

THE UNIVERSITY OF HULL

**THE EFFECTS OF THE ASEAN NON-INTERFERENCE
PRINCIPLE IN MANAGING CONFLICT : THE MALAYSIAN
EXPERIENCE (1981-2003)**

being a Thesis submitted for the degree of

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By

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ABSTRACT

The aim of this thesis is to examine the effects of ASEAN's non-interference principle towards managing conflicts, with special reference to Malaysia during Tun Dr Mahathir Mohamad's premiership from 1981-2003. The core of the study focuses on the genesis of this principle, Malaysia's understanding of the principle and the effects that this doctrine has towards managing inter and intrastate political and security conflicts. To elaborate on these focal points, five objectives are set in order to reveal the background behind the principle of non-interference, the effects that it had on Malaysia and the reasons why Malaysia should try to amend this principle for the betterment of the country specifically and for ASEAN as a whole. The results of this study reveal that Malaysia has been affected by the implementation of this principle; however, the complex composition of her citizenry and the embedded preferential treatment policy towards the Bumiputeras has stopped Malaysia from altering its support towards the principle in order to make Malaysia and ASEAN, as a whole, more relevant. Firstly, it is revealed that every country in ASEAN has their own reasons behind the embracement of this principle, which makes it difficult for them to change such their perceptions. The history behind the establishment of ASEAN and the nature of the Association itself means it is in the best interest of every member state that the principle should be protected. Secondly, many events have challenged this principle, thus giving the opportunity for member states to rethink their position towards their adherence to the principle. The Asian financial crisis, the Haze problem, the Myanmar factor, and intrastate conflicts in Thailand and the Philippines have asked considerable questions about the effectiveness of this principle in managing regional crises. Thirdly, it is discussed that Malaysia does not have an official interpretation of what constitutes non-interference, thus making it hard for the administration to act decisively and consistently. This has resulted in inconsistency in policy implementation, the inability to resolve regional conflicts and the humiliation that the administration faced as a result of inaction. Furthermore, the revelation that Anwar Ibrahim acted alone in proposing the amendments towards the principle explains Malaysia's hesitance towards any modification of the principle. Fourthly, it is explained that Malaysia historically has been a major player in the region and contributed towards shaping and influencing ASEAN policy making. However, domestic politics and leadership style remain as ambiguous barriers to making a push toward altering the non-interference principle. Finally, the report card on managing regional conflicts, especially when it involves political and security issues, is of some concern, thus making it vital that this principle should be modified to suit today's challenges. This study proposes a number of reforms to make Malaysia and ASEAN, as a whole, more relevant in facing regional challenges. It is hoped that the study will enlighten the public on the non-interference principle and create awareness and understanding of regional politics.

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ABBREVIATIONS

ADB- Asian Development Bank
AFTA- ASEAN Free Trade Agreement
AICHR- ASEAN Intergovernmental Commission of Human Rights
AMM- ASEAN Ministerial Meeting
APEC- Asia-Pacific Economic Cooperation
ARF- ASEAN Regional Forum
ASA- Association of Southeast Asia
ASEAN- Association of Southeast Asia Nations
AU- African Union
CBMs- Confidence Building Measures
CEPT- Common Effective Preferential Tariff
CLM- Cambodia, Laos and Myanmar
HOG- Head of Government
ICJ- International Court of Justice
IMF- International Monetary Fund
PAS- Parti Islam Semalaysia
DAP- Democratic Action Party
MAPHILINDO- Malaysia, Philippines and Indonesia Organization
MFN- Most Favorite Nation
MILF- Moro Islamic Liberation Front
MNLF- Moro National Liberation Front
NAFTA- North American Free Trade Agreement
NATO- North Atlantic Treaty Organization
NiP- Non-interference Principle
NLD- National League of Democracy
OAS- Organization of American States

PKR- Parti Keadilan Rakyat

PRC- Peoples Republic of China

PULO- Pattani United Liberation Organization

SEANWFZ- Southeast Asia Nuclear Weapon Free Zone

SEATO- South East Asia Treaty Organization

SOM- Senior Official Meeting

TAC- Treaty of Amity and Cooperation 1971

UMNO- United Malay National Organization

UN- United Nations

ZOPFAN- Zone of Peace, Freedom and Neutrality

ABSTRACT

The aim of this thesis is to examine the effects of ASEAN's non-interference principle towards managing conflicts, with special reference to Malaysia during Tun Dr Mahathir Mohamad's premiership from 1981-2003. The core of the study focuses on the genesis of this principle, Malaysia's understanding of the principle and the effects that this doctrine has towards managing inter and intrastate political and security conflicts. To elaborate on these focal points, five objectives are set in order to reveal the background behind the principle of non-interference, the effects that it had on Malaysia and the reasons why Malaysia should try to amend this principle for the betterment of the country specifically and for ASEAN as a whole. The results of this study reveal that Malaysia has been affected by the implementation of this principle; however, the complex composition of her citizenry and the embedded preferential treatment policy towards the Bumiputeras has stopped Malaysia from altering its support towards the principle in order to make Malaysia and ASEAN, as a whole, more relevant. Firstly, it is revealed that every country in ASEAN has their own reasons behind the embracement of this principle, which makes it difficult for them to change such their perceptions. The history behind the establishment of ASEAN and the nature of the Association itself means it is in the best interest of every member state that the principle should be protected. Secondly, many events have challenged this principle, thus giving the opportunity for member states to rethink their position towards their adherence to the principle. The Asian financial crisis, the Haze problem, the Myanmar factor, and intrastate conflicts in Thailand and the Philippines have asked considerable questions about the effectiveness of this principle in managing regional crises. Thirdly, it is discussed that Malaysia does not have an official interpretation of what constitutes non-interference, thus making it hard for the administration to act decisively and consistently. This has resulted in inconsistency in policy implementation, the inability to resolve regional conflicts and the humiliation that the administration faced as a result of inaction. Furthermore, the revelation that Anwar Ibrahim acted alone in proposing the amendments towards the principle explains Malaysia's hesitance towards any modification of the principle. Fourthly, it is explained that Malaysia historically has been a major player in the region and contributed towards shaping and influencing ASEAN policy making. However, domestic politics and leadership style remain as ambiguous barriers to making a push toward altering the non-interference principle. Finally, the report card on managing regional conflicts, especially when it involves political and security issues, is of some concern, thus making it vital that this principle should be modified to suit today's challenges. This study proposes a number of reforms to make Malaysia and ASEAN, as a whole, more relevant in facing regional challenges. It is hoped that the study will enlighten the public on the non-interference principle and create awareness and understanding of regional politics.

UNIVERSITY OF HULL

**The Effects of the ASEAN Non-interference Principle in Managing
Conflict: The Malaysian Experience (1981-2003)**

First Chapter

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The Effects of the ASEAN Non-interference Principle in Managing Conflict: The Malaysian Experience (1981-2003)

"Our non-involvement in the reconstruction of Cambodia contributed to the deterioration and final collapse of national reconciliation. We should have nursed the baby, at least through its teething period . . . [ASEAN] must move from being a largely reactive organization to one that is proactive."

--Malaysian former Deputy Prime Minister, Anwar Ibrahim, in Newsweek International, 21 July 1997.

The non-interference principle has been one of the most important guidelines for ASEAN internal relations. This principle, which is a part of the larger doctrine of the 'ASEAN Way', has been embedded in all ASEAN major documents and continues to be its *modus operandi*. However, as ASEAN membership became larger and the region started to experience significant incidents such as the 1997-98 Asian economic/financial crisis, environmental crises, the suppression of political and democratic movements, the global IT and information revolution, and the proliferation of human rights movements, the effectiveness of the non-interference policy in solving regional conflicts has been targeted for re-examination. The aim of this study is to examine the effects of the non-interference principle on ASEAN in managing regional conflicts, with special reference to the Malaysian experience during Tun Mahathir Mohamad's premiership from 1981-2003 as the case study.

1.0 INTRODUCTION

Malaysia, along with four other nations, namely Indonesia, Thailand, The Philippines and Singapore, decided at the end of the 1960s to set up a new organisation as a platform for regional cooperation. As a result of the Bangkok Declaration, the Association of Southeast Asia Nations (ASEAN) was formed in 1967, which followed

two earlier failed attempts – Association of Southeast Asia - ASA (1961) and Malaysia, Philippines, Indonesia - MAPHILINDO (1963). In 1976, after ten years in the wilderness, the organisation agreed to bind the members with two important treaties, namely the Treaty of Amity and Corporation (TAC) and the ASEAN Concord, which would act as guidelines for the organisation's code of conduct in their regional affairs.

One of the most important ingredients in the TAC was the notion of states not getting involved in other member states' internal affairs. This non-interference principle (hereafter referred to as 'NiP') gave an explicit assurance that the sovereignty of the member states was guaranteed, and that no unwarranted intervention would occur in the event of any member states experiencing internal problems. This arrangement worked well until the process of ASEAN enlargement, which meant that a bigger organisation would inevitably experience bigger problems. Brunei Darussalam became a member of ASEAN on 8 January 1984, Vietnam on 28 July 1995, Laos and Myanmar on 23 July 1997 (in conjunction with ASEAN's 30th Anniversary), and, lastly, Cambodia on 30 April 1999.

The Southeast Asian region is no stranger to regional conflict and internal political instability in its member states. With several unresolved political and security issues ranging from intra-state tensions to bilateral or multilateral conflicts, this region needs an approachable mechanism in order to give a clear and acceptable methodology as a guideline for conflict management. Finding solutions for such conflict lies in the hands of not only the conflicting parties, but also regional member states, as trouble in one part of the region can have negative ramifications for all.

The 1997 coup in Cambodia, which saw Hun Sen taking over power from Ranariddh, just months before Cambodia's accession to ASEAN, and the inability on the part of ASEAN as the regional organisation to react positively, is a clear indication that it does not have the political influence to resolve regional conflicts and skirmishes. The main reason for this shortcoming is the organisation's strict adherence to the concept of 'non-interference' in member states' internal problems, which is enshrined in the ASEAN Treaty of Amity and Cooperation. Therefore, there must be a way for ASEAN, as the only regional peace and cooperation organisation, to be legally involved in such a discord.

The aim of this study is to examine the effects of the non-interference policy on ASEAN in managing regional conflicts, with special reference to the Malaysian experience. Malaysia has been one of the pioneer members in ASEAN and involved in several regional initiatives. Furthermore, Malaysia under Tun Mahathir supported the ASEAN membership expansion process and sponsored Myanmar's inclusion into the association (Balakrishnan, 2010:14), (Katanyuu,2006:826). Malaysia also is affected, one way or another, by domestic conflicts in its neighboring states such as the south Thailand Muslim minority conflicts and the Moros in the Mindanao.

This chapter begins by looking into the background of the research, the problem statement, the objectives, some concept definitions, and the literal, conceptual and operational definition of non-interference. It will then present the research questions and explain the methodology by which this study will be conducted, some literatures related to similar studies, the limitations of the study, and the chapters in the whole theses.

1.1 RESEARCH BACKGROUND

Any sort of interference in member states' internal affairs is considered an encroachment on a particular state's sovereignty. The 1997 coup by Hun Sen put ASEAN in the awkward position of finding a balance between upholding the 'non-interference' concept, which has been the very foundation of ASEAN intra-regional cooperation, and the political sentiment of the international community. Western powers saw the coup as a form of foul play by Hun Sen and demanded that ASEAN intervene and resolve the problem. The continued detention of Daung Aung San Suu Kyi, the leader of the Myanmar National League for Democracy (NLD), which won the 1990 election in landslide fashion, placed further doubt on the effectiveness of the practice of non-interference adopted by ASEAN¹.

The push to amend the NiP within the ASEAN countries started with an article wrote by the former Malaysia Deputy Prime Minister in *Asiaweek* in the wake of the Cambodian coup de tat. In July 1997, Anwar Ibrahim, the then Malaysian Deputy Premier, suggested that ASEAN take a bold step and adopt what he referred to as a policy of 'constructive intervention' towards the Cambodian issue. However, this idea was set aside for almost a year.

¹ The EU Common Position on EU-Myanmar relations varied from imposing economic sanctions and arms embargo to halting of humanitarian assistance and suspending visa for Myanmar official visits. The main goal of all these sanctions was to see a change in the political and human rights situation in Myanmar and the hope to see a democratically elected government to be in place in Myanmar. Please refer <http://eeas.europa.eu/myanmar> for a comprehensive information on the EU Common Position as of 2009.

