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PROACTIVE ENGAGEMENT ON MYANMAR: ASEAN'S ONLY OPTION

"If Myanmar does not address the problem, then not only Myanmar is going to be affected, but the credibility and integrity of ASEAN as a whole is going to be affected."¹
Syed Hamid Albar, Malaysian Foreign Minister, 2004

*ASEAN's image "now depends on what Myanmar does."*² **Syed Hamid Albar, Malaysian Foreign Minister, 2004**

"Burma is a dilemma for ASEAN, which must be tackled now."³ **Hassan Wirajuda, Indonesian Foreign Minister, 2003**

"The ASEAN Security Community members shall...regard their security as fundamentally linked to one another and bound by geographic location, common vision and objectives."⁴ **Bali Concord 2, 2003**

"'Enhanced interaction' means that the countries of ASEAN now agree that when there is a problem that resides in one country but has effects on the other countries and when there are transnational problems like drugs, smuggling, piracy and so on, then we should convene and discuss these problems."⁵ **Ali Alatas, Former Indonesian Foreign Minister, 2001**

"We envision our nations being governed with the consent and greater participation of the people with its focus on the welfare and dignity of the human person and the good of the community."⁶ **Vision 2020, 1998**

"ASEAN has to make sure that no unstable element intrudes into its midst, that destabilizing forces such as refugee flows do not shake the rest of the region."⁷ **Rudolfo Severino, ASEAN Secretary General, 1998**

¹ Associated Press, *Malaysia tells Myanmar to show "tangible proof" it's serious about democracy*, 21 Nov 2004

² Kyodo News, *ASEAN's image hurt by shakeup in Myanmar, Malaysia says*, 21 Oct 2004

³ Asia Times Online, *Myanmar goes on diplomatic offensive*, 8 Jun 2003

⁴ ASEAN Ministerial Meeting, *Declaration of ASEAN Concord 2 (Bali Concord 2)*, Bali, Indonesia, 7 Oct 2003

⁵ Alatas, Ali, *ASEAN Plus Three Equals Peace Plus Prosperity*, Institute of Southeast Asian Studies, 5 Jan 2001

⁶ ASEAN Ministerial Meeting, *ASEAN Vision 2020*, Kuala Lumpur, Malaysia, 15 Dec 1997

⁷ Severino, Rudolfo, *ASEAN VISION 2020: CHALLENGES AND PROSPECTS IN THE NEW MILLENNIUM*, Eighth Southeast Asia Forum, Kuala Lumpur, Malaysia, 15 Mar 1998

ASEAN's core documents provide solid rationale for proactive engagement with Myanmar.

Much of ASEAN's behavior has been shaped by a set of core documents, which were developed during the groupings early years and set out the guiding principles for inter-ASEAN relations. These principles emphasize consensus, cooperation, and 'neighborliness.' The 1976 Treaty of Amity and Cooperation (TAC), one of these core documents, sets out the principle of non-interference, but specifically says that it extends only to a member country's *internal* affairs.

Since that time, ASEAN documents, actions and personalities have sought to encourage engagement on regional issues. ASEAN involvement in Cambodia and the ASEAN Vision 2020 both encourage engagement on issues that have regional repercussions. In fact, ASEAN Member Countries have been directly authorized with responsibility for regional issues: ASEAN's Vision 2020 charged member states with the responsibility of forging a "stable, prosperous and highly competitive ASEAN Economic Region."⁸ Where the misbehavior of one state unduly complicates progress towards prosperity, it is the responsibility of ASEAN and its members to act.

Furthermore, the idea of an ASEAN Security Community, framed in 2003, promotes an ASEAN-wide political and security framework. Within this framework, the ASEAN Security Community encourages member states to work together on sensitive security issues, particularly those of a transnational nature, without being constrained by previous interpretations of non-intervention and non-interference. The ASEAN Security Community Plan of Action specifically says "ASEAN Member Countries shall not condone unconstitutional and undemocratic changes of government or the use of their territory for any actions undermining peace, security and stability of other ASEAN Member Countries."⁹

Offering a regional response to a regional issue is advantageous for ASEAN. An ASEAN response to the question of Myanmar is an opportunity to enhance regional resilience and solidarity in a way that will contribute to greater unity within the grouping. It is also an opportunity to raise ASEAN's credibility.

POSITIVE ENGAGEMENT: SOME EXAMPLES

Cambodia

ASEAN's role in the 1997 Cambodian coup is an example of positive engagement effecting constructive change. In early 1997, tensions between Cambodia's two Prime Ministers escalated. In response, a number of ASEAN leaders, most notably Indonesia's

⁸ ASEAN Ministerial Meeting, *ASEAN Vision 2020*, Kuala Lumpur, Malaysia, 15 Dec 1997

⁹ ASEAN Ministerial Meeting, *ASEAN Security Community Plan of Action*, Bali, Indonesia, 7 Oct 2003

President Suharto and Thailand's Chaivalit Yongchaiyudh, headed to Cambodia to push for reconciliation between the two. In particular, the latter's visit was able to bring the two Prime Ministers together for a press conference that announced the capture of the Khmer Rouge leader Pol Pot.

