

## CHAPTER II

### ASEAN INVOLVEMENT IN INTERNAL AFFAIRS OF ITS MEMBER STATES

In the 1960s, when ASEAN was first formulated, the idea of regional cooperation stemmed from practical considerations. Communism was a threat in the region, and the nations, being small and weak, feared that they would be pawns in international power competitions.<sup>1</sup> ASEAN arose mainly from the desire to increase power through group membership and the need for an organization that would be more comprehensive than previous ones.<sup>2</sup> ASEAN was founded in 1967 by Thailand, Malaysia, Singapore, Indonesia and the Philippines. Burma declined to participate, and overtures from Vietnam, Laos, and Cambodia were rejected because of the political situation in Indochina.<sup>3</sup> Brunei joined after its independence in 1984. ASEAN had three primary goals- to promote and facilitate intra-regional economic development, to foster social and cultural progress, and to ensure peace and stability in the region. For almost a decade these goals were stated but not formulated, and the organization was largely symbolic.

By 1976, after the withdrawal of the United States from Indochina and the establishment of communist governments there, concern about regional security propelled ASEAN members to renew their commitment to the organization. After a 1976 meeting of the members, concrete proposals moved toward implementation of the goals. The scope of ASEAN activities increased; today they include economic projects sponsored directly by ASEAN, along with a range of affiliated organizations.<sup>4</sup>

A unique feature of ASEAN is that all matters of policy, decision making, and activities must be made by consensus, that is widely known by 'ASEAN Way'. ASEAN is very committed to the 'ASEAN Way,' a non-interference policy including agreement,

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<sup>1</sup> D. K. Sardesai, *Southeast Asia Past and Present*. Boulder, Colorado: Westview Press, 1989.

<sup>2</sup> Antonia Hussey, "Regional Development and Cooperation through Asean." *Geographical Review* Vol. No. 1 January 1991 p. 87-98. <<http://links.jstor.org/sici?sici=0016-7428%28199101%2981%3A1%3C87%3ARDACTA%3E2.0.CO%3B2-C>>.

<sup>3</sup> M. Hass, *Asian Way to Peace*. New York: Praeger. 1989.

<sup>4</sup> Hussey, 1991. p.88.

informality, confidentiality, gradualism, and the 'front state principle'<sup>5</sup>. The Way is promoted as an alternative to Western methods of conflict resolution by means of agreement.\* Therefore, the association dislikes having to involve itself in the domestic affairs of its member states. Recent changes in the normative foundation of the international system, however, have placed great pressure on ASEAN to alter its approach to 'ASEAN Way'.<sup>6</sup>

This chapter, thus, will examine ASEAN Way as a crucial understanding of the association as a successful organization. Then, it will explore ASEAN's complex approaches to crises in Cambodia and East Timor in the context of regional response. The last part of this chapter will include a brief study of internal bloodbath which is occurred in certain parts of the world prompts UN to intervene by using the concept of "responsibility to protect." This is in addition to the idea of humanitarian intervention.

## 2.1 The ASEAN Way

A fundamentally important component of ASEAN is its pattern of diplomacy. ASEAN's supporters credit the success of the organization to the 'ASEAN Way' of diplomacy. Shaun Narine, a longtime scholar of ASEAN, notes: "The ASEAN way is based upon the Malay cultural practices of *musjawarah* and *mufukat*, which Sukarno and the Indonesians introduced to Southeast Asian diplomacy. *Musjawarah* and *mufukat* are rooted in the traditional village societies of the Malay world. They represent an approach to decisionmaking that emphasizes consensus and consultation."<sup>7</sup> *Musjawarah* means "that 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 and to take their views and feelings into consideration before delivering

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<sup>5</sup> Kay Moller, "Cambodia and Burma: The ASEAN Way Ends Here." *Asian Survey* Vol. 38, No. 12 Dec 1998 p. 1087-1104. 28 July 2007

\* While internal security and stability are also major preoccupations for ASEAN states, the Treaty of Amity and Cooperation adopted in 1976- the so-called ASEAN 'code of conduct'- stresses the sacred nature of 'state sovereignty'. The association does not have a mandate to mediate in the internal problems of its members, much less those of non-member states, and has traditionally limited its role to providing diplomatic support to member states in international fora such as the UN.

