

# The State of Regional Community in the Southeast Asian Region: Community hemmed in between politics of nationalism, ASEAN norms and pragmatism

Alan CHONG

S. Rajaratnam School of International Studies

저자 ALAN CHONG is Associate Professor at the S. Rajaratnam School of International Studies in Singapore.

\* 이 글에 포함된 의견은 저자 개인의 견해로 제주평화연구원의 공식입장과는 무관합니다.

Much as most pundits would want to believe that the Southeast Asian region is progressing towards an integrated ASEAN social and economic community, the reality is far more complex. Most importantly, politics remains in command with economics trailing in second place. The romance with nationalism and the nation-state is not over. Moreover, it is a widely observable fact that unlike the more advanced form of supranational regionalism seen in Europe, there is little understanding or respect for international law in Southeast Asia. What keeps the peace are a series of overlapping normative regimes that have been accumulated since the founding of ASEAN in 1967.

## Political Ambitions of the Modernizing State: Taking the Cup of Nationalism

Nationalism has not lost its appeal for Southeast Asian nation-states since the 1950s and 1960s. The joint appeal to advancing the national interest and progress in becoming a truly sovereign statehood continues to be a twin pronged magic wand in electoral and authoritarian politics. On 30 April 2015, Vietnam celebrated the 40th anniversary of reunification in tones that emphasised victory over the United States military effort in support of South Vietnam between 1964 and 1975. Nationalism appears also to be the ideal weapon at home to fend off criticism against nepotism and corruption, and simultaneously to direct anger against China over the South China Sea disputes. In Indonesia, the newly elected presidency of Joko Widodo has articulated a foreign and domestic policy vision of a

strong, assertive and confident Republic. This is manifested in the articulation of the vision of Indonesia acting as a regional maritime fulcrum. In terms of asserting sovereignty, Jakarta persisted in executing drug traffickers from Australia and Brazil in April 2015 despite pleas for clemency from their governments. Thailand's internal political renovation too has been dressed in nationalist rhetoric, even if the country has remained open to foreign investment. The twinned foreign and domestic policy announcements coming from the office of Prime Minister Prayuth Chan-ocha has emphasised the need to restore a much-needed sense of intra-Thai solidarity without following prescriptions from outsiders, however well-meaning they might be. Myanmar, despite the reforms since 2011, has always pursued a nationalist foreign policy emphasising that reforms and other policy changes cannot be made in reference to outside pressures. Across the rest of Southeast Asia too, open economies may openly pay lip service to neoliberal strictures of a global economy monitored by the IMF, World Bank and WTO, but the domestic elite interpretation for their citizens is almost always that these openings are undertaken for the logic of national interest rather than the stewardship of a global economy. Moreover, the conflation of rapacious foreign investors and territorial encroachments by rival Asian states remains a very potent rallying point for domestic political consultation regardless of whether democratic values are in operation or not.

## Absence of War rather than a Supranational Peace

There is interstate peace in Southeast Asia, but it is one that emphasizes the absence of war instead of the thorough replacement of enmity with economic and political integration. Southeast Asian states define their national interests often in terms of seemingly contradictory goals, such as the recovery of historically alienated territories and populations, the assertion of the principle of sovereignty, and the welcoming of foreign direct investment. As most ASEAN documents specify between the lines, these goals can only be pursued if there is no explicit forward movement towards substantive economic integration amounting to supranationalism. Since the institution of the nation-state is upheld by most politicians and members of the various publics as unquestionably ethical and desirable, there is, in actual fact, no urgent political need to put the ASEAN Community vision, let alone the ASEAN Charter, into action. Whenever there are bilateral disputes between any two ASEAN members, say Thailand and Cambodia, or Indonesia and Malaysia, or Singapore and Malaysia, the lip service is paid by their leaders to international law while they are appealing equally to something variously called the 'ASEAN spirit' and 'good neighbourliness'. It is this vagary that allows both parties in dispute to stand down gradually without losing political and social face. Nothing is substantially solved, except in the rare instances, where Jakarta, Kuala Lumpur and Singapore found the required political will to resort amicably to the International Court of Justice at The Hague to allow the other to gracefully

