

Human Rights and Democracy: From Big Talk to Concrete Actions?

Hiro Katsumata

An earlier version of this paper was presented at the ASEAN 40th Anniversary Conference, “Ideas and Institutions: Building an ASEAN Community?” jointly organized by the Friedrich Ebert Stiftung (FES) and the S. Rajaratnam School of International Studies (RSIS), in Singapore on 31 July – 1 August 2007.

Reflecting on its 40 years of cooperation, it can be said that ASEAN has achieved a great deal. It has achieved more than its founders originally sought. At the time of the establishment of the association in 1967, the main purpose of ASEAN diplomacy was to mend fences and to build political confidence between the five Southeast Asian countries: Indonesia, Malaysia, Thailand, the Philippines and Singapore. Remarkably, today, ASEAN has attained a status as the centre of Asia-Pacific security regionalism, involving major powers such as China, the US, Japan and Russia. The association of minor powers in Southeast Asia held the first meeting of the ASEAN Regional Forum (ARF) in July 1994, thereby taking the initiative for the cooperative security of the whole Asia-Pacific region. Since then, the ARF has been the most prominent multilateral security arrangement in this region.

However, ASEAN today is facing a new set of challenges. One of the most serious is the implementation of liberal reform, aimed at addressing liberal agendas such as human rights and democracy. ASEAN diplomacy has traditionally been state-centred, designed to address the interests of governments. The challenge now is to address the interests of the people of Southeast Asia, some of whom have been under political oppression.

Liberal reform will involve the redefinition of the conception of sovereignty. On the one hand, the ASEAN members, who have practised state-centred diplomacy for a long time, have adhered to the Westphalian conception of state sovereignty, with its core element of the principle of non-interference. The Westphalian conception of sovereignty and the non-interference principle

have been fundamental components of ASEAN diplomacy. On the other hand, liberal agendas are associated with a people-centred conception of sovereignty. The pursuit of human rights and democracy involves a flexible interpretation of state sovereignty—or the notion that these issues cannot be considered the internal affairs of states, and thus are not subject to the principle of non-interference.

This chapter first focuses on the way in which the ASEAN members have been dealing with this new challenge. It argues that they have been setting out a number of impressive plans for liberal reform; however, their implementation of such plans has been slow. The chapter then explores the question of why they have been announcing liberal reform plans which are unfeasible and unreasonable. It argues that their announcement of reform plans should be seen as a set of instances of their “mimetic adoption” of external norms for the sake of legitimacy. The chapter concludes by identifying the policy dilemma which makes it difficult for the ASEAN members to implement their reform plans.

ASEAN's Big Talk

Their plans sound impressive. The ASEAN members have been setting out a number of ambitious plans for reform, thereby announcing their readiness to pursue liberal agendas such as human rights and democracy. To begin with, at their summit meeting in October 2003, they set out a plan to establish an “ASEAN security community”. Elements of such a community include “conflict prevention”, “conflict resolution” and “post-conflict peace building”. These elements can be developed into mechanisms to deal with humanitarian crises. In November 2004, the ASEAN countries adopted a Plan of Action for a security community, which underlines their “shared vision and common values to achieve ... democracy in the region.” In this respect, they noted that, in such a community, unconstitutional and undemocratic changes of government should not be condoned.¹

In addition, they have been considering the establishment of an ASEAN Regional Mechanism on Human Rights. At the non-official level, workshops on this issue have been held

regularly, and reports on these workshops have been noted by ministers.² Remarkably, in July 2007, they agreed to establish a human-rights commission.³

Furthermore, the Southeast Asian countries are now seeking to establish the ASEAN Charter. They are contemplating some drastic changes to their existing practice. Symbolically, the Eminent Persons Group (EPG) proposed in 2006 a set of principles to be reflected in the charter, including the strengthening of democratic values, the rejection of unconstitutional and undemocratic changes of government, and respect for human rights.⁴

Yet all of these are mere plans. There is no guarantee that the ASEAN members will implement these liberal reform plans in the near future. Indeed, they have been slow to implement them. In terms of institutionalization, they have taken few substantial measures, although they have repeatedly announced their readiness to “strengthen [their] efforts in promoting human rights in ASEAN.”⁵ In short, they have been talking big, announcing a number of impressive plans without taking concrete steps for their implementation.

Intriguing Aspects

Why are they talking big? Why have the ASEAN members been announcing so many liberal reform plans? This is an intriguing issue, taking into consideration the fact that these plans are unfeasible and unreasonable, in the light of one of the most fundamental purposes of ASEAN diplomacy – i.e., the maintenance of the unity of the association. These plans have thus far been unfeasible. This is because some of the members have been reluctant to pursue liberal agendas, preferring the Westphalian conception of state sovereignty, whose core element is the principle of non-intervention. These plans are unreasonable, in the sense that they may become detrimental to the unity of ASEAN, which is crucial for all the members. Even an attempt to moot a liberal agenda may alienate some of the members. The question therefore arises of why the ASEAN members have been announcing such unfeasible and unreasonable plans.