After the coup, ASEAN then decided to withhold Cambodia's membership in the grouping because of its negative implications for the region, and the spread of militants, weapons and refugees across its borders. Following ASEAN pressure on these cross-border ramifications, Cambodia implemented a demobilization, disintegration and reintegration program for the country's armed forces. Cambodia further introduced a "Triangle Strategy" to facilitate its internal peace and stability, Cambodia's integration into the regional and international community and the implementation of institutional reforms.

Forest Fires

ASEAN's use of positive engagement can also be seen in its response to the Indonesian forest fires of 1997. In that year, fires on the Indonesian islands of Sumatra and Kalimantan are estimated to have burnt between 750,000 and 1.7 million hectares of forest. The transnational implications of these fires were most obvious in a haze that covered much of Indonesia, Malaysia and Singapore, causing an at least US\$1.4 billion worth of damage.¹⁰

After Malaysia and Singapore strongly criticized Indonesia for its inaction on the fires, ASEAN developed a "Regional Haze Action Plan" to mitigate the negative regional effects. This regional plan identified a set of preventive measures, as well as regional monitoring mechanisms and provisions for increasing the fire-fighting capability of individual states.¹¹ What began as an 'internal' issue was dealt with through the regional forum because its effects were felt beyond national boundaries. Positive engagement was, and remains, a necessary step for ASEAN to take in order to deal with emerging regional issues.

MYANMAR: A REGIONAL ISSUE

The case of Myanmar is one example of an issue that has negative regional repercussions.

Like the Cambodian case, refugees, narcotics and weapons have spilled over Myanmar's national boundaries and contributed to regional instability. The junta's collusion with drug traffickers, weapons dealers and armed groups illustrate that the SPDC directly contributes to this insecurity.

¹⁰ Acharya, Amitav, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, London: Routledge, 2001

¹¹ ASEAN Ministerial Meeting on Haze, *Regional Haze Action Plan*, Singapore, Dec 1997

The SPDC's violations and mismanagement have led to an estimated 2.5 million asylum seekers and migrant workers throughout the region.¹² Over 1.5 million known drug addictions have resulted from Myanmar's narcotics industry, in which the SPDC is complicit.¹³ SPDC instigated military offensives have spilled over into Thai territory as recently as January 2005, and weapons continue to flow through the region's major conduit for arms transfers, the SPDC-backed United Wa State Army (UWSA). Given these factors, Myanmar is undeniably a regional issue.

Moreover, their irresponsible and incoherent economic policies have negative implications for collective regional progress. With increased dependency on regional integration, the SPDC's misrule is similarly debilitating for the entire region. ASEAN cannot deny it has both an interest in and responsibility for the negative regional repercussions of Myanmar's insecurity.

Myanmar's ties with North Korea also establish a regional element to the crisis. Not only has Myanmar continually attempted to acquire nuclear technology despite ASEAN agreements which prohibit it, Myanmar has also utilized its relationship with North Korea for procuring strategic weapons systems which are a direct threat to the region. In particular, Myanmar has attempted to acquire submarines and ballistic missiles as a bargaining chip against international the international community.¹⁴ Such a belligerent attitude is detrimental to the region and in direct contradiction with ASEAN norms and agreements that seek collective regional security and mutual respect for neighboring countries.

Furthermore, Myanmar's refusal to reform undermines the ASEAN way. ASEAN member states guaranteed that Myanmar would reform when it became a member. Myanmar's continuing crisis despite 'the ASEAN way' de-legitimizes the use of non-interference and constructive engagement.

Yet despite these changes, ASEAN states continue to refer to 'non-interference' as a reason for unconditional acceptance of the Burmese generals. Non-interference can no longer be used as an excuse for inaction on Myanmar. ASEAN itself is now suffering from the general's recalcitrance. Myanmar has continually undermined ASEAN's credibility and competency as a dynamic regional body, and unless ASEAN acknowledges its responsibility, Myanmar will continue to drag down its ability to work for regional security and prosperity.

It is not just ASEAN, but also individual members who are negatively affected by the Myanmar issue. For example, since 1996, the number of prisoners in Thai prisons, increased by 250%, 53% of these imprisoned for drug-related crimes, which stem from the cross-border trade with Myanmar.¹⁵ The climate of disorder in Myanmar, alongside its narcotics trade and general corrupt management, generate associated illegal activities including small arms trafficking, money laundering, illegal migration rackets, and the

¹² Asian Legal Resource Centre, *Statement to the fifty-eighth session of the Commission on Human Rights*, Apr 2002

¹³ US Department of State, *2003 International Narcotics Control Strategy Report*, 1 Mar 2004

¹⁴ Selth, Andrew, *Burma's North Korean Gambit: A Challenge to Regional Security?*, Canberra : Strategic and Defence Studies Centre, Australian National University, 2004

¹⁵ Phongpaichit, Pasuk, *Drug Policy in Thailand, Senlis Council International Symposium on Global Drug Policy*, Lisbon, Portugal, 23-25 October 2003, see www.senlisCouncil.net

smuggling of forced sex workers. Thailand, Singapore and Malaysia each experience the consequences of this trafficking in persons, contributing to the spread of organized crime and the decline in the rule of law.