‘give and take’ according to the judgments of a third party. Bilateral island disputes, where deadlocked, appear to require the relatively more impartial intervention of the non-ASEAN outsider. Yet, for these international legal settlements to take place, the highly informal diplomatic and political grounds have to be prepared between the quarrelling ASEAN members. One might even go as far as to say that it is probably diplomatically healthy for the Code of Conduct on the South China Sea to remain as vague as possible in order that something of a lasting, albeit imperfect, peace can be obtained amongst the claimants. Nationalism shrouded in ambiguity makes for good domestic political fodder, in so far as all claimants can assert to their respective publics that the national interest has been achieved by foreclosing unsatisfactory outcomes. The sequel to the Code of Conduct should remain equally vague, especially in view of the likely calculations by most ASEAN claimants to the Spratly islands that there is little to be gained from antagonizing China across the board, given the warmth of existing economic ties between China and every ASEAN member.

## Getting by with International Law Lite: the Norms of ASEAN and East Asian Diplomatic Norms

The overriding preference by Southeast Asian states for ‘Asian solutions to Asian problems’ is ostensibly an extremely laudable aspiration. But it implies that the region is still uncomfortable with complete embracing public international law. In spirit, the latter makes for stable, continuously peaceful international relations. In substance, international law does not always facilitate nationalism in foreign policy, let alone domestic political considerations. International law is feared to be antithetical to the nation-state and national self-determination, since it is ideologically borne of liberal visions of world order. Following the political philosophy of Hugo Grotius, Immanuel Kant, and Samuel Pufendorf, international law requires states to subscribe to a continuous philosophy of law at home and abroad. This is unhelpful to political cultures in ASEAN that still privilege demagoguery, revanchism, and continuity with principles of decolonization that espouse renovating the post-World War Two order. It is not surprising that ASEAN’s famed documents from Bangkok in 1967, plus the two Bali Concordats from 1976 and 2003, consistently emphasise self-reliance and reify the need for sociological interpretations of national and regional resilience. The rule of law in both domestic and interstate relationships is relegated to third priority in the original Bangkok Declaration of 1967, or placed lower in subsequent ASEAN documents. In the text of the approved ASEAN Charter, sanctioned in 2008, paragraph 7 of Article 1 makes it clear that the purpose of ASEAN is ‘to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental human freedoms, with due regard to the rights and responsibilities of the Member States

of ASEAN.’<sup>1</sup> Instead, Southeast Asian states have honed a useful set of quasi-legal principles dubbed variously the ‘ASEAN Way’ or the ‘ASEAN Spirit’, or ‘Musyawarah Mufakat’ in Bahasa Indonesia. These codes refer to the art of avoiding a compulsory vote on contentious issues within ASEAN, the deliberate obfuscation of assigning blame, temporization on decision-making, and a circuitous method of naming a common adversary either within ASEAN or outside ASEAN. Even at times when ASEAN neighbours have had to admonish Myanmar, Malaysia, Thailand, Cambodia or Indonesia over various issues, ranging from egregious human rights abuses to attributing the source of environmental pollution, to tardiness in handling disaster relief, communiqués from ASEAN meetings and national ministries concerned with foreign affairs have tended to rebuke their targets in the mildest of terms. Moreover, there is always peer pressure from the other ASEAN members to rein in direct criticism, in the hope that this will allow the target state to ‘save face’ and make policy rectifications quietly. In these indirect ways, a rule of peace endures in the ASEAN region. This condition can only at best be described as an embryonic stage of socializing a rule of law in the region.

## Conclusion

The prospects for treating Southeast Asian regionalism as a progressive trajectory needs to undergo a reality check. Change is always wished for but continuities persist. Southeast Asian regionalism is hemmed in by the politics of nationalism, the persistence of ASEAN’s normative frameworks, and pragmatism as a diplomatic virtue.

## Reference

(1) ASEAN, ‘Charter of the Association of the Southeast Asian Nations’ available at <http://agreement.asean.org/media/download/20141204151618.pdf>, accessed 3 May 2015.

June 18, 2015

저작권자 © 제주평화연구원, 무단 전재 및 재배포 금지