<sup>6</sup> Shaun Narine, The Tension between State Sovereignty, Regionalism and Humanitarian Intervention in Southeast Asia. Paper presented at the annual meeting of the *International Studies Association, Hilton Hawaiian Village, Honolulu, Hawaii*, Mar 05, 2005.

<sup>7</sup> Shaun Narine, Explaining ASEAN: Regionalism in Southeast Asia. Boulder, Colorado, USA: Lynne Rienner Publishers, 2002. p. 31.

his synthesis conclusions."<sup>8</sup> *Mufukat* means consensus and is the goal toward which *musjawarah* is directed.<sup>9</sup> *Musjuwarah* relies on the willingness of the members to be aware of the larger interests at stake in a situation. The negotiations that take place in the spirit of *musjawarah* are "not as between opponents but as between friends and brothers."<sup>10</sup>

Starting with this cultural disposition, ASEAN has developed the ASEAN way. The ASEAN way is about the management and containment of problems. It is a "consultative process" that is primarily motivated by the desire to create a stable intramural environment.<sup>11</sup> In the past, ASEAN was seen as historically successful. The Bangkok Declaration of 1967, which established ASEAN, introduced the notion of "equality and partnership." The Treaty of Amity and Cooperation, the cornerstone of all ASEAN relations, enshrines in Article 10 the right of every state to make national policy free from external subversion or coercion. Michael Leifer, one of the world's leading authorities on East Asian affairs, points out that ASEAN was hailed in the 1980s as a "respected diplomatic community," particularly distinguished because of its position in the developing world. Such diplomatic amity was achieved precisely because ASEAN, in the words of a Philippine official, "concentrates on what brings us together, not what keeps us apart."<sup>12</sup>

ASEAN has demonstrated the power of unity in the political arena both in Southeast Asia and in dealing with external powers and organizations. An example was the perception by ASEAN that the 1978 invasion of Cambodia by Vietnam was a threat to regional peace and stability. ASEAN members considered the invasion to be an act of territorial aggression and, as an effort to extend Soviet-style communism, an ideological threat to the sovereignty of the noncommunist nations. ASEAN actively lobbied at the United Nations against recognition of the Vietnamese client government and for resolutions calling for Vietnam's withdrawal from Cambodia. Intransigent in those demands, ASEAN's effort for a peaceful solution made it by default seem pro-Khmer

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<sup>8</sup> Quoted by Jorgen-Dahl, 1982. p.166.

<sup>9</sup> Narine, 2002. p. 31.

<sup>10</sup> Indonesian foreign minister Subandrio, quoted by Jorgenson-Dahl, 1982. p. 166.

<sup>11</sup> Michael Antolik, *ASEAN and the Politics of Accommodation*. Armonk: M.E. Sharpe Publisher Inc., 1990. p. 9-10.

<sup>12</sup> Yu Ping Chan, "Standing by ASEAN in Crisis." *Harvard International Review* Vo.23 (1) Spring 2001.

Rouge. To avoid incurring international censure for backing that murderous regime, ASEAN encouraged a coalition of Cambodian opposition forces, headed by Prince Sihanouk.<sup>13</sup> Direct efforts by ASEAN to end the crisis failed, but the Paris peace talks, the withdrawal of Vietnamese troops, the U.N. peace resolutions, and the subsequent formation of a coalition of all Cambodian contenders largely resulted from groundwork laid by ASEAN.<sup>14</sup>

As a contrary, in the case of East Timor, ASEAN's response was criticized by some commentators for its policy of non-intervention, as if this policy were ASEAN's exclusive preserve. Specifically at ASEAN's alleged failure to deal effectively with the violence in East Timor, it is said that it stemmed from ASEAN's absolutist adherence to the non-interference principle.<sup>15</sup>

## **2.2 ASEAN's involvement in the internal affairs of the member countries**

### **2.2.1 Cambodia**

Cambodia gained independence from France in 1953. However, the civil war began in the late of 1960s and the communists controlled half the country. When Phnom Penh fell to the Khmer Rouge in 1975, Democratic Kampuchea (DK) was founded and the population was ordered to evacuate all urban centers and form agricultural collectives. Intellectuals and other 'enemies of the revolution', including monks, were summarily executed. Large numbers of Cambodians fled to the Thai border.