The response from ASEAN was weak and indecisive. The only thing that it could do was to send their special envoys to Cambodia to negotiate a political solution. This special negotiation team and the political reaction by ASEAN reflected a revival of the idea of ‘constructive intervention’ by the Thai Foreign Minister, Surin, in 1998. Surin argued that it was not an act of interference in the domestic politics of Cambodia, but the situation warranted action from ASEAN as domestic concern posed a threat to regional security. As such political engagement had never been attempted to such an extent, there were no guidelines as to how such a situation should be handled.

The sacking of Anwar Ibrahim in 1998 also affected the political landscape of Southeast Asian politics, as several regional leaders expressed their concern over the matter and the manner of the dismissal. These concerns were viewed by the Malaysian government as an act of interference into Malaysian internal politics. However, regional leaders such as Estrada, B.J Habibie and Lee Kwan Yew saw their remarks as merely personal statements, rather than official².

Myanmar’s Aung San Suu Kyi democracy movement, the insurgency in Southern Mindanao in the Philippines, political turmoil in the Southern Thai region, and the East Timor independence struggle further tested ASEAN’s capability in handling regional conflicts. In all these instances, ASEAN was unable to play an effective role

² Former Filipino President Joseph Estrada said on Oct. 1 1998 that Filipinos should sympathise with the plight of sacked former Malaysian Deputy Prime Minister Anwar Ibrahim. Estrada made the remark in a discussion with reporters, who had sought clarification of an earlier statement he made that he might boycott the following month’s annual summit meeting in Kuala Lumpur of the Asia-Pacific Economic Cooperation (APEC) forum because of what happened to Anwar – whom he called a “good friend.” Refer to ‘Filipinos Should Sympathise with Anwar: Estrada says’ in the *Filipino Express*, 10th November 1998.

due to the non-interference policy, which as a result diminished its reputation as the once successful regional political organisation.

1.2 PROBLEM STATEMENT

Political turmoil within one of ASEAN's member states could have a negative impact on the political and economic standing of the region. In terms of economic ramifications, because business and trade have become globalised and regionalised, this intertwined business and economic activity would suffer loss and decrement. Furthermore, an unstable political climate would give an unfavorable signal to the international business community and make the region less attractive for potential investment.

For example, as a result of Myanmar's domestic political problems, on a number of occasions the European Union suspended its trading negotiations with ASEAN on the basis that Myanmar was still part of the organisation³. The EU demanded that Su Kyi be given the right to govern, as her party, the National League for Democracy (NLD), won convincingly in the country's 1990 general election. Therefore, to avoid such international repercussions in the future, precise and definitive action must be taken by other ASEAN members to influence problematic parties to resolve their internal troubles swiftly. As ASEAN has no mechanism other than mere political statement to engage in the internal conflicts of its member states, no concrete step can be taken to ensure that political stability can be restored. The High Council of ASEAN, which is supposedly a platform for the discussion of such issues, has never

³ Please refer Bernt Berger (28th May 2008) *Reorienting Strategies Towards Burma/Myanmar*, European Union Institute for Security Studies at www.iss.europa.eu/uploads/media/Reorienting_strategies_owards_Burma.pdf

been invoked, despite the mounting international pressure for ASEAN to be more effective in settling regional disputes.⁴

The dispute between Malaysia and Indonesia over their claims to the Sipadan and Ligitan Islands was another issue that demonstrated inability on the part of ASEAN to find a resolution to regional conflict⁵. After months of intense negotiation, both parties agreed to bring this matter to the International Court of Justice (ICJ). This only happened after much political debate and mutual criticism, which marked another decline in the turbulent relationship between the two Malay bastion states. ASEAN's inability to find a solution to bilateral conflict in the region forced both countries to turn to the ICJ, an international body, to find a concrete solution⁶.

ASEAN must find a systematic and applicable mechanism to engage with states in problems. The 2001 agreement on the Rules and Procedures of The High Council, signed in Hanoi, is a long overdue effort, but still a significant step in the right direction. However, the long wait has resulted in inefficiency on the part of ASEAN to deal with outstanding regional issues such as the Myanmar problem. This study intends to examine the effects of such inefficiency by ASEAN on the process of managing conflict, with special reference to the Malaysian experience.

⁴ The ASEAN High Council is a provision agreed upon by the member states pursuant to Article 14 of the Treaty of Amity and Cooperation in Southeast Asia, signed on 24 February 1976 in Bali. However, the lack of commitment and political will means that this platform has never been used. In fact, only after twenty-five years from the first agreement, the Rules and Procedures of the High Council were agreed upon by the High Contracting parties.

⁵ Ligitan and Sipadan are two very small islands located in the Celebes Sea, off the north-east coast of the island of Borneo.

⁶ Malaysia won its case after the ICJ gave a 16-1 verdict against Indonesia. In its judgment, which is final, without appeal and binding for the parties, the Court found that sovereignty over Pulau Ligitan and Pulau Sipadan belonged to Malaysia.

1.3 Research Objectives

This research has five main objectives:

- 1- To examine why ASEAN member states readily accepted the non-interference policy as a norm of relations between member states.
- 2- To identify the challenges posed to Malaysia and ASEAN in their roles as regional actors managing conflicts.
- 3- To identify Malaysia's understanding and implementation of the non-interference principle in ASEAN, and its effects in managing regional conflicts.
- 4- To evaluate Malaysia's role as a regional player and leader in amending the non-interference principle.
- 5- To make proposals towards relaxing the non-interference principle.

This study will focus on the Malaysian experience during Tun Mahathir Mohamad's premiership (1981-2003) in handling regional conflicts that involved Malaysia, either as the mediating party or as a party involved in the conflict.

1.4 Theoretical Framework and Definition of concepts

Studies in the field of security have been done by various scholars depending on the issue and objectives of the research. Among the theories in explaining this research are the Security dilemma debates brought forward by scholars such as Barry Buzan

(1991), Ken Booth (2007) and Nicolas Wheeler (2007). A security dilemma occurs when a state boosts up its security preparedness which resulted in other states doing the same thing in order to uphold the balance of power and the security *status quo*. Therefore the strength and weaknesses of a state's security level would give effect to other countries especially in the surrounding region. This term was first coined by John Herz in his 1951 book entitled *Political Realism and Political Idealism*⁷. Therefore, there seems to be a vicious circle between getting more secured but at the same creating more insecurity in a world where security and insecurity is like two sides of the same coin.

Ken Booth (2007) discussed the concept of security in a more logical manner. In his book *Theory of World Security* he stated the definition of security is *the condition of being safe and feeling safe*⁸. There is no absolute security and the relativity of the concept is without doubt. The dilemma in security thus lies in whether someone feel secured when in reality he is not and if someone feels insecure when he is actually secured. Therefore, there will always be the possibility of falling in the false sense of security or insecurity at any given time. Thus, it is important to ensure individuals free from the burdens that obstruct from ones full potential through the process of emancipation.

In a similar discussion Buzan (1991) explains that there is what he called as '*Relational Phenomenon*' in a security complex whereby there are interdependent variables which contribute to a state's security priority such as ideology, territory, ethnic lines and historical background. Therefore, in order to understand why a state

⁷ Cited in Paul Roe's *The Intrastate Security Dilemma: Ethnic Conflict as a Tragedy*, *Journal of Peace Research*, 1999, Vol. 36, no. 2 pp 183.

⁸ Ken Booth (2007) *Theory of World Security*, p.110.

behaves in international relations, one must first understand its internal politics as well. This may have been the political baggage that ASEAN countries face in altering the adherence to the principle of non-interference. Malaysia has ethnic, religious and historical precedents which contributed to the embracement of the non-interference principle between ASEAN countries.

This research is being approached through the Structural Constructionism/Constructivism lenses whereby social phenomenon or activities are being developed by social context. This approach depends heavily on the experience and interpretation of the people rather than something which is preset or divinely understood. Christine Agius (2010) stated that social constructivism brings to the fore the important of ideas, identity and interaction rather than just a given or natural thing. Therefore, in order to harvest these experiences, interviews have been conducted in order to understand why Malaysia formulated policies that are adhering to non-interference principle and is there the possibility of changing such stance. It is being discovered that Malaysia acted in such a way due to its domestic political composition which put stock on the preservation the Malay political-economy survivalist, Islam as the official religion, safeguarding the royalty and as a regime security expediency. This discoveries have added to the general understanding of Malaysia's international relation and regional relationship.

This section will discuss what the non-interference policy really is in terms of definition and conceptualisation. The two main concepts are non-interference and the by-product of non-interference, which is the famous 'ASEAN Way'. Later on, the discussion will focus on the historical and background events that gave birth to the

concept of non-interference, and the operationalisation definition of the term given by some scholars. It will also look into attempts to reform the policy, which in the end faced huge setbacks, resulting in the current situation.

1.4.1 Non-interference

The concept of non-interference was first introduced in ASEAN's Bangkok Declaration of 1967. This foundation document states that the region wanted to be free from outside interference in its internal affairs (Ramcharan, 2000:1). It was further solidified in the ASEAN Treaty of Amity and Cooperation (TAC) 1971, in Article 2, which acts as a general guideline for intra regional relationships between states. Among other things, the article commits ASEAN member states to have:

- mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations;
- the right of every state to lead its national existence, free from external interference, subversion or coercion; and
- non-interference in the internal affairs of another member states.

The term 'non-interference' has been used interchangeably with 'non-intervention' (Funston, 2000:5). Oppenheim (1955) in Wheatley (1993) defines non-intervention as the refraining act of a state from a "*dictatorial interference by a state in the affairs of another for the purpose of maintaining or altering the actual conditions of things*". The Oxford English Dictionary defines non-intervention as "*the policy of not becoming involved in the affairs of other countries*". The Cambridge International

Dictionary of English defines non-intervention as the “*refusal to take part, especially in a disagreement between countries or within a country*”.

Funston (2000:3) argued that the practice of non-interference, which is frequently referred to as non-intervention, has been the main stumbling block for ASEAN member states to intervene in the internal matters of other member states. This concept has a very Western origin, as it is a well-established principle that ASEAN adopted from the 1648 Westphalia Agreement, which laid the foundation for a European order of sovereignty states. Two other basic rules in the Westphalian norms are sovereignty and legal equality among states (Holsti, 1988:81). The non-interference principle is firmly enshrined in the UN charter and included in the founding documents of numerous regional organisations such as the Organization of the American States (OAS), Organization of African Unity (OAU) and the Arab League (Acharya, 2001:57).

Moreover, there is no official ASEAN definition of what non-interference really means. However, an operational definition of this concept is available and will be touched on later in this chapter. Although this important term has been reiterated by ASEAN leaders time and again, there has not been any serious attempt to define it. “*Some of the forms of non-interference include that governments must refrain from making any comments on the internal state issues of another member state, even to the extent of airing sensitive documentaries or news reports of other member states*” (Funston, 2000:3). In the event that a government official makes a negative remark to

the media, it is always followed by a denial from the government involved, and is played down as a merely personal statement and not an official one.⁹

Officially, governments in the region do not get involved in internal subversive or opposition movements in other member states, particularly illegal opposition movements. As all member states had experienced domestic political instability (some are still facing it now, in the case of Thailand, the Philippines, Myanmar and, to some extent, Cambodia) at the time of ASEAN's inception, this particular form of intervention is, officially at least, absolutely rejected. Although on several occasions (covertly) some ASEAN member states have been involved in such activities, no official record can be found to substantiate such an allegation.¹⁰

Although non-interference has constrained ASEAN member states from discussing internal state issues in official settings, it has been the very reason why ASEAN has been so successful as a regional organisation, second only to the EU (Leifer, 1994; Ramcharan, 2001; Narine, 1993). Since the inception of ASEAN in 1967, there has not been a single incident in which member states have engaged in military conflict with each other. "Arguably, ASEAN's biggest achievement has been the avoidance of conflict and improvement of political relations between member states" (Than & Singh, 2001:175). Although Vietnam invaded Cambodia in 1978, despite the two

⁹ There have been many instances of ASEAN officials making comments on regional issues. For example, Habibie's comments on the Anwar Ibrahim saga and his criticism of the Myanmar human rights violations by ASEAN states officials would always be considered as personal remarks rather than official statements.

¹⁰ Many border insurgencies have received help from neighbouring countries. For example, it is widely known that Malaysia used to help PULO fighters in southern Thailand and the MNLF in the southern Philippines. However, the Malaysian authority, due to the sensitivity and illegality of such conduct, has repeatedly denied this.

having the same ideological leanings, this incident cannot be seen as a failure on the part of ASEAN, as neither was a member of ASEAN at that time.

