consult civil society and welcome its input into ASEAN decision making process. They are like a locomotive in the train. The second are Malaysia and Thailand[87], who have accepted limited interaction. The third group includes mainly the regimes of Myanmar, Vietnam Laos, and in most of the time Singapore, Cambodia and Brunei. These regimes would wish to stop the ASEAN – civil society engagement. They unwillingly join the engagement process just to avoid pressures from the Philippines and Indonesia, and criticism from Western countries. They are playing the cabooses in a train. Their "efforts" have made the involvement of civil society more form than substance.

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[87] During the drafting process, while the interim government in Thailand, which was installed by a military coup, worked hard to polish its image abroad, its lack of legitimacy and the domestic controversy over the drafting of a new Thai constitution put it in a sensitive position and greatly undermined its intentions of supporting liberal initiatives. For example, it was quite awkward for Thailand to back the EPG report's recommendation for the rejection of unconstitutional and undemocratic changes of government (Chongkittavorn, 2007e).

Looking at the three tracks, it is clear that until now, ASEAN has been run by government officials who, as far as ASEAN matters are concerned, are accountable only to their governments and not the people. In a lecture on the occasion of ASEAN's 38th anniversary, the incumbent Indonesian President Dr. Susilo Bambang Yudhoyono admitted:

"All the decisions about treaties and free trade areas, about declarations and plans of action, are made by Heads of Government, ministers and senior officials. And the fact that among the masses, there is little knowledge, let alone appreciation, of the large initiatives that ASEAN is taking on their behalf." (2005)

ASEAN says it aims at being a community of caring and sharing societies by 2015. Nonetheless, community building in Southeast Asia has so far been a top-down elitist process. The ordinary people have almost no experience of participating in the agenda-setting and policy-making processes of the regional community in building, be it direct or indirect. The efforts by ASEAN will only create a community of the governing elite, not a community of the people. Regional community building, just like nation-building, is very much a people-centered process. It is not a simple top-down chain of command and control. If ASEAN wants to establish a real community, it must change its modus operandi. The governing elite must loosen their control of the decision making process and make ASEAN much more than their exclusive club.

CHAPTER IV: CONCLUSION AND OUTLOOK

This dissertation has three objectives. The first is to develop a conceptual framework of regional identity of the people in a regional community of countries. The second is to discuss regional identity building with and without liberal identity. And the third is to examine a case study of regional identity building without liberal democracy in Southeast Asia.

To meet the objective, I use uses social constructionism to examine several concepts, including collective identity, region, regional community of countries and regional identity of the people. I argue that a regional community of countries is decided to be built when there is be a fundamental, unambiguous and long-term convergence of needs among member states which can not be fulfilled by the states themselves. Meanwhile, the regional identity originates from the expectation and/or belief of the inhabitants that by being a member, their individual needs, especially basic survival needs and shared values are better fulfilled and promoted, and the experience as well as interaction they have when participating in community building. In other words, to meet and promote their long-term needs which can not be fulfilled by the states themselves, states build a regional community of countries. However, its realization requires the existence of a regional identity among inhabitants, which develops when the community in building meets and promotes their needs. It means the more in line with the needs of inhabitants the needs of states are, the better it is for the construction of a regional identity.

My examination of the principles, norms, rules and decision-making procedures a non-democratic state set as indispensable in the regional community in building leads me

to conclude that: The participation of their countries in a regional community in building, first and foremost, serves the needs of the non-democratic states. Instead of compromising some of its sovereignty, with the principles of non-interference, respect for sovereignty and consensus, the non-democratic state turns a regional community in building into a sovereignty-enhancing mechanism. The later becomes an effective shield protecting the former against its internal opposition and external interference, and thus enhances its security/survival and gives it more freedom in terms of domestic affairs. The acceptance in a regional grouping also bestows some external legitimacy, of which the former is always short. In case the needs of the state are generally in line with those of the people, the people who find their country's membership beneficial to them and those they care about, as I argue above, will be more likely to identify themselves with the community in building. And vice versa, when the needs of the states are in conflict with those of the people, the people who find their country's membership do nothing good or even harm to them and those they care about will be more unlikely to identify themselves with it. Then the regional community will actually be the regional community of the states, or the regional community of the governing elites, not that of countries. However, empirically speaking, the performance of most of non-democratic states fails to prove the congruence of their needs and those of the populace.

Besides, controlling and dominating all the access to the agenda-setting and decision-making processes at the regional level, the non-democratic state leaves the ordinary people sidelined. Put it another way, the ordinary people have almost no experience of participating in the agenda-setting and policy-making processes of the regional community in building, be it direct or indirect. The citizens who disagree with

the state's policies regarding the community (in building) have no channels to express their opinions and make influence. As a result, the population feels remote and detached from both the affairs of the community in building and the community in building itself. The remoter and more detached they feel, the less they self-identify and are identified by others as part of a regional community in building; or in other words, the less developed the regional identity is.

Meanwhile, my examination of the principles, norms, rules and decision-making procedures a liberal democratic state advocates in building a regional community leads me to conclude that: Compared to their non-democratic counterparts, liberal democratic states see sovereignty in a much weaker light. As a result, they are more flexible about building or joining supranational communities, which is the most integrated kind of its sort in contemporary context.

In a liberal democratic state, governments and MPs count on the votes of the citizens for their political survival. Politicians only say Yes to the membership which clearly touches on national and to varying degrees, individual interests when they know that their constituency gives their blessing and expects it to be beneficial to them and those they care about. Later, the people also have the power over other important issues of the community in building. The process of community building is not out of their control. They are part of it. Therefore, they tend to self-identify and be identified by others with the community.

Not only the people, or a majority of them are the ones who give the final say in important issues of the community in building, not to mention the opinions of the minority are, at least, voiced, but the people also have the opportunities and experiences

of setting the agenda and making the decisions on the most important issues in the community in building, be it directly in referenda or indirectly via the operations of governments and regional civil society. The opportunities and experiences make them feel attached to the community in building and its affairs. The more attached they are, the more they self-identify and are identified by others as part of a regional community in building; or in other words, the more developed the regional identity is.

When all the members of a regional community in building are liberal democratic countries, shared liberal democratic characteristics are conducive to regional identity building and supranational community building. Shared liberal democratic culture means shared values and safety. Meanwhile, market-capitalist economies and unconstrained communication promote economic interests and interaction.

The last type of state - illiberal democracy - is the most difficult to deal with as it is the ambivalent one. Being the half-sister of both liberal democracy and non democracy, it is democratic and more democratic than the latter, but illiberal and less liberal than the former. In terms of the principles of non-interference and respect for sovereignty, it is less strict than the latter but less flexible than the former. In terms of consensus vs. majority voting, I argue that it tends to go with the flow. If its liberal democratic sister is more powerful and influential, it chooses majority voting in issues that do not touch on important national interests. If its other sister has greater leverage, it follows her suit. When illiberal democratic states flock together, the decision is made case by case.

In conclusion, among non-democracy, illiberal democracy and liberal democracy, the last is most suited to the building of a regional identity of the people. Meanwhile, at

most, non democracy helps build a regional identity of the governing elite and that of the states, not a regional identity of the people which is, however, facilitated by liberal democracy.

Chapter III is a case study of regional identity building without liberal democracy, in which I argue that if ASEAN wants to establish a real community, it must change its modus operandi. It must be much more than an exclusive club for the governing elite by giving more space as well as power to the people.

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