Vietnam invaded Cambodia in 1979 to drive the Khmer Rouge from power. Then the Vietnamese-backed People's Republic of Kampuchea (PRK), of socialist orientation, was established. On the one hand, under pressure from the Chinese and other foreign powers, former Prime Minister Sihanouk created a resistance front called FUNCINPEC. Moreover, Former Prime Minister Son Sann created an anti-PRK armed movement based on the Thai border which came to be called the Khmer People's National Liberation Front (KPLNF). Fighting escalated in Cambodia between the tripartite 'resistance' movement

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<sup>13</sup> D. McCloud, System and Process in Southeast Asia. Boulder, Colorado, USA: Westview Press, 1986. p. 261.

<sup>14</sup> Hussey, 1991. p. 96.

<sup>15</sup> Address given by H. E. Mr. Rodolfo C. Severino, Secretary-General of the Association of Southeast Asian Nations, at the ASEAN Scholars' Roundtable, organized by the Konrad Adenauer Foundation and the Singapore Institute of International Affairs: "Sovereignty, Intervention and the ASEAN Way" 3 July 2000.

comprising the Khmer Rouge and two non-communist factions- FUNCINPEC and the KPLNF- and the Vietnamese-backed Phnom Penh regime.

Despite the threat this posed to regional stability, ASEAN was able to do little but contain the conflict.<sup>16</sup> Thailand was the ASEAN state most directly threatened by the Vietnamese invasion, which radically altered the regional balance of power by destroying Kampuchea as a buffer state between Thailand and Vietnam. In a 1985 survey of the Thai elite's perceptions, almost all respondents (over 98 percent) saw Vietnam as a threat to Thailand's national security.<sup>17</sup> The crisis such as refugee issue quickly spread to the eastern provinces Thailand.

Between 1984 and 1987, various diplomatic initiatives on the part of ASEAN and other parties failed to break the stalemate. In 1985 ASEAN through Malaysia, proposed a series of "proximity talks" to bring the different Kampuchean factions together through a neutral intermediary. However, Thailand insisted that the proposal be changed to include Vietnam, not the PRK, as one of the contending parties, which was in keeping with ASEAN's stated position that the Cambodian conflict was fundamentally about the Vietnamese invasion and could not be considered a civil conflict. Vietnam refused to accept this modification, and the proposal lapsed.

During this period, Indonesia became increasingly frustrated with ASEAN's policies, the constraints those policies placed upon its own activities, and its own loss of influence within ASEAN. Thailand was virtually exercising a veto over ASEAN's corporate direction; Malaysia had undergone a change of leadership and was no longer a reliable supporter. Indonesia began to pursue some of its own initiatives regarding Vietnam and Kampuchea at the formal and informal levels.<sup>18</sup> Statements by Indonesian officials indicated the country's unique security perspective and seemed to undermine ASEAN's united front. Indonesia continued to return to the ASEAN fold whenever it appeared to break ranks, but its actions indicated its growing impatience with the organization. In an effort to accommodate Indonesia, ASEAN designated it the

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<sup>16</sup> Sorpong Peou. "Diplomatic pragmatism: ASEAN's response to the July 1997 coup." November 1998. Conciliation resources. 6 Aug 2007 Available from: <http://www.c-r.org/our-work/accord/cambodia/diplomatic-pragmatism.php>

<sup>17</sup> Puangthong Rungswasdisab, "Thailand's Response to the Cambodian Genocide." Cambodian Genocide Program. Yale University, 2004.

<sup>18</sup> Narine, 2002. p. 52.

"interlocutor of ASEAN" with Vietnam, with the mission of exploring diplomatic contacts. These intramural tensions were exacerbated by ASEAN's inability to affect the situation in Kampuchea significantly.

In 1987, circumstances began to change, and the major actors began to reassess their positions. The Soviet Union and China even held direct talks on Kampuchea in 1988.<sup>19</sup> Within this rapidly changing environment, ASEAN contributed to the diplomatic process by sponsoring the Jakarta Informal Meetings (JIM) between the Kampuchean disputants. The meetings followed in July 1988 and February 1989. They highlighted the considerable disagreements about the fate of the KR, postwar governance and power sharing, particularly among the Kampuchean factions. At this point, Shaun Narine notes "Thailand used the failure of the JIM talks and the apparent inability of established diplomatic means to resolve the Kampuchean issue to justify its foreign policy turnaround. Around this same time, a change in Thai policy also had a profound effect on ASEAN's policies toward Vietnam. In August 1988, Chatichai Choonhaven assumed office as the new prime minister of Thailand. Chatichai came to power declaring his intention of turning Indochina from a "battle-field to a trading market."<sup>20</sup> The division between the different parties to the conflict were clearly laid out during the Paris International Conference on Cambodia (PICC) in July 1989.