However, the internal political turbulence of Myanmar and Cambodia has changed such views of ASEAN, which is now seen as no more than a political gathering of states' officials and elites when it comes to political conflicts, and is sometimes as referred by Anthony (2005) merely as the regional 'Elite Club'. This shortcoming has always overshadowed its success stories (Chee, 2003; Sharpe, 2003). Scholars have even written that ASEAN is nothing but an 'imitation community' of the Western model of international organisation in the form of the EU (Jones and Smith, 2002:93-109)¹¹.

1.4.2 ASEAN Way

The famous 'ASEAN Way' is, in fact, a by-product of the policy of non-interference, which "places a premium on informal approaches and on personal relationships between political and governmental elites" (Than & Singh, 2001:176). There is no official definition of the term, but Acharya explains it as "the process of intra-mural interaction" (Acharya, 2001:63), thus distinguishing it from other forms of inter-state relations, for example the Western-style multilateral setting which is more robust and frank. The ASEAN Way places a great deal of emphasis on informality and ad hoc activities rather than being institutionalised; however, the academic debate concerning this concept remains vague and a point of contention (Acharya, *ibid*).

¹¹ Jones and Smith argued that ASEAN has been an organisation which is merely a 'rhetorical shell' which lacks substance compared to its form.

In an interview with *Asiaweek*, Abdullah Badawi, in a bid to defer Anwar Ibrahim's constructive intervention proposal, stated: "[we] discuss within ourselves without adopting a confrontational approach and putting shame or embarrassing the other party. If we make an official statement, it can result in people becoming displeased and give rise to tension"¹².

The phrase "ASEAN Way" was a term firstly coined in 1974 by an Indonesian general named Ali Moertopo, seven years after the formation of ASEAN. He said that because all founding members had known each other for a long time, it was much easier to discuss regional affairs on a one-to-one basis rather than in an official setting. However, he further warned that such a mode of interrelations could not be sustained in the long run, and called for a more institutionalised form of regionalism.¹³ Nevertheless, ASEAN, to the present day, still maintains the same code of conduct, despite facing mounting international criticisms, especially when it involves politico-security and the more delicate matters of regional affairs. Areas like economic and social domains seem to be more open to discussion than politics and security.

Despite its unofficial status, the "ASEAN Way" can also be defined as the set of norms by which ASEAN member states relate to each other. It reflects incrementalism in the ASEAN conflict management process and denotes the way multilateral consultations are undertaken in the region. Leifer (1994) distinguished one central characteristic of the ASEAN Way, which is its cautious attitude towards formal institutions. Informality and undertaking tasks in an ad hoc manner are

¹² Asiaweek.com at address http://www-cgi.cnn.com/ASIANOW/asiaweek/98/0731/nat_4.html accessed 20 April, 2007.

¹³ Ali Moertopo, 'Opening Address', in *Regionalism in Southeast Asia* (Jakarta:CSIS, 1975) p.16.

preferred to legality and institutionalisation, which is in line with the type and nature of ASEAN – a loose regional and inter-state organisation. This looseness made it attractive not only to the founding member states, but also for other states in the region to join in during the early years of its formation.¹⁴

Katsumata (2003), in his effort to sum up different attempts by authors to define the ASEAN Way, identified at least four elements: the non-interference principle in the internal affairs of other members, quiet diplomacy, the non-use of force, and decision making through consensus. The ASEAN Way encourages Southeast Asian countries to take an informal and incremental approach through lengthy consultation and dialogue. Katsumata further stated that this method of consultation places the ‘comfort level’ of member states as an important precondition for ASEAN’s multilateral diplomacy to work (Katsumata, 2004:238). Member countries, since the beginning of ASEAN’s inception, have pursued dialogue without criticising each other in public; what happens in the background and before official meetings is rarely publicised. It is not so much a methodological issue, but as this region used to be under colonial rule, the idea of being pushed or pressured to do something has always been a sensitive issue, especially to the ruling elites. Humiliating representatives of states in public is a cardinal sin, as everybody claims to be of equal status.

S. Jayakumar, the Singaporean former Foreign Minister, defined the ASEAN Way as a mode of communication that “... stresses informality, organisation minimalism,

¹⁴ ASEAN was seen as a loose and informal organisation during its formative years. The very fact that its founding document, The Bangkok Declaration, was not termed as a treaty reflects the organisation’s deliberate attempt not to put unnecessary pressure and distrust on its members. Mohammad Ghazalie Shafie, a former Malaysian Foreign Minister, claimed that it was called a declaration simply so as not to ‘presuppose lack of trust’ among the original founding members. Regional countries such as Sri Lanka, Fiji and Timor Leste have voiced their interest in becoming members, but have yet to be inducted.

inclusiveness, intensive consultation leading to consensus and peaceful resolution of disputes”.¹⁵ This definition reflects the overall understanding of the ASEAN decision making process in which, despite the relaxed negotiation environment, a concrete and consensual decision is to be expected in the end.

Sharpe (2003) characterised this ASEAN approach as a diplomatic activity that focuses on informality (such as private low-key discussions preceding key meetings and the use of low-level confidence building measures) and consensus building (broad agreements being reached behind close doors avoiding public divisions and legalistic procedures that limit members’ choices).¹⁶

One of the main problems with this approach is the difficulty of gaining consensus in the decision making process. Though the majority of ASEAN member states embrace the principles of democracy, which means rule by the majority, this does not happen when inter-state relations are involved; there is no voting system in the ASEAN decision making process. And there is a good reason behind this – the intention is to provide reassurance to the weakest members that unwanted policies will not be imposed on them (Sharpe, 2003:231-250).

The definition of consensus has a special meaning in ASEAN. Consensus in ASEAN does not necessarily mean giving agreement to or acknowledging a particular

¹⁵ Cited in Acharya (2001), ‘Constructing a Security Community in Southeast Asia’, London, Routledge, p.57. S. Jayakumar made this statement at the height of the 1997 Asian economic downturn, which called into question what the ASEAN Way stands for and raised the need to re-examine this important concept.

¹⁶ ASEAN Way is also known as a collective security principle which of late is facing the acid test of viability. As ASEAN also represents itself as a quasi security organisation, it has the responsibility to ensure that it can handle security issues effectively. Security issues need decisive and affirmative actions.

decision. Abstaining or not saying anything sometimes can be construed as giving consent. “Consensus does not equate to unanimity” (Collins, 2003:133). Even if a member does not support an issue, but does not voice their disagreement and the issue is moves forward, a consensus is said to have been reached. Lee Kuan Yew, the former Singaporean premier, suggested that:

“... when four agree and one does not object, this can still be considered as consensus, and the four should proceed with a new regional scheme.”¹⁷

In the event that a consensus or compromise cannot be reached, members usually resort to adjournment. Either the issue at hand is discussed at a later date, or time will be allowed to take its course in the hope that the matter will resolve itself. The Malaysia-Philippine dispute over the latter’s claim on Sabah in the 1960s is a classic example, whereby both countries stopped discussing the conflict during ASEAN meetings. This was done ‘in the interest of ASEAN’, and by the time Estrada and Arroyo became president, this issue was being downplayed, although it remained a point of contestation.

Close and personal ties at unofficial functions (some call it shoulder rubbing diplomacy) and even at the golf courses and entertainment sessions have at times been more effective and successful.¹⁸ Therefore, by the time a meeting begins, every member at least has the same sentiment and inclination, thus avoiding head-on confrontation and unnecessary conflict. This is a ‘face saving’ norm that plays a very

¹⁷ Cited in Alan Collins, 2003 ‘Security and Southeast Asia’, ISEAS, Singapore, p.134.

¹⁸ One of the main unofficial events post- or pre- SOM or Head of Government Meetings is playing golf. Dato’ Seri Abdullah Badawi, the Malaysian premier, even had a round of golf with his Singaporean counterpart after their first official meeting. Karaoke and entertainment sessions are also a regular part of any itinerary.

important role in the ASEAN Way of negotiating, as no leader wants to be portrayed as being a loser at the negotiation table.

1.4.3 Constructive Intervention

The term ‘constructive intervention’, originally posited by Anwar Ibrahim, has not been given a conceptual definition other than its literal meaning¹⁹. This is because at the July ASEAN Ministerial Meeting (AMM) which met in Manila, members abandoned this idea, which they saw as an encroachment on their national sovereignty (Carlyle, 1999:67-70).²⁰

When this term was revived in the wake of the Cambodian coup, no specific parties came out with a clear operational definition of what ASEAN leaders meant when they said that sending ASEAN envoys to Cambodia was an act of ‘constructive intervention’, rather than interfering with Cambodian domestic politics. However, other concepts such as intervention and preventive diplomacy have been given their own clear conceptualisation. The term ‘constructive intervention’ was toned down later, and renamed ‘flexible engagement’ by Surin in his ‘non-paper’ circulation during the 1998 AMM (Funston, 2000:11).

¹⁹ Anwar Ibrahim provoked controversy by advocating “constructive intervention” in the affairs of other ASEAN member states, including assistance for electoral systems, civil society, rule of law and other reforms. Though it carefully avoided explicit support for democratic transitions, the proposal made no headway because it threatened so many sitting heads of ASEAN states, including Anwar’s boss, Dr. Mahathir Mohamad, who later jailed Anwar for six years on what were alleged as trumped up charges.

²⁰ Surin Pitsuwan’s non-paper did not get the support needed by the majority of meeting members. Only the representative from the Philippines supported him, while the others strongly protested against putting the paper on the official agenda.

The terms ‘interference’, ‘intervention’ and ‘prevention’ have been used regularly and interchangeably, but sometimes in a misconceived manner. Interference is defined as a policy of intervening in the affairs of other countries (Webster Dictionary). The concept of non-interference in member states’ internal affairs was explicitly enshrined in ASEAN’s Treaty of Amity and Cooperation ²¹ – famously abbreviated as TAC (Aseanweb).

Intervention is defined as any interference that may affect the interests of others, especially of one or more states with the affairs of another; the intervention of one state in the affairs of another is typically unwelcome, but some cases of mediation between states may be referred to as intervention (Webster Dictionary). Intervention, unlike interference, has a more physical connotation than interference. Intervention is sometimes associated with military deployment rather than just the utterance of words.

Intervention, according to former ASEAN Secretary General H.E. Rodolfo C Severino Jr. (2002), “...in recent times has taken five principle forms – rhetorical and diplomatic gestures and pressures, economic sanctions, legal instruments like the international criminal tribunals and the International Criminal Court, covert action, and armed force” He argued, furthermore, that interventions in international conflicts often take place in the name of protecting human rights.

²¹ Refer to Appendix C for the treaty.

“...(I)nternational intervention is justified when human rights violations by a state, or another entity exercising power, is so egregious and so broadly destructive as to call for the international community to protect the victims”.²²

Intervention has international legal legitimacy. The UN Charter gives the Security Council the power under Article 24(1) and Chapter VII to take any measures necessary to “restore international peace and security”. These provisions allow the Security Council to authorise action based on subsequent agreements such as the Universal Declaration of Human Rights. If consensus can be reached in the Council that a humanitarian disaster is a threat to international peace and security, then the UN can take decisive action. The ‘Kosovo model’ suggests, moreover, that a state or coalition of states may intervene without explicit Security Council approval.²³ Desperate times needed desperate measures – Kosovo, the NATO alliance argued, was facing a Serbian ethnic cleansing campaign.

Under the UN Charter, the Security Council determines the existence of threats to peace. Article 2(4) of the UN Charter prohibits the use of force by states (except in self-defence), and Article 24(1) gives the Security Council the primary responsibility for the maintenance of international peace and security. These provisions were enacted following World War II in an attempt to establish a collective security mechanism that would regulate aggression between states and prevent anarchy.

²² H.E. Rudolfo Severino Jr.’s speech at the ASEAN Scholars’ Roundtable, organised by the Konrad Adenauer Foundation and the Singapore Institute of International Affairs Singapore, 3 July 2000.

²³ From March 29 to June 9 1999, the NATO alliance, led by the world’s only superpower, the US, waged war on a lone republic in an already conflict-ridden region. The combined population of NATO’s 19 countries exceeded Serbia’s 11 million people by a factor of 65. NATO’s annual defence budget was 25 times larger than Serbia’s entire economy. Its armed forces outnumbered Serbia’s by a factor of 35.

While the Security Council has primary responsibility to authorise the use of force, some states feel that certain members of the Council might prevent humanitarian interventions from taking place. The question for international law is whether primary responsibility equals exclusive authority. The legal and moral authority of the Security Council cannot be overturned lightly, but adherence to this authority might prevent a necessary intervention from taking place. Opinions differ among states over the primacy of the Security Council: many want to uphold its role, while others point to its inherent flaws and the way it is dominated by the veto-holding Permanent Five (the US, Russia, Britain, France and China).