A focus on the material environment surrounding the Southeast Asian association would

lead to only a limited understanding of this issue. The main elements of this environment are the material capabilities of the great powers, such as the US and the members of the European Union. These powers have hardly attempted to coerce ASEAN to announce a plan for a security community which contains liberal agendas. Nor have they made a specific request concerning the content of the ASEAN Charter. They have taken punitive action against an individual country – namely, Myanmar – but not against the association.

Yet this does not mean that the activities of the great powers are totally irrelevant. The relevance of their activities should be understood in an ideational sense. The ASEAN members do care about a particular kind of activity on the part of external powers. The latter often threaten to boycott ASEAN meetings. Their absence in these meetings is detrimental to the status of ASEAN as a legitimate leader of Asia-Pacific security cooperation. To capture the ASEAN members' concern with the international standing of their association, it is necessary to focus on the ideational aspect of their current environment.

Mimetic Adoption of External Norms

The announcement of reform plans on the part of the ASEAN members should be seen as a set of instances of their “mimetic adoption” of external norms for the sake of legitimacy. They have mimetically been adopting a set of liberal norms, which have increasingly attracted concern in today's global society, and have been practised by prominent international institutions such as the United Nations and the Organization for Security and Cooperation in Europe (OSCE). They have been doing so in a social environment which defines these norms as elements of international legitimacy. Their intention has been to secure their identities as legitimate members of the community of modern states, and to enhance the status of ASEAN as a legitimate institution, which is eligible to lead Asia-Pacific security regionalism. To be specific, their intention has been to salvage the credibility of their association—or to reverse the trend of its losing credibility, which began in the late 1990s, with various challenges in the background, including the Asian financial

crisis, terrorism, and non-traditional issues such as pandemic diseases.

The explanation here is founded on the sociological literature on institutional isomorphism. This literature suggests that the mimicking of external models for the sake of legitimacy explains the isomorphic structures of various organizations, such as firms, schools, hospitals and nation states. The international social environment—or the world culture—may define various things as elements of legitimacy as members of the community of modern states. Thus, almost all states have national flags, airlines, and similar educational systems. They all seek similar high-tech weapons, and have tripartite military structures, with an army, air force and navy.⁶

The ASEAN members have mimetically been adopting a set of liberal norms, against the background of a particular social environment. In today's global society, a normative shift is taking place, which concerns the relationship between the principle of non-interference and the norms of human rights and democracy. The dividing line between domestic and international issues is gradually blurring, and many domestic issues are beginning to have external dimensions, including those associated with separatist movements, ethnic and religious conflicts, human rights and the like. In this situation, the strict application of the principle of non-interference in internal affairs is beginning to seem irrelevant, as international efforts to address these issues have been considered legitimate. The principle is now being interpreted in a more flexible way. As a flexible interpretation of sovereignty is becoming an important normative element in today's interstate relations, various prominent international institutions have pursued liberal agendas such as human rights and democracy. Most notably, the participant countries of the OSCE agreed in 1992 that issues related to human rights cannot be considered as internal affairs of states, and are not subject to the principle of non-intervention.⁷

With this kind of normative shift in the background, the ASEAN members have been announcing their readiness to pursue liberal agendas. They are talking big because they are attempting to display their adoption of external norms, with the intention of enhancing their international legitimacy. They are prioritizing the announcement of their reform plans over its

implementation, so as to manifest their adoption of legitimate norms.

Policy Dilemma: Two Aspects of ASEAN's Relevance

Obviously what the ASEAN members should do now is to translate their big talk into concrete actions. They should take specific steps to reform their association and to address liberal agendas such as human rights and democracy. Ultimately, these issues have a moral implication. From a moral standpoint, ASEAN should serve the interests of the people of Southeast Asia, and should never turn a blind eye to any abuse of human rights in this region.

However, our expectation should be modest. This is because the ASEAN members have been seeking two goals which are contradictory to each other, thereby placing themselves in a dilemma—a policy dilemma over two different aspects of the relevance of ASEAN. The enhancement of the association's relevance in the global society, which encompasses the Asia-Pacific region, has become an important theme of ASEAN diplomacy. During the Cold War era, ASEAN's relevance was a function of superpower rivalry, and its members focused only on intra-regional fence-mending. In contrast, ASEAN today is an independent player in the global society, involving major powers but itself leading the cooperative security process in the Asia-Pacific region. In this new environment, the ASEAN members have been trying to enhance two aspects of the relevance of their association—namely, relevance in terms of legitimacy, achieved through the implementation of liberal reform; and relevance in terms of influence, enhanced by strengthening the unity of the Southeast Asian countries.