Each of the ASEAN countries contributed troops to the UN peacekeeping mission in February 1992, which implemented the 1991 Paris agreements.<sup>21</sup> Singapore's ambassador, Tommy Koh, explained, however, it was not an easy decision for ASEAN to get involved: "ASEAN is not comfortable with the use of force to change a legitimate political order within a state."<sup>22</sup> The elections in May 1993 resulted in a formation of a government coalition between the Front Uni pour un Cambodge Independent, Neutre et Pacifique (FUNCINPEC) and the Cambodian People Party (CPP). In this year, Singapore was Cambodia's top trading partner, followed by Indonesia and Vietnam. ASEAN business interest quickly established relations with the new coalition government. The Hun Sen government had declared an interest in ASEAN membership as early as 1992.

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<sup>19</sup> Ibid. p.52.

<sup>20</sup> Ibid. p.54.

<sup>21</sup> Peou, 1998.

<sup>22</sup> Aung Zaw, "ASEAN-Burma Relations: Challenges to Democratization in Burma International Institute for Democracy and Electoral Assistance ." International IDEA 2001 p.54.

At that time, it was told to wait until the 1993 general elections had constituted a new administration legitimized by the Paris agreements.<sup>23</sup> In 1994, ASEAN granted Cambodia as an 'observer status' and the association followed this up by providing technical assistance to hasten and facilitate the transition to full membership.<sup>24</sup>

Tension between the Cambodian co-premiers was exacerbated in 1996 when both parties cultivated ties with other Cambodian factions, including segments of the Khmer Rouge (KR). In May 1996, Malaysian Foreign Minister, Abdullah Badawi, warned the co-Prime Ministers against an escalation of violence which would delay Cambodia's entry into ASEAN. However, violence between the opposing political parties flared in 1997. As fighting between forces loyal to the two Prime Ministers spread into Cambodia's western provinces bordering Thailand, Deputy Prime Minister Anwar Ibrahim of Malaysia acknowledged that ASEAN's 'non-involvement in the reconstruction of Cambodia contributed to the deterioration and final collapse of national reconciliation'.<sup>25</sup> For the first time the idea of a more 'constructive intervention' in Cambodia's affairs involving diplomatic mediation was openly raised. While it was clear that ASEAN had a real interest in responding pro-actively to Cambodia's political problems, this meant breaking precedent with its hallowed principle of 'non-interference'.

On July 5, Hun Sen seized control of Phnom Penh, driving Prince Ranariddh into exile, and causing heavy fighting to erupt in Cambodia's Northern provinces. ASEAN appealed to Hun Sen to adhere to the Paris agreements and the Constitution and ensure that the elections scheduled for May 1998 took place. In the meantime, the association formed a 'troika'<sup>\*</sup> to define a mediatory role and push for a peaceful resolution to the crisis.<sup>26</sup> But this initiative failed, allowing Hun Sen to accuse ASEAN of interference in Cambodia's domestic affairs. ASEAN's response was quick; the members decided to suspend Cambodia's pending membership indefinitely at the 30th anniversary of the ASEAN meeting for heads of state and governments in July 1997. ASEAN declared that it would not grant Cambodia membership until after the elections had taken place and

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<sup>23</sup> Moller, 1998. p- 1095

<sup>24</sup> Peou, 1998

<sup>25</sup> Ibid.

<sup>\*</sup> ASEAN's 'Troika' was formed by three Foreign Ministers (Ali Alatas of Indonesia, Prachuab Chaiyasan of Thailand, and Domingo Siazon of the Philippines).