1.4.4 Conflict

One of the main reasons that this study is important is the existence of conflict and conflict management. Wallensteen (1989), in his book 'Peace Research: Achievements and Challenges', categorised conflicts into three types. The first type is Classic Wars, which involve two governments using their military forces against each other. The second type is the Wars of State Formation, involving one government and an opposing internal group demanding autonomy for a particular group. The third type is Internal Wars, which are conflicts over the control of government within a given state. The first type is also known as inter-state conflict and the second and third types as intra-state conflicts. The main emphasis of this study will be on the second and third types of conflict, which are on occasion termed as civil wars or internal conflicts (Lewer, Ramsbotham and Woodhouse, 1995:2).

These conflicts are also referred to as the '*International-social Conflict (ISC)*' by Ramsbotham (1995) and Miall (1992), as some conflicts start within a state but then spill over to the neighbouring states, while international conflicts often exacerbate domestic conflicts (Miall, 1992:31-63). Scholars in conflict management (CM) studies sometimes find it hard to give a unanimous definition on what are the parameters or scope of conflict, as most conflicts start as a domestic affair but further escalate to become inter-state or, for that matter, regional conflicts at times.

Conflict is also defined as a norm in a relationship, and it exists when there is an apparent situation in which at least two parties, or their representatives, try to pursue their perceptions of mutually incompatible goals by undermining, directly or indirectly, each other's goal-seeking capability (Sandole, 1988:1). Therefore, although conflict is a natural process in life, the way it is managed is most important.

In studying a particular conflict, some of the most important aspects that will be looked into are the parties involved, issues, background of the conflict, and the conflict management methods used and their outcomes (Kamarulzaman Askander, 2000: 11). The Southeast Asian region has many unresolved conflicts. However, for the purpose of this study, only certain conflicts involving Malaysia will be covered. Malaysia has been chosen as it has unresolved conflicts with almost all of its frontiers. It has outstanding claims with Singapore concerning Pulau Batu Putih and outstanding claims with Indonesia in the Borneos. Malaysia is also involved in the Spratly Islands claims with five other co-claimants including Vietnam and China, and still facing the Philippines on its Sabah claim.

One of the conflict management (CM) approaches to solving conflict is what has been termed as '*preventive diplomacy*', which is one of the three-fold objectives of the establishment of the ASEAN Regional Forum (ARF). This organisation was established in 1994, with three outline approaches to maintain peace and security in the ASEAN region. The other two approaches are confidence building measures (CBMs) and the last stage of CM – the formulation of conflict resolution mechanisms – which until now has not been touched upon by the ARF members.

Preventive diplomacy is a diplomatic, political, military, economic and humanitarian action taken by governments and organisations to prevent inter-state disputes (Acharya, 1999:19). This is a more pre-emptive measure, rather than reactive. However, as the Americans insist that preventive diplomacy must be backed up by military force and the willingness to use it, it has somehow dampened the popular ASEAN approach of CM by non-military alternatives (Gates, 1996:47). ASEAN does not have the concerted military cooperation that the United Nations has.

The nearest that the ASEAN countries come to a military alliance is in the form of bilateral military exercises. This cooperation is conducted on a frequent and bilateral basis, and includes the exchanges of military representatives at national defence institutions, periodic security consultations and a series of separate, bilaterally combined military exercises.

As regional conflicts become more complex and challenging, a review of the effectiveness of ASEAN in managing regional conflicts is timely. ASEAN must be seen as more decisive and forceful (like Western organisations such as NATO, or

even the UN, that cast votes to make decisions) and bold enough to discuss sensitive issues and become more proactive rather than reactive (Anwar, 1997; Pitsuwan, 1998). Nevertheless, the question remains whether ASEAN, and particularly its members, is ready for such a huge step. A brief history of the non-interference principle in ASEAN will shed some light on its origin and put this research into perspective.

1.4.5 Democratic-peace thesis

Patrick Morgan (2010) put forward an argument that democracies and liberalism reject the claim that warfare is inevitable. *Democratic liberalism* or what is popularly known as the ‘democratic-peace’ thesis argues since the expansion of liberalism and democracy, there has been a steady decrease of war between states as the ultimate goal of this thesis is the creation of a universal pluralistic security community with the rise of the ‘international civil society’ in international relations²⁴.

However, liberal democracies do go to war with non-liberal or authoritarian states for reasons of upholding human rights, threat to their way of life and the expansion of democracy. This thesis echoes Emmanuel Kants essay on *Perpetual Peace* which claim that if every state becomes republic, there will be no war among states. However this thesis has been criticized due to nature of ever differing definitions of democracy and wars.

ASEAN in some instances falls into this category especially during its teething years. The original five member states which are all democracies have never involve in wars

²⁴ Patrick Morgan’s *Liberalism* in Allan Collins’ *Contemporary Security Studies*, Oxford University Press, 2010.

until ASEAN enlarged its grouping roping in other new members which have lesser degree of democracy and liberalism.

1.5 ASEAN and the Non-Interference Policy

From the early years of its inception, ASEAN has adhered to the non-interference principle due to the fact that they have been plagued by inter-state disputes, internal subversions and separatist movements (Katanyuu, 2006:826). In addition, suspicions were so high that member countries would support domestic ethnic and separatist groups to encourage secession (Kong, 1997:53). Under these circumstances and partly based on this background, the Association of Southeast Asian Countries was established in 1967.

1.5.1 Brief History

Non-interference, or non-intervention practice, has been instituted in every major ASEAN political document. This practice derives from the ASEAN Declaration 1967 (also known as the Bangkok Declaration), which made specific reference to the importance of the “security from external interference” that brought ASEAN into existence. It was reiterated in the Declaration of Zone of Peace, Freedom and Neutrality (1971), the Declaration of ASEAN Concord (1976) and the Treaty of Amity and Cooperation in Southeast Asia (1976) to form the very cornerstones of Southeast Asian inter-state diplomatic practice (Kraft, 2000:453-472). “ASEAN regionalism and the idea of Southeast Asian regional identity were founded on the

idea of strict adherence to non-intervention and respect for sovereignty” (Acharya, 1999:42).

Taking the Cold War era as its background, it is understandable that ASEAN member states wanted their affairs to be dealt with by themselves. The principle threat to regional stability and security at that time came from great power rivalry. Although it was well known that the five founding ASEAN members were from democratically-based political systems, and could be perceived as pro-Western states rather than aligned with the socialist bloc, these countries wanted to paint themselves as neutrals not siding with either of the great powers.

Funston (2000) put forward two main reasons why non-intervention was readily accepted and seen as an attractive package to ASEAN member states. First, Funston argued that because all member states, except Thailand, were relatively newly independent, these nations were very diverse in terms of culture, history, politics and economy. All were politically unstable, facing subversion from communist separatist and ethnic opponents, and having fragile economies. Secondly, all member states had bilateral problems with one state or another, which meant inter-state relations must be handled with extreme sensitivity. Therefore, under such circumstances, and without the non-interference policy, ASEAN could never have survived and would face the same fate as two earlier organisations, ASA and MAPHILINDO.

Kraft (2000), in line with Funston’s observation, stated that non-intervention was an important ingredient in these states’ efforts at nation building and state making. Developing states saw non-intervention as a ‘moral guarantee’ against superpowers or

neighbouring states' involvement in their internal affairs, and as a political guarantee of peaceful relations between neighbouring states. "*Non-intervention was even closely tied-in with the security of developing countries*" (Ayoob, 1995:71-88). Without such restraining practice, countries or officials from member state governments would have made unnecessary comments on internal events, which were seen as purely domestic in nature by the party involved.

The Singaporean former Foreign Minister, Jayakumar, even acknowledged non-intervention as a crucial working framework in running regional affairs. He went on to state that non-interference policy was "*the key factor to why no military conflict had broken out between any two member states since 1967*" (Acharya, 2001:57). This was true, as no country made any direct comment about another member country's internal affairs, even when the international community was evidently condemning it. This could be seen in numerous cases such as Myanmar's Aung San Suu Kyi democratic struggles and the Malaysian Anwar Ibrahim sacking 'saga'.

However, such strict adherence to the policy of non-interference was challenged from the late 1990s onwards. Member states began to realise the reality of interdependence and the direct effect of ASEAN enlargement. The universal acceptance of human rights and the general condemnations of the abuse of human rights also tested the viability of ASEAN's non-interference. This will be touched upon in the second chapter of this study.

1.6 Operational Definition of ASEAN's Non-Interference Principle

What does non-interference mean in ASEAN politics from an operational point of view? Acharya (2001:58) explains the four precepts of non-interference policy among ASEAN member states as:

- i- Refraining from criticising the actions of the government of member states towards its own people.
- ii- Directing criticism at the actions of states that are perceived to constitute a breach of the principle of non-intervention.
- iii- Denying recognition, sanctuary, or other forms of support to any rebel group seeking to destabilise or overthrow the government of a neighbouring state.
- iv- Providing political support and material assistance to member-states in their actions against subversive activities.

Collins (2003:141) simplified the definition of non-interference as “... *one elite supports another by not publicly criticising the other and by providing support, both tangible and non-tangible, if an elite is threatened by internal rebellion*”. Therefore, it is possible to operate in the norms of the ASEAN Way in some areas, but not in others. One can conclude that if the interference is in the form of strengthening the political grip of an existing government, it is not considered as an intrusion, and vice versa.

Non-interference, in other words, is a ‘see no evil, hear no evil and say no evil’ policy, which evidently is hard to achieve. Not only is this principle practised in matters relating to politico-security issues, but also other issues such as political economics and matters of human rights. Funston (2000) even added that the practice of non-intervention is also evident in relation to economic and social cooperations. The implementation of the ASEAN Free Trade Agreement (AFTA), for example, which is undergoing its final stages, suffers from protectionist measures taken by member states. This happens especially when it involves protecting national industries and the survival of homegrown businesses. The Malaysian government decision to defer the implementation of preferred tariffs on its national car, the Proton, is a classic example of how ASEAN member states are reluctant to surrender their sovereignty over to regional bodies.²⁵ Malaysia has deferred putting its national automotive industries into the inclusion list, despite fierce objection from other member states, especially Thailand.²⁶

Maintaining this policy of non-interference in the name of national sovereignty, national interest and national building has hindered true regional cooperation. Although privately and on an individual basis ASEAN leaders have started to comment on regional issues publicly, no real action on the part of the organisation

²⁵ The ASEAN Free Trade Area (AFTA) has now almost been established. ASEAN member countries have made significant progress in the lowering of intra-regional tariffs through the Common Effective Preferential Tariff (CEPT) Scheme for AFTA. More than 99 per cent of the products in the CEPT Inclusion List (IL) of ASEAN-6, comprising Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand, have been brought down to the 0-5 per cent tariff range (ASEAN web).

²⁶ Malaysia sought delays in the liberalisation of its auto sector within the ASEAN Free Trade Area (AFTA). Malaysia secured from ASEAN members in 2001 an extension until 2005 of its commitments to reduce auto sector tariffs in AFTA to between 0 and 5 %.

ensues²⁷. This has hampered the process of regional political integration and economic liberalisation, which constitutes a lack of regional political will to embrace globalisation or even regionalisation. The Asian Economic Crisis has severely tested the relevance of ASEAN as the regional organisation, but without any form of real political power or the willingness to change the status quo, the ASEAN success story has been cut short (Kraft, 2000:ibid).

This was true in the first three decades of ASEAN existence, but the implementation of AFTA has, to some extent, breached this position. Nevertheless, events or incidents relating to politico-security domains are still considered taboo. Robin Ramcharan wrote that at “ *the Hanoi Summit in 1998... a consensus seemed to have been reached on a clear differentiation of politico-security issues and issues on political economy: in the former case, the ASEAN Way applies; in the latter it no longer does.*”²⁸ Even organising a convention or conference that deals with the subject of internal politics closely tied with human rights issues, such as the East Timor atrocities and the democracy movement in Myanmar, would be considered an infringement of national sovereignty. This has been experienced by countries like Thailand, the Philippines and Indonesia, even if the organisers are non-governmental organisations.

²⁷ Certain ASEAN leaders have voiced their concerns on several regional issues such as the prolonged detention of Aung San Suu Kyi, but those comments are deemed as personal views rather than official statements. However, in an act of rarity and with a strong objection from the Myanmar government, ASEAN, under the leadership of Surin Pitsuwan, for the first time issued an official statement expressing their worry about the recent political development in Myanmar with the trial of Suu Kyi. Suu Kyi is being tried for an alleged breach of her house arrest when she admitted a US citizen who swam across the river beside her residence to see her.

²⁸ Cited in Alan Collins, 2003 ‘Security and Southeast Asia’, ISEAS, Singapore, p. 141.