On the one hand, the Southeast Asian countries have been trying to enhance ASEAN's relevance in terms of its international legitimacy, by announcing liberal reform plans and their readiness to pursue liberal agendas such as human rights and democracy. They have been concerned about ASEAN's legitimate status as the centre of Asia-Pacific security regionalism. The participant countries of the ARF process do question the legitimacy of the leader of this process. The 2005 ARF is a case in point: the US Secretary of State, Condoleezza Rice, boycotted the meeting, recognizing

the possibility that the Southeast Asian countries might allow Myanmar to chair the series of ASEAN meetings in 2006–2007. In the following year, she attended the ARF, but only because ASEAN had made it clear that Myanmar would not chair the meetings.

On the other hand, the ASEAN members have been trying to enhance the relevance of their association in terms of its influence, by strengthening the unity of the Southeast Asian countries. They have been concerned with ASEAN's influence as the leader of Asia-Pacific security cooperation. Thus, in the second half of the 1990s, the original five, together with Brunei, which joined the association in 1984, admitted four countries as new members, namely, Vietnam in 1995, Myanmar and Laos in 1997 and Cambodia in 1999. Since then, the strengthening of the unity of the ten countries has been crucial for all of them. After all, ASEAN has become a global player, only because its members have been able to speak with one voice. Since its establishment, this association of minor powers, by acting as one body, has been able to ensure a bigger role for Southeast Asia than any member could have played alone.

For the purpose of maintaining the unity of ASEAN, liberal reform is undesirable, since some of the members are reluctant to pursue liberal agendas. It is therefore understandable that the ASEAN members have been careful not to seek a sudden change in their practice. In the case of Myanmar, they have been careful not to alienate this country. The worst scenario for them is that Yangon will become China's proxy, speaking on behalf of Beijing. In this respect, ASEAN needs Myanmar as much as—or perhaps more than—Yangon needs the Southeast Asian association.

Both of these two goals—ASEAN's relevance in terms of legitimacy and of influence—are sensible, although they can only be pursued at each other's expense. By talking big while not taking concrete steps for implementation, the ASEAN members are trying to strike a balance between these two incompatible goals. The balance between these goals is likely to remain a key to understanding ASEAN diplomacy in the foreseeable future.

¹ ASEAN, Declaration of ASEAN Concord II, Bali, 7 October 2003; ASEAN, ASEAN Security Community Plan of Action, Vientiane, 29 November 2004; and ASEAN, Activities, annexed to ASEAN Security Community Plan of Action, Vientiane, 29 November 2004.

² See ASEAN, Joint Communiqué, the Thirty Ninth ASEAN Ministerial Meeting, Kuala Lumpur,

25 July 2006; and ASEAN, Joint Communiqué of the Thirty Eighth ASEAN Ministerial Meeting, Vientiane, 26 July 2005.

³ *The Straits Times*, 31 July 2007, p. 1.

⁴ ASEAN, Report of the Eminent Persons Group on the ASEAN Charter, December 2006.

⁵ ASEAN, Joint Communiqué of the Thirty Eighth ASEAN Ministerial Meeting, Vientiane, 26 July 2005.

⁶ Paul J. DiMaggio and Walter W. Powell, "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields", *American Sociological Review* 48, no. 2 (April 1983), pp. 147–160; John W. Meyer *et al.*, "World Society and Nation-State", *American Journal of Sociology* 103, no. 1 (1997), pp. 144–181; John W. Meyer and Brian Rowan, "Institutionalized Organizations: Formal Structure as Myth and Ceremony", *American Journal of Sociology* 83, no. 2 (1977), pp. 340–363; Mark C. Suchman and Dana P. Eyre, "Military Procurement as Rational Myth: Notes on the Social Construction of Weapons Proliferation", *Sociological Forum* 7, no. 1 (March 1992), pp. 137–161; and Martha Finnemore, "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism", *International Organization* 50, no. 2 (Spring 1996), pp. 334–337. For the discussion of the mimetic adoption of external norms, also see Hiro Katsumata, "Mimetic Adoption and Norm Diffusion: 'European' Security Cooperation in Southeast Asia?" paper presented at the International Studies Association (ISA) Annual Convention, Chicago, 2 March 2007.

⁷ Conference for Security and Co-operation in Europe, Helsinki Document 1992: the Challenges of Change, Helsinki Decisions, Helsinki, 9–10 July 1992.