<sup>26</sup> Peou, 1998.

also supported a UN decision to leave Cambodia's seat vacant until such a time. This struck a real blow to Hun Sen. His heavy dependence on international funding to organize credible elections thus opened the way for Cambodia's major donors to become more actively involved in finding a solution to the impasse. By the middle of 1998, the political situation seemed a bit brighter. A national election was held on July 26. The Khmer Rouge rebellion came to an end, and Prince Ranariddh and Hun Sen agreed once again to form a coalition government. Members of the international community rated the election as being free and fair, reflecting the will of the Cambodian people.<sup>27</sup> ASEAN accepted the election results. April 30, 1999, ASEAN formally admitted Cambodia to its ranks, fulfilling the dream of ASEAN's founders to incorporate all of Southeast Asia.<sup>28</sup>

The conflict in Cambodia showed ASEAN that internal affairs couldn't remain such when bad governance causes cross-border flows of refugees, arms, drugs, and third party concerns. Thus, some ASEAN leaders proposed to modify its long-standing non-interference policy to engage the internal problems of its member countries.

### 2.2.2 East Timor

East Timor's crisis illustrates the dilemmas of intervention for ASEAN. Indonesia launched a full-scale invasion of East Timor in 1975 after East Timor gained the independence from Portugal in 1974. Jakarta said the move was necessary to prevent a communist takeover in the territory.<sup>29</sup> According to CNN's timeline, over the subsequent years, as Indonesia's military tries to assert control, some 200,000 Timorese are killed or die as a result of famine. The Indonesian army also loses and estimated 20,000 of its own men.<sup>30</sup> The 'Dili massacre' in which over one hundred people were killed by Indonesian security forces on 12 November 1991 heightened international attention to the situation in East Timor and the continuance of widespread opposition to Indonesia's presence.

During this period, the ASEAN countries generally supported Indonesia's claims to East Timor, treating the issue- in accordance with ASEAN norms- as an internal

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<sup>27</sup> Ibid.

<sup>28</sup> Narine, 2002. p.119.

<sup>29</sup> "Timeline: East Timor's long path to nationhood." [CNN](#) 16 May 2002.

<sup>30</sup> Ibid.



Indonesian matter, disregarding humanitarian considerations.<sup>31</sup> Some ASEAN scholars argued, "the Association of South-East Asian Nations is a consensual club, and its members tend to stick together. At any rate, ASEAN is backing Indonesia over its disputed occupation of East Timor, even if this means taking a rough view of human rights."<sup>32</sup> For instance, in November 1996, 9th a conference on East Timor in the Malaysian capital, Kuala Lumpur, was broken up by members of the youth wing of UMNO, the main party in the governing coalition and in October, the Philippines, normally the most liberal of the ASEAN countries, refused entry to Jose Ramos-Horta, the East Timorese winner of this year's Nobel peace prize. The government said it would not risk disruption of the Asia-Pacific Economic Co- operation meeting at the end of the month, which Indonesia's president is due to attend.<sup>33</sup> ASEAN's silence also reflected its member's unwillingness to antagonize Indonesia.

However, the impact on Indonesia of the Asian financial crisis from late 1997 and the resignation of President Suharto in May 1998 ushered in a new period of change and uncertainty in Indonesia generally and also in East Timor.<sup>34</sup> In the new climate of Indonesian politics from May 1998 movement towards change in relation to East Timor increased-both within and outside Indonesia. In late June, three European ambassadors (from the United Kingdom, Austria and the Netherlands) visited East Timor and issued a report stating that there would be no lasting solution 'without a firm commitment to direct consultation' of the wishes of the East Timorese. In July, a resolution adopted by the United States Senate called for an internationally supervised referendum on East Timor and in October Congress voted to support a ban on the use of US-supplied weapons in the territory.<sup>35</sup> In December Prime Minister Howard wrote to President Habibie and advocated a revision in Indonesia's approach. While Australia maintained its recognition of Indonesia's sovereignty the Australian government now supported the concept of a

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<sup>31</sup> Shaun Narine, "Humanitarian Intervention and the Question of Sovereignty: the Case of ASEAN." *ISA*, Honolulu, Hawaii, 2005.

<sup>32</sup> "Just a warning: ASEAN and East Timor." *The Economist*, US, 16 November 1996.

<sup>33</sup> *Ibid.*

<sup>34</sup> Stephen Sherlock, "Indonesia's Dangerous Transition: The Politics of Recovery and Democratisation." Research Paper No 18, 1998-99, *Foreign Affairs, Defence and Trade Group*, Australia 28 April 1999.

<sup>35</sup> "Indonesia: East Timor Outlook." *Oxford Analytica Daily Brief* 10 September 1998.