For example, in 1994, a conference organised by an NGO – Asia Pacific Conference on East Timor (APCET) – was blocked by the Philippines government amid stern protests from their Indonesian counterparts (Inbaraj, 1995:12). The same thing happened in 1998, when the conference was to be held in Kuala Lumpur and Bangkok. It was cancelled on the grounds that the East Timor incident was an Indonesian internal matter and should be left to the Indonesian authorities to deal with.

Repeatedly, whenever there is a comment made that seems to support the opposition to any of the regional governments of the day, it will be considered as intrusive and against the non-interference policy. Whether it is a statement by a government official, a political figure or by any individual or non-governmental organisation, the central idea of not getting involved in other people's business has been maintained, and efforts to open the window of opportunity in discussing neighbouring internal affairs have been blocked.

However, if the comment or action is in the government's favour, intervention is not considered as intrusive, but as lending support from one leader to another. Some instances where intervention has not been considered as intrusive and offensive are as follows:

- i- The decision to hold the 1987 Third ASEAN Summit in Manila was clearly an effort by ASEAN leaders to show support for the embattled President Aquino, and the visits by several ASEAN leaders in Soeharto's

final months as the Indonesian President were seen as a show of regional support to the leader who was instrumental in the formation of ASEAN.

- ii- The mediation role in conflicts between neighbouring states was evident during the conflict between Malaysia and the Philippines over the latter's claims over Sabah. Indonesia's willingness to chair a study group on the South China Sea dispute was aimed at containing regional conflicts, as Indonesia did not have any stake in the controversy.
- iii- Giving direct assistance and material provision to address security issues in neighbouring states. Indonesia provided aircraft to the Philippines for anti-insurgency operations in 1986. Indonesia and Malaysia also played significant roles in quelling the Moro insurgency in southern Philippines, but then acted as mediators to resolve the conflict²⁹.
- iv- Whenever there is a spillover effect from a neighbouring country, member states tend to register their concerns, as it will also have effect on them. In 1997, Malaysia, Singapore and Brunei expressed their concern over the open burning of plantation fields in Indonesia, which created hazards across half of the region. This led to Soeharto apologising in public to the affected states and the creation of a regional committee to fight open burning activities in the region (Funston, 2000:15).

²⁹ Abdullah Badawi was playing host to a number of discussion sessions between the Philippines government and the Moro fighters, which could have led to the signing of a peace deal in 2006. However, the peace deal broke down as fighting resumed that year, to the frustration of Abdullah and his mediators.

Among other notable interventions was the sending of Ambassador Razali Ismail of Malaysia, as the Special UN Envoy, to mediate the situation in Myanmar, and the 1960s Malaysian-led campaign to expel South Africa from the Commonwealth due to its apartheid policy. All these interventions took place either because they did not involve opposition to the government of the day, or because the issue concerned had attracted significant attention in the international community. Still, these interventions were exercises in ‘quiet diplomacy’ rather than open public affairs.

1.7 LITERATURE REVIEW

There have been voluminous writings on ASEAN and specifically on political and security cooperation in the region. There are also writings on the non-interference principle, or on the ASEAN Way, however, specific references towards individual state experiences, their understanding and its implementations have been limited. Attempts have been made to narrate the historical background behind the principle and why it is what it is, but the effects and outcome of the policy have seldom being discussed. Sometimes the discussion will end up on the challenges faced by the organisation to manage regional conflicts in the framework of non-interference, without reaching a conclusion about whether or not non-interference has been a failure in resolving regional conflicts.

Among the most prominent scholars are Leifer (1987, 1999), Acharya (1999, 2000, 2001), Ramcharan (2000), Kraft (2000,2001), Katsumata (2003, 2004), and Jusof Wawandi, Buzan and Haacke (2003). These writings are in the form of articles in journals, periodicals and books, as part of academic exercises. There have been three

PhD theses on the field of ASEAN politico-security, namely by Askandar (1996), Khoo (1999) and Haacke (2000), but through which they did not touch specifically on the non-interference principle and Malaysia's policy guidelines.

As non-interference in the internal affairs of ASEAN member states is one of the elements characterised as the ASEAN Way (Saravanamuttu, 2005; Acharya, 1997, 2000, 2001; Ramcharan, 2000; Nischalke, 2000, 2002), most discussions about ASEAN politico-security and conflict management start by identifying what the ASEAN Way is, as well as explaining the elements of this concept. This has been discussed earlier in the section on conceptual definitions.

Acharya (2001), in his book 'Constructing a Security Community in Southeast Asia', stated that the non-interference principle is an important element in shaping the way in which ASEAN countries interact. He argues that because these newly independent states are 'weak' and in the early stages of nation building, making non-interference the "*central tenet of intra-regional relations was hardly surprising*" (Acharya, 2001:47-80). This, however, goes against the spirit of regionalism and imposes certain obligations on the member states.

Among the major challenges to this principle were the process of ASEAN membership enlargement to include Cambodia, Laos and Myanmar (CLM countries), and the 1997 Asian Economic Crisis. The economic crisis, Acharya added, was a major blow to ASEAN's credibility in managing regional conflicts. Due to the organisation's strict adherence to non-interference, member countries were not able to

alert Thailand of its 'economic woes'. Consequently, the economic devastation spillover affected countries region-wide.

In conclusion, Acharya identified several effects of adhering to the policy of non-interference and the ASEAN norms. Among them, ASEAN has to get the help of extra regional powers or international organisations to find solutions to regional problems. ASEAN's inability to become involved in the internal conflicts of member states or bilateral tensions means that it has to acquire external help in the process of conflict resolution. The invasion of Cambodia by Vietnam and the dispute over the Sipadan and Ligitan Islands between Malaysia and Indonesia exemplified the inability of ASEAN to resolve regional conflicts.³⁰

Askandar (1996) studied the trends and evolution of the ASEAN conflict management process and its implications for the security of the ASEAN region. His main attention was given to the prevention strategy which includes conflict avoidance, conflict containment and both the socialisation and institutionalisation of conflict management ideas and principles. The application of these strategies to conflicts within the region was reviewed by breaking the conflicts down into two types: inter-state and intra-state. Nevertheless, no significant attention was given to the concept of non-interference and its implications for regional conflict management as the bulk of the theses concentrated on the role of non-governmental organizations in Southeast Asia in conflict management as compared to ASEAN or its member countries.

³⁰ The resolution of the Cambodian conflict had to include the great power states (US, China, France and Soviet Russia) with the signing of the Paris Conferences, the Cambodian Peace agreement in October 1991 and UN peacekeepers. The Sipadan and Ligitan conflict between Malaysia and Indonesia was brought to the ICJ for judgement, where Malaysia obtained legal rights on the islands after a fierce court battle.

Haacke's (2000) study, 'Understanding the ASEAN Way: Origins and Development of a Diplomatic and Security Culture', provided a theoretically informed understanding of the origins and development of ASEAN's diplomatic and security cultures. He explored the meaningfulness and relevance of the ASEAN Way as a framework for political and security co-operation, as seen by regional leaders in Southeast Asia. He also examined to what extent interpretations of its core principles and associated practices have evolved over time. This work argued that while the ASEAN Way is indeed changing, this change focuses mainly on extending the range of issues and contexts traditionally defined as the internal affairs in which other ASEAN governments may now legitimately become involved. He concluded that although considerations are being given to factors such as ASEAN cohesion, regime security and regional influence in managing regional conflicts, this does not suggest that principles and related practices, such as quiet diplomacy or restraint, are no longer relevant to ASEAN decision makers.³¹

Funston (2000), listed the five main challenges that tested the viability and relevance of ASEAN and the non-interference principle: the Hun Sen coup, the 1997 economic crisis, the Indonesian environmental hazards of bush fires, the 1998 political economic spillover into Indonesia and Malaysia, and the 1999 East Timor Independence Referendum. However, his assessment stopped short of giving the verdict as to whether the ASEAN non-interference principle had adverse effects on regional conflict management.

³¹ Only Askandar and Haacke's PhD studies are related directly to the concept of the ASEAN Way and non-interference policy compared to other studies concerning ASEAN. Most studies about ASEAN are based on economic or political-economic spheres rather than politico-security and conflict management.

Kraft (2000) was more critical about the practice and effectiveness of non-interference in ASEAN. He argued that despite ASEAN's best diplomatic approach to resolve some of the most outstanding political conflicts in the region, "*its overall record... has actually been less than satisfactory*". Non-interference has become an obstacle to ASEAN's potential to push social and political reforms in the region at a time when global norms are changing. He further argued that non-intervention in ASEAN has also laid the organisation open to charges that its processes are geared towards "*protecting the interest of regimes in power*" (Kraft, 2000:453-472).

Despite all the works that have been undertaken on ASEAN and its non-interference policy, no study has been done that details, analyses and elaborates individual member states' experiences in dealing with this norm. ***This is a case study of Malaysia's experience in the implementation of the non-interference principle.*** The Malaysian experience in non-interference is an important focus, as the concept of intervention (precisely constructive intervention) was first mooted by the Malaysian, Anwar, and Malaysia is a major player in ASEAN politics. Malaysia has also been involved in several internal and bilateral political conflicts, which are worthwhile examining in detail because they also involve the issue of non-interference.

1.8 METHODOLOGY

To gather the data for this study, the researcher executed research interviews and documentary analysis of key primary materials. These two methods have been the most important stages in data collection.

1.8.1 Interview

Interviewing is often important if one needs to know what a set of people think, how they interpret an event or series of events, or what they have done or are planning to do (Aberbach and Rockman, 2002). Through interviews, certain issues that are more sensitive in nature can be retrieved and used for the purpose of this research. Stedward (1997) in his book on the Record: An Introduction to Interviewing stated that interview is a great way for bringing a research topic to life. This research has benefited tremendously from the 'elite interview' method, which is commonly used in political research.

The interviews were being done using open-ended questions, semi-structured and in the form of a non-standardised method. A non-standardised interview takes the form of *“a free-flowing conversation, relying heavily on the quality of the social interaction between the investigator and informant, that can be subtly redirected by the interviewer if it should stray too far off the track of the research study”* (Burns, 2000:425), which will allow the respondents room for acquaintance and to adopt a less formal manner. However, the researcher did have a general guideline or a set of thematic questions in order to make sure that the interviews do not sway away from the objectives of the research.

Elite Interview

This method is preferred due to the nature of the research, which will depend heavily on information from people who are directly involved with conflict management in ASEAN and the Southeast Asia region. Leech (2002a:663) stated that “*elite interviewing can be used whenever it is appropriate to treat a respondent as an expert about the topic in hand*”³². Respondents such as the former Prime Minister Tun Mahathir Mohamad and former deputy PM Dato’ Seri Anwar Ibrahim, along with several diplomats has shed some important information during the interview which sometimes the information was not available anywhere else.

The list included, among others, current and former political leaders, high-level government servants and diplomats. Initially, the researcher tried to interview key regional figures in ASEAN governmental offices and former holders of the offices to gather the information needed, however, due to the restriction of time and finance, all interviewees were only Malaysian as listed below.

The list of Interviewees

- 1- Tun Ghazalie Shafei – former Malaysian Foreign Minister and involved personally in the formation of ASEAN.
- 2- Tun Mahathir Mohamad – Former Malaysian Prime Minister. He was against the idea of intervention and upheld the traditional non-interference principle.

³² The elite interview method has been used extensively in political research in the United States, especially in the area of political administration. Some of the most useful studies are Moyser and Wagstaffe (1987), Lewis Anthony Dexter (1969), Ralph Huit (1969), Donald Matthews (1960) and Rubin and Rubin (1995).

- 3- Dato' Seri Anwar Ibrahim – Former Malaysian Deputy Prime Minister. He was the person who triggered the idea of 'constructive intervention' in the wake of the Cambodian conflict.
- 4- Tan Sri Razali Ismail – Former Malaysian Ambassador and the UN's Special Envoy to Myanmar.
- 5- Tan Sri Zainal Abidin Sulong – former Malaysian diplomat and the Director General of the Malaysian Foreign Ministry.
- 6- Tan Sri Abu Hassan Omar – former Malaysian Foreign Minister.
- 7- Ambassador Tan Sri Ahmad Fuzi – former Secretary General of the Malaysian Foreign Ministry.
- 8- Dato' Seri Jawhar Hassan – Director General of the Malaysian ISIS institute in Kuala Lumpur.
- 9- Professor Dato' Shamsul Amri – Director of the Institute of Occidental Studies, Universiti Kebangsaan, Malaysia.