NON-INTERFERENCE: NO LONGER RELEVANT

The norm of non-interference in internal affairs, as articulated in Article 2 of the Treaty of Amity and Cooperation (TAC) was the product of a very specific historical context. Article 2 emerged in 1976 in response to three main security concerns:

- 1.) a concern for national survival because of historically unstable inter-state boundaries;
- 2.) the continuing effects of Indo-Malaysian *Konfrontasi* and;
- 3.) a desire for freedom from external Cold War geopolitical influences.

ASEAN itself recognizes that this context has changed: “*Now, at the threshold of the twenty-first century, the achievement of national and regional resilience is such that the survival of Southeast Asian nation-states is no longer a salient issue.*”¹⁶ ASEAN’s continued inaction on Myanmar is a result of selective interpretation of these principles.

REGIONAL ISSUES ADDRESSED

As ASEAN has progressively moved away from a strict interpretation of non-interference in internal affairs, ignoring the issue of Myanmar can no longer be rationalized.

ASEAN is in the perfect position to act critically on Myanmar.

In 1997, ASEAN postponed Cambodia’s membership to the grouping because the Cambodian coup was viewed as an issue with repercussions for regional security and prosperity.¹⁷ To protect regional stability and resilience, ASEAN was charged with acting on an “internal issue” that spilled over national boundaries and undermined a neighbor’s well-being.

In 1998, the grouping agreed to use “enhanced interaction,” which calls for countries to comment on domestic issues that portrayed the ASEAN grouping in a negative light.¹⁸ Former Indonesian Foreign Minister Ali Alatas said that “‘*enhanced interaction*’ means that the countries of ASEAN now agree that when there is a problem that resides in one country but has effects on the other countries and when there are transnational problems like drugs, smuggling, piracy and so on, then we should convene and discuss these problems.”¹⁹ He then reaffirmed his support for this concept in January 2004.²⁰

¹⁶ ASEAN, *Towards a Southeast Asian Community: A Human Agenda*, Manila, the Philippines, 1996

¹⁷ Severino, Rudolfo, *Comments of the ASEAN Secretary General*, Eighth Southeast Asian Forum, Kuala Lumpur, Malaysia, 1997

¹⁸ Royal Thai Embassy, *Thailand and Human Rights*, Washington, DC, available from <http://www.thaiembdc.org/socials/hr0200.html>

¹⁹ Alatas, Ali, *ASEAN Plus Three Equals Peace Plus Prosperity*, Institute of Southeast Asian Studies, 5 Jan 2001

²⁰ AFP, *ASEAN must reinvent itself, loosen non-interference policy: Alatas*, 7 Jan 2004

Again in 1998, the ASEAN Vision 2020 paper confirmed that the group sought an equilibrium between national sovereignty and regional resilience. Where regional resilience is undermined by a rigid interpretation of national sovereignty, compromise in the interests of regional stability should be taken under consideration.²¹

In 2000, ASEAN established the “ASEAN troika” as a mechanism to implement “enhanced interaction” and address issues “...likely to disturb regional peace and harmony, with the potential to affect ASEAN in political or security terms.”

Then, in 2003, ASEAN proposed the ASEAN Security Community, which directly stated that “ASEAN Member Countries shall promote political development...to achieve peace, stability, democracy and prosperity in the region.”²²

Thus, those who express caution over engaging critically on Myanmar, citing the “ASEAN norm of non-interference prohibits it” are overlooking fundamental ASEAN documents, as well as changes that have taken place in the region since 1967.

CONTINUING CONSEQUENCES

Without a concerted effort for collective proactive engagement on the issue of Myanmar, the region will continue to experience negative implications. Future meetings will be subject to the same hindrances as the 2004 ASEM meet in Vietnam, with political credence being undermined as much as our efficacy. ASEAN’s standing as an influential regional body will be undermined by their continued ineffectiveness in dealing with the regional crisis of Myanmar. ASEAN will continue to be subjected to unwanted external interference and criticism from international governments who will push for change in Myanmar.

Proactive engagement on the Myanmar issue can only be beneficial for ASEAN both as a regional body, and for ASEAN governments.

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²¹ ASEAN Ministerial Meeting, *ASEAN Vision 2020*, Hanoi, Vietnam, 16 Dec 1998

²² ASEAN Ministerial Meeting, *ASEAN Security Community Plan of Action*, Bali, Indonesia, 7 Oct 2003