ASEAN countries had little experience with UN peacekeeping. Singapore and Thailand worried about a domestic political backlash if their troops were killed. The ASEAN countries worried about the consequences for ASEAN if their troops exchanged fire with Indonesian-backed militias or Indonesian troops. Finally they worried about the expense of participating in an armed intervention when the effects of the economic crisis were still being felt. Some Southeast Asian states made their participation in INTERFET conditional on financial support from Australia and Japan.<sup>40</sup>

The Indonesian government also encouraged substantial ASEAN participation in INTERFET to minimize Australian influence.<sup>41</sup> This formal request from Indonesia removed some of the political barriers to ASEAN's involvement and allowed them to join the peacekeeping force.\* Additionally, the East Timor situation might also have encouraged China to test its influence in the region.<sup>42</sup> "China fully supported the UN military force in East Timor as the country had interests: the first was to develop close ties with Dili as part of an on-going strategy of expanding Beijing's influence in Southeast Asia while simultaneously lessening that of other powers, including the United States, Australia and Japan; the second was a close relationship with Dili limits Taiwan's economic and political space in the region and the third was to exploit East Timor's natural resources, especially oil and gas, but also copper, zinc and rare blue marble."<sup>43</sup>

Debate within ASEAN focused around the interpretation of noninterference in the context of East Timor. Thailand and the Philippines, who were the most willing to modify the principle of nonintervention, made the largest contributions to the UN peacekeeping force. Burma, unsurprisingly, opposed any external intervention in East Timor and Vietnam was unenthusiastic about the UN's regional role. Further, East Timor's case gives ASEAN a regional experience to modify a regional mechanism for conflict prevention and peace-building.

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<sup>40</sup> Alan Dupont, "ASEAN's Response to the East Timor Crisis." Australian Journal of International Affairs, vol. 54, no.2: p. 166.

<sup>41</sup> Narine, 2002. p. 173.

\* ASEAN did end up making a substantial contribution to the INTERFET force. Of the 9,900 troops deployed, around 2,500 were from ASEAN, and the deputy commander was from Thailand.

<sup>42</sup> James Conachy, "China backs Australian military intervention into East Timor." World Socialist Website. The International Committee of the Fourth International (ICFI) 24 September 1999. 10 September 2007 Available from: <http://www.wsws.org/articles/1999/sep1999/chin-s24.shtml>

<sup>43</sup> Ian Storey, "China and East Timor: Good, But not Best Friends." The Jamestown Foundation Volume 6, Issue 145 July 2006 6 August 2007.

### 2.3 ASEAN and Humanitarian Intervention (the concept of 'responsibility to protect')

In the 1990s increasing generalized concern for gross violations of human rights has resulted in a growing number of humanitarian interventions involving the UN in Africa, Asia, Europe and Latin America. According to 'the Free Encyclopedia', humanitarian intervention is "a principle in international customary law, referred to the armed interference in a sovereign state by another with the stated objective of ending or reducing suffering within the first state. That suffering may be the result of civil war, humanitarian crisis, or crimes by the first state including genocide."<sup>44</sup> It also defines "humanitarian intervention should not annex the state, nor affect the state's territorial integrity, but merely act to minimize the suffering of civilians in that state; the claimed rationale behind such an intervention is the belief, embodied in international customary law in a concomitant duty under certain circumstances to disregard a state's sovereignty to preserve our common humanity."

Defenders of humanitarian intervention justify it primarily in the name of a moral imperative: "we should not let people die."<sup>45</sup> This idea is grounded in the Universal Declaration of Human Rights, written in 1948. For these defenders, intervention is only legitimate when it is motivated by a massive violation of human rights and when it is put in motion by a supranational body, typically the United Nations Security Council.<sup>46</sup> Examples of humanitarian intervention in recent time have included: "the United Nations intervention in northern Iraq and Somalia; multi-national intervention in Kosovo and East Timor.

However, the critical issue in any debate on humanitarian intervention is the need to harmonize intervention with the principle of sovereignty, which in essence requires that a sovereign state be treated as an independent political unit, its territorial integrity be respected, and it be allowed to pursue its domestic affairs without external interference. A longtime scholar of ASEAN Shaun Narine points out, "some ASEAN member countries have long argued that a traditional Westphalian understanding of state

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<sup>44</sup> "Humanitarian intervention." 2007, Available from: [http://en.wikipedia.org/wiki/Humanitarian\\_intervention](http://en.wikipedia.org/wiki/Humanitarian_intervention).