Organizing the interview

The researcher started contacting all the interviewees three to four months before the actual sessions were being conducted. In most cases, the date of the interview had to be changed in order to suit the interviewees' constant changing schedule. All of the interviews were being done in person and recorded with mp4 players with the addition of hand written notes. All of the interviewees were given a general idea of what will be asked during the interview in order to give them a sense of direction later on during the interview sessions.

Analyzing the data

From the data that the researcher obtained via interviews and library research, a qualitative documentary analysis was being done which classified the information by theme or study question which try to emerge all the data concerned. Basically, the interview session were divided into four themes which were:

Stage one - Demographic questions.

Stage two - history and philosophical questions.

Stage three - eventual or incidents that took place in ASEAN politics

Stage four - effectual and futuristic prospects.

Based on these themes, the researcher come out with the discussion and the conclusion to this research which will be discussed in chapters six and seven respectively.

1.8.2 Secondary Data Collection

Key resources such as the annual ASEAN Report and documents from the Malaysia National Archives will be explored, complemented by newspaper reports and other relevant documents.

1.9 LIMITATION OF STUDY

In the course of completing this thesis, the researcher had come across some limitations to this study. For example, it was difficult to arrange interviews with the

key individuals involved in conflict management activities from ASEAN countries region-wide. Among the obstacles that the researcher sustained were either the prospect interviewees were too busy with their schedule or they do not have the interest to spent some time for this research. Therefore, only selected prominent figures whom are Malaysia based were interviewed to reduce this limitation. The opportunity to interview figures that involved directly in the decision making of the government such as the former Prime Minister Mahathir and his former deputy Anwar Ibrahim along with key figures in Malaysian regional and international affairs would hopefully recover the shortcomings from the above limitations

1.10 CHAPTER OUTLINE

CHAPTER 1: Introduction

This chapter will cover the background of the study, problem statements, objectives of the research, significance and the methodology by which this research will be done. It will also touch upon some conceptual and operational definitions of non-interference and reviews on studies made connected to this research.

CHAPTER 2: This chapter will discuss the history of ASEAN and it process of expansion. It will also discuss the benefits that countries get when they join this association.

CHAPTER 3: This chapter will discuss the evolution of the non-interference principle, which goes back to the Treaty of Amity and Cooperation of ASEAN. It will also discuss regional events that have questioned the validity of such a principle.

CHAPTER 4: This chapter will start by focusing on Malaysia and the history of the nation. It will also discuss the foreign policy of the country, its participation in ASEAN, and how different leaders have formulated and dispensed their foreign policy.

CHAPTER 5: This chapter will mainly focus on Tun Mahathir Mohamad's administration and the orientation of his foreign policies. It will also look into the challenges that he faced during his premiership.

CHAPTER 6: This chapter will examine regional events that involve Malaysia during Tun Mahathir Mohamad era (1981-2003) and the way the government responded to these events. Bulk of the discussion is also on the data gathered from the interviews.

CHAPTER 7: This chapter will examine the effectiveness of the non-interference principle and offer some proposals on constitutional reform of the ASEAN Treaty of Amity and Cooperation.

CHAPTER 8: CONCLUSION

This chapter will sum up the discussions from the previous chapters.

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**The Effects of the ASEAN Non-interference Principle in Managing
Conflict: The Malaysian Experience (1981-2003)**

Chapter Two

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Chapter 2

THE HISTORY, DEVELOPMENT AND THE MEMBERSHIP

ENLARGEMENT OF ASEAN

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CHAPTER TWO

THE HISTORY, DEVELOPMENT AND THE MEMBERSHIP

ENLARGEMENT OF ASEAN

2.0 Introduction

In the last chapter, basic and fundamental issues concerning this research were discussed, which primarily covered the conceptual elements and objectives of this study. It is most important to include at this stage a brief discussion on the history of ASEAN and the underlying reasons for the organisation to exist. The fact that five newly independent nations (except for Thailand) agreed to form a regional organisation, emulating the successful creation of the European Community (EC), begs the question whether ASEAN was really a copy of the EC. This was not the case for ASEAN because its creation actually strengthened its members' sovereignty rather than weakened it. In this chapter, the study will focus on the history of ASEAN in its formative years and the expansion to integrate all ten countries into the foray. Then, there will be a discussion on the benefits that these countries gained from joining this association, which are clearly attributed to the implementation of the concept of non-interference in ASEAN and the concept of regional resilience vis-à-vis national resilience.

2.1 The History and Development of ASEAN

It is of beneficial to understand the genesis of international organization (IO) before looking into ASEAN as this organization is born taking the experience of earlier international organizations. *International organizations refers to the ways states*

arrange themselves for purposes of promoting cooperative and collaborative practices in world politics (Russet, Star & Kinsella, 2004:297). Basically, there are two types of organizations; international governmental organization (IGO) and international non-governmental organization (INGO). These categories will then breakdown to many more sub-categories such as regional organizations (the European Union), unipurpose IOs such as the Red Cross, universal organizations (the United Nations) and many more.

The oldest IGO in record is the Central Commission for Navigation on the Rhine (CCNR) established in 1815 in the aftermath of the Congress of Vienna which ended the Napoleonic Wars in Europe. From there on, hundreds of IO emerged and among the most important of all is the United Nations in 1945. In terms of regional governmental organization, the European Union is the oldest organization which could be traced back to the formation of the European Coal and Steel Community (ECSC) in 1952 (Magstadt, 2003:552). The ECSC would than evolve to become the European Economic Community (EEC) in 1957 and in 1987 with the signing of the Single European Act, the European Union was born.

The establishment of the Association of Southeast Asia Nations was succeeded from several earlier attempts by different actors in instituting some kind of regional cooperation. In 1954, the earliest regional cooperation of its sort, the Southeast Asia Collective Defence Treaty, which was also known as the Manila Pact was being formed.³³ However, the pact was not inclusive and effective enough to survive for

³³ For a comprehensive discussion on the comparison between the Manila Pact with other regional pacts and its appraisal in achieving multiple international objectives in Southeast Asia, please refer to Ralph Braibanti (Dec 1957) 'The Southeast Asia Collective Defence Treaty', Pacific Affairs, Vol. 30. No. 4. P. 321-341.

long. Thus, the formation of the South East Asia Treaty Organization (SEATO) in February 1955, was considered as the more successful attempt to bring together different countries from within and outside the region. Despite its name, only two Southeast Asian countries (Thailand and the Philippines) were willing to join this organization and uniting other countries such as the United States, Britain, France, Australia, New Zealand and Pakistan.³⁴ The organisation being backed by the United States and primarily aimed at curbing any communist influence in Southeast Asia.³⁵

Despite having Britain and France alongside the United States, SEATO never really played any significant role in maintaining regional security. For instance, SEATO's intention to get involve in the Vietnam War was rejected by some of its members³⁶. This led to the establishment of the Association of Southeast Asia (ASA) in 1959, and then MAPHILINDO, the acronym for Malaya, the Philippines and Indonesia, in 1963. Both associations failed due to bilateral rivalry and ineffectiveness. After the failure of these earlier organisations, efforts to establish ASEAN were put into motion by two Malay majority nations in a conflict – Malaysia and Indonesia.³⁷ Indonesia at that time was under the new administration of Suharto (as president of Indonesia from 12 March 1967 to 21 May 1998), and he needed instant recognition after deposing Sukarno.

³⁴ Refer to Shaun Narine's 'Explaining ASEAN: Regionalism in Southeast Asia', p. 9-12 for an elaborate discussion on SEATO and its early history.

³⁵ See George Modelski, SEATO: Its Function and Organization in George Modelski (ed), (1962) SEATO: Six Studies for its organisational structure.

³⁶ France and Pakistan did not give their support for SEATO to intervene in the Vietnam War to the dismay of the Americans. SEATO was created as a part of the Truman Doctrine and had the support of President Eisenhower administration in order to curb communist expansionism in Asia.

³⁷ Malaysia and Indonesia put aside their differences and assigned top rank government officials from both sides to explore the possibility of creating a new regional organisation, which would include all Southeast Asian countries. This is why the Bangkok Declaration of 1967 was just a two-piece paper agreement, which did not specifically spell out the operational definition or charter as the United Nations did.

However, being the biggest country with the largest population in Southeast Asia, Indonesia would not want to be seen as a leader of the pact, as meetings were conducted all over the region³⁸. Malaysia, on the other hand, was still under Tunku Abdul Rahman, the first Prime Minister, who was an idealist and subscribed to the notion of unity and regional cooperation. He was the founding father of Malaya and subsequently Malaysia in 1963 and the second president of the United Malay National Organization (UMNO) formed by the famous Dato' Onn Jaafar. Dato' Onn with other Malay nationalists demonstrated against the British government rejecting a proposal of a post British colonial government called the Malayan Union and then created the UMNO in 1946.³⁹

This chapter will discuss the historical background of ASEAN and its expansion stages, as well as the benefits that the members enjoyed from joining the organisation.

2.1.1 The Establishment of ASEAN

Despite the official version of how the formation of ASEAN was mooted and incepted, two of the most important figures that played a behind the curtain role have never been acknowledged. When General Ali Moertopo and Tun Ghazalie Shafie first met at the end of 1966, they were instructed by their heads of government to explore

³⁸ Despite its large share of the total ASEAN population, Indonesia did not seek to play a hegemonic role in the new organisation. Meetings rotate between all ASEAN members, and organisational costs are equally shared. Indonesia shifted its priority to concentrate on internal affairs. They had to quell an internal uprising and later invaded East Timor in 1975.

³⁹ The United Malay National Organization (UMNO) was created in 1946 in the wake of the British proposal to introduce the Malayan Union, a new centralised British government post Second World War. The indigenous Malay people saw that the proposed Malayan Union was a new form of British colonialism which they sought to be independent from especially after the British failed to protect Malaya against the Japanese invasion during Second World War. UMNO was the backbone of the Malaysian government and has been the governing party from independence until the present day. For more information on the Malayan Union, please refer to Albert Lau's (1991) *the Malayan Union Controversy: 1942-1948*, Oxford University Press, USA.

the possibility of setting up a region-wide organisation that would enhance interaction between neighbouring countries. This effort was part of Indonesia's new 'good neighbour' foreign policy by Suharto. This was also after the bloody 'Konfrantasi' campaign by Sukarno, after Malaysia expanded its original boundary to include Sabah, Sarawak and Singapore to form Malaysia.⁴⁰ Prior to that, Malaysia was known as Malaya and only consisted of the nine Malay states and two strait settlement states in the peninsular of Malaya.⁴¹ Indonesia changed its stance towards Malaysia with the election of the new president and ended the 'Konfrontasi'⁴². The normalisation talks between the two states had a direct effect on the formation of ASEAN.⁴³

During these secret meetings, both men, accompanied by their top assistants, decided to put in motion a proposal to establish a regional organisation. This organisation was to cater for and promote bilateral and multilateral ties among nations in the Southeast Asia area.⁴⁴ Tun Ghazalie Shafie and Ahmad Yusoff of the Malaysian Prime Minister's department were tasked by the late Tun Abdul Razak, the then Malaysian

⁴⁰ Sukarno had his own ambition of uniting all Malay land to form what he called the 'Indonesia Raya', a vast and large area which encompasses Indonesia, Malaya and Brunei. The groundwork for such a step included eliciting cooperation from some Malay nationalist political parties in these countries.

⁴¹ Please refer to the book by MR Abdul Kahrim (1991) 'Malaysia Kita', Percetakan Nasional Malaysia, Kuala Lumpur for a brief history of Malaysia.

⁴² 'Konfrontasi', or Confrontation, was a deliberate psycho-military campaign launched by Sukarno, rejecting Malaysia's declaration of unification with the Borneo states of Sabah and Sarawak and the island of Singapore in September 1963. Sukarno had wanted to form what he called the 'Indonesia Raya' supranational, which consists of all the Malay states in Southeast Asia, spanning from Malaya, Indonesia, Singapore and Brunei. The 'Konfrontasi' campaign was also known as the 'Ganyang Malaysia' campaign (Crush Malaysia), which led to skirmishing military attacks between the two countries.

⁴³ Please refer to Dewi Fortuna Anwar in her book (1994) 'Indonesia in ASEAN: Foreign Policy and Regionalism'. Among other things, Anwar discussed how Indonesia shifted its foreign policy from aligning to communist China to more aggressively engaging its neighbours in the Southeast Asia region. This happened after the fall of Sukarno, the founding father of Indonesia. Although Indonesia was not actively involved with any Western-like alliance or pact, its departure from communist-aligned policies and cooperation was a clear sign that Indonesia no longer wished to be seen as a pro-communist nation.