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

sovereignty, which privileges the rights of states, must be the foundation of global order. The association has consistently defended the Westphalian concept of states rights and the principle that outsiders must not interfere in the internal affairs of sovereign states."<sup>47</sup>

ASEAN has defended these principles even in the face of genocide, as was the case in Cambodia and, arguably, East Timor. Some ASEAN states have tried to resist this pressure; others have argued that it is time for ASEAN to reconsider its founding principles in the face of changing international norms. As Simon S.C. Tay and Rizal Sukma eloquently discuss intervention—albeit for humanitarian reasons—has become a significant aspect of the ASEAN notion of state sovereignty as, with globalization and the related transformations that have taken place in some ASEAN countries, there has arisen a need for cooperation beyond the interests of states to include broader human concerns.<sup>48</sup>

The authors explore a range of ASEAN views, from the changing context of nonintervention debate in ASEAN states to the fact that member states are becoming increasingly differentiated. Thus, while the ASEAN policy of nonintervention—that benign aloofness and tolerance that one country maintains vis-à-vis the internal affairs of another—remains firmly in place, efforts in the direction of flexible engagement and acceptance of enhanced interaction are proceeding.<sup>49</sup> For example, the role played by the Philippines and Thailand in East Timor peacekeeping efforts suggests that some ASEAN countries are more positive about humanitarian intervention than others. Bearing this in mind, it may be necessary, the authors suggest, “to reinforce the acceptance of diversity as a basis of cooperation.”<sup>50</sup>

The East Asian Economic Crisis and the problem of Indonesian forest fires had led various ASEAN leaders and academics to challenge ASEAN's practice of non-intervention. Domestic events in individual states were having regional effects that the region needed to address. In the weeks preceding the July 1998 ASEAN Ministerial Meeting (AMM), Thailand's Foreign Minister, Dr. Surin Pitsuwan, advanced the concept

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<sup>47</sup> Narine, "Humanitarian Intervention and the Question of Sovereignty: the Case of ASEAN." *ISA*. Honolulu, Hawaii, 2005.

<sup>48</sup> Watanabe Koji. "The Debate on Humanitarian Intervention." *From Humanitarian Intervention: The Evolving Asian Debate*, ed. Koji Watanabe, 2003.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

of "flexible engagement."<sup>51</sup> "Flexible engagement involves publicly commenting on and collectively discussing fellow members' domestic policies when these have either regional implications or adversely affect the disposition of other ASEAN member".<sup>52</sup> When Surin raised the concept at the July 1998 AMM, however, all of the other ASEAN governments, with the exception of the Philippines, rejected the idea. Opponents feared that making intra-ASEAN criticism acceptable would promote mistrust and resentment, foster instability within states, and renew the tensions that had divided the region before ASEAN was formed. To most of ASEAN's members, any true relaxation of the non-intervention principle would more likely lead to ASEAN's disintegration than its renewal. To placate Thailand, the ASEAN foreign ministers decided to allow, "enhanced interaction," a practice that allowed individual ASEAN states to comment on their neighbour's domestic activities if those activities affected regional concerns.<sup>53</sup>

Traditionally, ASEAN has resisted recognizing any humanitarian basis for intervention in the affairs of sovereign states, but it is now having to adapt to a changing normative environment. The ASEAN states are much more durable states now than they were in the recent past, but most still contend with problems associated with state-building. If the Western world is altering the norms of sovereignty, then it must also recognize greater obligations and responsibilities to the developing world. There is little indication that this is happening. The norm of humanitarian intervention, even if well-intentioned, has enormous potential to be abused.<sup>54</sup>

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<sup>51</sup> Ramcharan, Robin. "ASEAN and Non-Interference: A Principle Maintained." Contemporary Southeast Asia. Vol. 22, No.1 April 2000. p. 74-76.

<sup>52</sup> Jurgen Haacke, "The concept of flexible engagement and the practice of enhanced interaction: intramural challenges to the 'ASEAN Way'." The Pacific Review 12, no.4, 1999. p. 583.

<sup>53</sup> Ibid, p. 592-598.

<sup>54</sup> Narine (c). 2005.