⁴⁴ They first met in Jakarta and then in Kuala Lumpur to discuss the fundamental issues in establishing a regional association. Later on, the meeting started to shift into other capital cities of Southeast Asian nations. However, both sides agreed that by no means would this association try to imitate other regional organisation such as NATO or the Warsaw Pact, as military cooperation would always be a bilateral event and not a multilateral exercise.

Deputy Prime Minister, to find ways and means to end konfrontasi. The Indonesian side was represented by General Ali Moertopo and General Benny Moerdani. All initial efforts were undertaken in secrecy to avoid attracting unnecessary intervention from any superpower and to keep the details away from the general public. This suited them well and eventually came to fruition.

After months of discussions and ‘shuttle diplomacy’ from one capital city to another, five neighbouring countries decided to attempt to establish a new regional organisation, which was named the Association of Southeast Asia Nations (ASEAN). The five Foreign Ministers – namely Adam Malik of Indonesia, Narciso R. Ramos of the Philippines, Abdul Razak of Malaysia, S. Rajaratnam of Singapore, and Thanat Khoman of Thailand – are considered as the organisations Founding Fathers. Adam Malik was the one who suggested the name and the acronym ASEAN. This events entailed what transpired in a beach resort about one hundred kilometers south of Bangkok called Bang Saen, with the famous ‘Sport-shirt Diplomacy’ on the golf course.⁴⁵

From the very outset, ASEAN leaders have always claimed that the organisation is a non-military, non-security and neutral association. The emphasis was, and still, being given to economic and social cooperation rather than military and security

⁴⁵ Many of the ASEAN Ministers’ meetings took place in resorts and holiday places. This created a more conducive and relaxed environment especially during its early days of existence. This mode of diplomacy persists to this day. For a brief behind the scenes history of the ASEAN formation, please refer to Thanat Khoman, "ASEAN Conception and Evolution", in the *ASEAN Reader*, Institute of Southeast Asian Studies, Singapore, 1992. And also refer to the first chapter of ‘ASEAN at 30’, a publication of the Association of Southeast Asian Nations in commemoration of its 30th Anniversary on 8 August 1997, written by Jamil Maidan Flores and Jun Abad at <http://www.aseansec.org>.

collaboration in the traditional sense⁴⁶. Although it was widely assumed by the Indochinese countries and the Soviet bloc that ASEAN was a pro-Western organisation, in writing and in propagation, it has always claimed neutrality. Reflecting on the event about twenty-five years later, in a speech Ghazalie gave in Paris in 1992, he told the floor:

“ After these meetings, ASEAN government officials took great pains to impress on the press that the discussion centred on economic and non-political matters....this was deliberately arranged so that political and diplomatic pimples would be made o look like boils. Foreign ministers without the blare and glare of publicity were able to examine issues of political difficulties and thereby were successful in blunting the edges of conflict and to build confidence in each other.”

He further stated that:

“ ...for the organization to have a chance of success, its political function should be low-profiled. Stress should be put on its economic character to avoid burdening the organization with having to deal with political issues in the press which very often were grave diggers for good efforts.”⁴⁷

By default, ASEAN was established by five pro-Western democracies, giving rise to the suspicion that the West, especially the United States, had had a hand behind its creation.⁴⁸ Contrary to this perception, ASEAN leaders insist that the organisation was born as a result of the desires and aspirations of the five founding members. This can be identified by all the hard work and diplomatic shuffling that occurred during the meetings and round table discussions that transpired, leading towards the

⁴⁶ ASEAN is not a military-security cooperation like NATO or the defunct WARSAW pact. However, ASEAN countries do have bilateral military relationships which undergo regular military exercises and exchange of staff programmes.

⁴⁷ Text of the luncheon address at the ASEAN Paris Committee- International Institute for International Relations Seminar on ASEAN held in Paris on 20th October 1992. ASEAN: Two and a Half Decade and Then What?

⁴⁸ As ASEAN's inception was widely seen as an effort to fight communist expansionism, it is only natural that countries like Vietnam felt that ASEAN was an extension of the Western influence in the region. Vietnam went further by refusing to endorse ASEAN's Zone of Peace, Freedom and Neutrality (ZOPFAN) during the Colombo Non-aligned Movements meeting in 1976. For further discussion, please refer to Sheldon Simon's article 'China, Vietnam and ASEAN: The Politics of Polarization', Asian Survey, Vol. 19. No. 12. Recent Development in Asia. Dec 1979 pp. 1171-1188.

announcement on the 8 August 1967. A memoire depicting these events was noted in the special publication of the Association, commemorating its 30th anniversary in 1997.⁴⁹

Each founding state, except Thailand, was newly independent and in the process of nation-building. The Cold-War rivalry between the West and the Soviet bloc pushed many developing and newly independent states to unwillingly choose sides. This did not exclude newly independent states in Southeast Asia and, furthermore, with their history of being colonised by Western and European powers, it was only logical that they would turn to them for support and protection.

With events unfolding in the Indochinese countries of Vietnam, Cambodia and Laos, the governing elites of the five countries, especially Thailand, were afraid of the possible spillover effect from the wars on the mainland.⁵⁰ Thailand was afraid that the communist Vietnam would try to exert its influence in the region. The creation of ASEAN may not have been viewed as a military force to fight the Vietnamese army, but it did give some degree of deterrence, especially as the United States and the People's Republic of China (PRC) openly endorsed ASEAN⁵¹.

⁴⁹ Please refer to <http://www.aseansec.org/11809.htm> for online viewing of the commemoration publication celebrating ASEAN's 30th anniversary.

⁵⁰ Vietnam's invasion of Cambodia in December 1978 resulted from a series of conflicts between the two countries, culminating in the Vietnamese invasion and subsequent occupation of Cambodia and the removal of the Khmer Rouge regime from power. The conflict, apart from highlighting the traditional animosities between Vietnam and Cambodia, also revealed how deeply the Sino-Soviet split had broken open the communist movement of the time. The Communist Party of Vietnam had sided with the Soviet Union, whereas the Communist Party of Kampuchea remained loyal to the People's Republic of China. For further discussion, please refer to Turner, Robert F. *Why Vietnam Invaded Cambodia: Political Culture and the Causes of War* (review) *Journal of Cold War Studies* - Volume 3, Number 3, Fall 2001, pp. 117-120.

⁵¹ China's endorsement of ASEAN came as a retaliatory stand against Russia's active support for the Vietnamese forces.

Ironically, PRC's endorsement of ASEAN did not mean that it subscribed to the organisation's objectives or acted for the well-being of the region. It was, in fact, a direct retaliation against Vietnam's poor treatment of Chinese businessmen in Hanoi and the fact that Vietnam was inclined more towards the Soviet Union rather than China. Vietnam was forced to turn to the Soviet Union after China decided to cut its assistance to Vietnam, and at the same time, the Americans were in the Cold War with the Soviets. The majority of the reconstruction projects post-Vietnam War went to the Soviets and used Soviet resources.⁵² Vietnam was caught in between the rivalry of two of the most powerful communist nations, which were also permanent members of the United Nations Security Council.

2.1.2 The ASEAN Expansion Process

Over the years, ASEAN has opened its doors to other states to join them, as long as they are located geographically in the Southeast Asia region. Its ultimate goal of having all ten countries to join the organisation materialised in 1999. This achievement, symbolised by its new logo of ten rice stalks, was perceived as another milestone accomplishment in joining all regional member states into the Association.⁵³ ASEAN could now fully concentrate on enhancing economic and political cooperation, without having to spend too much time focusing on building up the organisation.

⁵² For centuries, Vietnam was under the direct rule of the Chinese, which created a 'love-hate' relationship between the two after Vietnam achieved independence. Despite centuries of Chinese colonialism, Vietnam's resilience and sense of nationalism never faded. China's decision to cut off aid in 1978 furthermore pushed Vietnam to turn to the Soviet Union for help. For further discussion, please refer to Ang Cheng Guan's 'Vietnam-China Relations Since the End of The Cold War', *Asian Survey*, Vol. 38, No. 12. (Dec., 1998), pp. 1122-1141.

⁵³ Initially, ASEAN's logo has only 5 rice stalks, symbolising the 5 original members. The new logo, which is in use has 10 rice stalks in it, was introduced in the 1990s following its commitment to include all 10 countries in the region of Southeast Asia into the organisation. For an elaborate explanation of the logo, Please visit <http://www.aseansec.org/7095.htm>.



THE ASEAN LOGO⁵⁴

Furthermore, some regional countries were also given observer status pending fully-fledged admission, as in the case of Papua New Guinea (1976) and Timor Leste's inclusion into the ASEAN Regional Forum (ARF) meetings in 2005. Even Sri Lanka campaigned for ASEAN membership, to the private distress of the Association's leadership. Sri Lanka's intentions of joining ASEAN would have been entertained were it not for its proximity and its shaky internal politics. This enthusiastic intention to join the Association is a reflection of ASEAN's own 1967 Bangkok Declaration, which opened its membership to all nation states in the region.⁵⁵

Several interested countries have expressed their intention to join ASEAN. However, seeing these countries, namely Sri Lanka, Papua New Guinea and Timor Leste admitted into ASEAN, it will involve a careful and extensive debate among member states, as these countries' locations are not in proximity and are beyond what may be classed as Southeast Asia and furthermore, they lag behind current members in economic terms..

⁵⁴ Elaborate information on the meaning of the logo/emblem and regulations and guidelines on its usage can be accessed at <http://www.aseansec.org/7095.htm>.

⁵⁵ The fourth statement in the Declaration invites all countries in the region of Southeast Asia to join the Association. Please refer to The Bangkok Declaration, Bangkok 8th August 1967. Document found on ASEAN's Official Website: <http://www.aseansec.org/1212.htm>.

2.1.3 Brunei

It did not take Brunei long to decide to become a member of ASEAN. Brunei joined ASEAN on 8 January 1984, seven days after it gained independence from the British. Britain ruled Brunei from 1888, when Brunei first became a protectorate of the British government. Realising it is a small country with limited resources, joining ASEAN meant that it had a level platform and an equal say in the political, social and economic affairs of the region. Furthermore, Brunei will, in the long run, enjoy economic cooperation and sustainable peace and order in the region.

Brunei was invited as an ASEAN ‘observer’ in June 1981, before they achieved independence.⁵⁶ Brunei’s application to join ASEAN was seen as a matter of formality and enjoyed strong support from the neighbouring Malay countries of Indonesia and Malaysia. Furthermore, Brunei’s excellent economic standing, being the highest per-capita income in the whole of Southeast Asia at that time, served them well. This is thanks to the huge oil and gas reserve that Brunei has compared to the minute land area that it possesses. Brunei was at that time exporting oil and gas to countries all over the world, namely to Japan (59%), the United States (10.4%) and even to Singapore (10.5%).⁵⁷

Brunei’s role in ASEAN has not been very significant, despite its early membership status compared to the other, newer comrades. This may be due to its own inwards-

⁵⁶ Brunei’s candidature seems to have all of the qualifications. Geographically it is part of the Malaysian-Indonesian core area in Southeast Asia. Culturally it is Malay in Islam, language and customs. Most importantly, the perception in Indonesia and Malaysia is that regional security and stability require Brunei’s incorporation into the ASEAN framework. Please refer to Donald E. Weatherbee ‘Brunei: The ASEAN Connection’ in *Asian Survey*, Vol. 23, No. 6. (Jun., 1983), pp. 723-735.

⁵⁷ *Ibid.* p. 726.

facing foreign policy, which usually concentrates more on internal politics rather than those concerning others within the region.

2.1.4 Vietnam

Despite all the animosity and bitterness between ASEAN and Vietnam during the early years of the Association's formation, Vietnam eventually joined ASEAN as the seventh member state on 28 July 1995. Vietnam was no longer seen as a foe, but as a friend. In fact, Vietnam was invited to join ASEAN as soon as the Americans withdrew from the country and again after its invasion of Cambodia. Ghazalie Shafie, an ardent believer in regional cooperation, stated:

*“...we expected that one day Vietnam would be able to join by acceding to this treaty. When the Americans withdrew from Vietnam we asked Hanoi to do so and again in 1978-79 in the aftermath of their intervention into Cambodia. It was our policy of constructive engagement”.*⁵⁸

Vietnam's dramatic departure from clinging to communist socialist bloc ideologies at the outset of the post-Cold War era, to embracing a more open international relations-based doctrine, has garnered international praise and support, and excellent economic rewards. Although its domestic political structure and fabric was still the same – still very much a socialist government – Vietnam's ability to adapt and adjust its fundamental economic strategies in line with world economic trends opened its doors to foreign direct investment (FDI). Vietnam's inclusion into ASEAN was sponsored by Malaysia, despite covert opposition by Thai leaders. Thai leaders still had

⁵⁸ Cited in Allan E. Goodman 'Vietnam and ASEAN: Who Would Have Thought it Possible?' *Asian Survey*, Vol. 36, No. 6. (Jun., 1996), pp. 592-600.

reservation about Vietnam's intentions towards Cambodia and the unenthusiastic treatment by the Vietnamese towards Thailand's business community.⁵⁹

Vietnam started to open up its economy in 1988, which saw investment coming in from countries like Japan, Singapore, France, Russia, the United Kingdom and the Netherlands. These investments mainly went to the oil and gas industry, and later on spilled over to other industries such as food, garments and electronic parts. Investment from the United States, however, only significantly fell after 1994, the year when the United States lifted its economic embargo upon Vietnam. Vietnamese-American economic ties were strengthened when, in December 2001, both parties agreed to sign a bilateral trade agreement (BTA). Vietnam was then accorded the most favoured nation (MFN) status by the United States, which saw economic activities between the two countries double thereafter.⁶⁰

Vietnam's main motivations in joining ASEAN can be seen from three perspectives. Vietnam would obviously enjoy economic benefits through regional trade and businesses, as ASEAN was thriving as a true regional economic cooperation. Secondly, Vietnam was in need of regional and international recognition and to be accepted as a significant regional entity. Joining ASEAN would greatly help Vietnam to promote administrative reform, enhance regional cooperation and increase their capability to compete internationally. Vietnam also saw how countries in the region had become 'economic tigers' and succeeded in attracting huge foreign direct

⁵⁹ Ibid p. 598.

⁶⁰ By enjoying MFN status, the effective tariff imports for goods from Vietnam to the United States were significantly lowered from 40% to just around 3%. Vietnam also agreed to become a member of the World Trade Organization (WTO) in 2005 which then saw its FDI doubled compared to former years. For more discussion, please refer to a paper by Nguyen Nhu Binh and Jonathan Houghton (2002) 'Trade Liberalisation and Foreign Direct Investment In Vietnam', ASEAN Economic Bulletin'. Beacon Hill Institute, Suffolk University, Boston or visit www.beaconhill.org.

investments. Thirdly, Vietnam would also have the platform to engage in regional dialogues and participate in regional discourses, especially pertaining disputes and claims to the Spratly islands.

2.1.5 Myanmar and Laos

Myanmar and Laos joined ASEAN as part of the Association's 30th anniversary celebrations in 1997. It would have been a threesome if not for Cambodia's internal conflicts which erupted days before the date of admission. Although these entrants into ASEAN garnered initial reservations from some ASEAN members and non-ASEAN members alike, the political will of some of the founding members, Malaysia included, have made the memberships enlargement possible.

Myanmar (previously known as Burma⁶¹) has been under international scrutiny since its internal political instability took international centre stage in 1990. The crushing of the pro-democratic movement, led by Daw Aung San Su Kyi and her National League of Democracy, after winning about 80% of the 1990 national election vote has been the cause for international condemnation. Ang San Su Kyi is the daughter of Myanmar national hero General Bo Gyoke Aung San. This has been well documented and will not be discussed in detail here. ⁶²Myanmar's recent history has experienced

⁶¹ Burma was renamed Myanmar in 1989 by the military government to give Myanmar a new identity and to break away from the stigma of being a British colony before its independence. For a historical reading of early Burma, please read G.E Harvey, (2000) *History of Burma: From the Earliest Times to March 1824 The Beginning of the English Conquest*. See also Aung-Thwin, Michael A, (1998) *Myth and History in the Historiography of Early Burma: Paradigms, Primary Sources and Prejudices*, Ohio University for International Studies and ISEAS.

⁶² General Bo Gyoke Aung San was Myanmar's national hero after he led the offensive against the Japanese occupation during the Second World War and afterwards political confrontation against the British in 1947 to gain independence. General Bo and his Anti-Fascist People's Freedom Movement (AFPFL) played a pivotal role in entrenching democratic values in modern Myanmar history despite its

many internal rebellions and a great deal of political rivalry since it gained independence in 1948.

Despite this difficult history, and much to the protest of the United States and the European Community, ASEAN leaders felt that taking Myanmar into the ASEAN circle would do well for both Myanmar and the Association. Rather than taking confrontational steps towards the governing junta in Yangon, a tactic of constructive engagement was employed to bring Myanmar into ASEAN, which would hopefully change the situation in ASEAN's and the international community's favour. Maung Than and Mya Than wrote:

*“...ASEAN states constructively engaged Myanmar in the belief that a gradual exposure to the market economy and regional efforts would be the best way to ensure regional security and the socio-economic development of Myanmar itself”.*⁶³

However, the opponents to this tactic accused ASEAN as being used by Myanmar to legitimise its administration and cover up the allegations of gross human rights violations and the suppression of democratic movements⁶⁴. The United States and its European allies preferred that Myanmar's admission be deferred until concrete steps were taken by the ruling junta to restore democracy and civil society. The Myanmar ruling State Peace and Development Council (SPDC, formerly known as State Law

leaning towards Socialism. Sadly, he and some other colleagues that formed the provisional government were assassinated in July 1947 by the opposition party.

⁶³ Maung Than and Mya Than, (2001) 'ASEAN Enlargement and Myanmar' in Mya Than and Caroline Gates, eds., (2001) 'ASEAN Enlargement: Impacts and Implications' ISEAS, Singapore.

⁶⁴ ASEAN did not mention anywhere in the declaration to admit Myanmar into ASEAN of any need for reform or change into Myanmar's internal politics. This, furthermore affirmed the American and European allegations that Myanmar was using the Association to legitimise its military rule. Please refer to 'Declaration on the Admission of the Union of Myanmar into the Association of Southeast Asian Nations', <http://www.aseansec.org/1829.htm> and the 'Second Protocol for the Accession of the Union of Myanmar to ASEAN Agreements', <http://www.aseansec.org/1833.htm> for further information.

and Order Restoration Council or SLORC) was accused of systematically delaying and avoiding honest reformation in the democratic processes. Further economic sanctions on Myanmar were put into place during President Clinton's administration including barring any new American investment in the country.

The effects of this tremendous pressure from the West prevailed when Myanmar, under the pretence of concentrating on internal political reconciliation, decided to relinquish the ASEAN chairmanship title which was due in 2006. Myanmar was supposed to take over the three chairmanships from Malaysia, but after much consideration and some persuasion from some ASEAN member states, the chairmanship was turned over to the Philippines⁶⁵.

The 'Myanmar Factor'

The 'Myanmar factor' has repeatedly been the source of tension in ASEAN inter-regional relations. At least on several occasions, especially when ASEAN deals with the European Union (EU), the 'Myanmar Factor' has been the stumbling block for progressive talks to take place. The ASEAN-EU Joint Cooperation Council (JCC) meetings have been postponed several times due to objections and demands from either side. For instance, in 1997 the EU demanded that Myanmar's presence at the meeting be downgraded to that of a 'passive presence'. This was rejected by ASEAN,

⁶⁵ There are three designated chairmanships which oversee the administration of three functional activities. They are the chairmanships of the ASEAN Ministerial Meeting (Foreign Ministers), ASEAN Standing Committee and ASEAN Heads of States and Government (ASEAN Summit). This rotation format of chairmanship began in 2003 and was based on the alphabetical order of the ASEAN member states' names.

which wanted to give a full observer status to Myanmar. As a result, the meeting was postponed and relations between the two blocs soured.⁶⁶

The EU has been ASEAN's second largest importer of goods for quite some time and its third largest trading partner after the US and Japan. Every ASEAN member state has a cooperation agreement with the EU, except for Myanmar. The EU has indicated that it cannot agree to negotiate an extension of this agreement to Myanmar as long as the situation regarding democracy and human rights in that country remains unacceptable. Myanmar may participate in EU-ASEAN co-operation actions provided they are in line with the EU Council Common Position on restrictive measures against this country.⁶⁷

ASEAN's persistence in upholding its constructive engagement strategy with Myanmar has remained a strain in ASEAN-EU relations. Despite several efforts by various bodies and agents, including the use of the 'Good Offices' of the United Nations Secretary General, an improvement in their human rights record has not come to fruition. Myanmar has remained defiant of any attempt to alter its national political landscape. Nevertheless, from time to time, the military junta does give concessions. On a couple of brief occasions, Mrs. Aung San Syu Kyi has enjoyed a relatively relaxed house arrest, which cynics believe was just a cosmetic achievement rather than meaningful political adjustment.⁶⁸

⁶⁶ ASEAN and EU signed an agreement to enhance bilateral and multilateral economic ties between the two sides. ASEAN and EU Foreign Ministers have been meeting biannually since 1978. The Cooperation Agreement between Member Countries of ASEAN and European Community was signed in Kuala Lumpur, 7 March 1980. See <http://www.aseansec.org/1501.htm> for the agreement.

⁶⁷ The EU has rejected proposals from their ASEAN counterpart to extend the agreement to Myanmar as long as the human rights and suppression of democratic activities in Myanmar remain broken. In a communiqué by the EU, the EU outlined several proposals to enhance inter-regional relations. Please refer to http://ec.europa.eu/external_relations/asia/doc/com03_sea.pdf for the communiqué.

⁶⁸ Ibid 27 p. 256-257.

2.1.6 Laos

The Lao People's Democratic Republic (Laos or Lao PDR), like Myanmar, was officially accepted as an ASEAN member during the Association's thirtieth anniversary. In the age of increased regionalisation and globalisation, the membership of Laos in ASEAN has helped the country's economy to integrate into the regional and global economy. Laos started its comprehensive economic reform programme in 1986, which shifted the nation from a command system economy to a market-oriented economy and a more open economic system. Furthermore, the Laos' participation in AFTA created valuable strategic opportunities to support the objectives of the New Economic Mechanism⁶⁹.

Laos' admission into ASEAN was less politicised than in the case of Myanmar, and did not elicit much concern except for the fact that it was, and still is, 'economic baggage' for the Association; Laos was only able to include 533 tariff lines into the Common Effective Preferential Tariff (CEPT) Inclusion List (IL) scheme when it joined the ASEAN Free Trade Agreement in January 1998. That figure was considerably less than other member countries, even smaller countries like Brunei and Singapore. To illustrate this point, Brunei included 6105 tariff lines in its IL list, Singapore 5739, Indonesia 6622, Philippines 5221, Vietnam 1718, Malaysia 8646, Myanmar 2356, and Thailand, being the highest, 9040.⁷⁰

⁶⁹ Lao embarked on an economic reformation in 1986 referred to as the "New Economic Mechanism:NEM" which basically restructured its economic fundamentals and engaged in the open market system. Laos' main economic partner in ASEAN is Thailand, which accounts for 30% of its international trade. A brief report on Laos' inclusion into ASEAN and the AFTA can be read in the AFTA Reader, Volume 6, The Sixth ASEAN Summit and the Acceleration of AFTA at www.aseansec.org/viewpdf.asp?file=/pdf/aftaVOL5.pdf

⁷⁰ Figure from CEPT Product List (1998). Please refer to www.aseansec.org/PDF/aftavol5.pdf

Laos joined AFTA only six months after its admission into ASEAN, which speaks volumes for the commitment of ASEAN members to include all countries in the region into its association as soon as possible.⁷¹ This was also as a result from the then concluded second informal ASEAN Heads of Government Summit in December 1997, which agreed that the implementation of AFTA should be accelerated, especially among the six senior ASEAN members (Malaysia, Indonesia, Thailand, Brunei, Philippines and Singapore), commonly known as the ASEAN-6.

Despite her status as a communist state, Laos, like Vietnam, realised that it was imperative to open up its economy and try to embrace capitalism. Laos is a part of the Greater Mekong Sub-region (GMS) group of countries that includes Cambodia, Vietnam, Myanmar, Thailand and the Yunnan Province of China. This sub-regional development area has, in a way, united all the parties that were in conflict during the Cold War.⁷²

Based on a Malaysian idea, the Mekong Basin Development Cooperation (MBDC) was announced at the ASEAN Summit in December 1995.⁷³ This was going to be an ASEAN-coordinated development plan, which would initially comprise the East-West Corridor (EWC) in the Mekong Basin and the region-wide Trans-Asian railways project. These projects were mainly funded by the Asian Development Bank (ADB),

⁷¹ Laos' population was about 5.2 million in 1998. Laos currently has a population of 6.5 million. Sources from CIA World Factbook 1998 and 2007 at www.cia.gov/cia/publications/factbook) states that Laos thrives mainly in agricultural economic activities.

⁷² The Mekong River was the dividing line between the communist Laos, Vietnam and Cambodia on one side and the democratic Thailand on the other, during the Cold War era. In 1993, Thailand declared a policy to change the Indochina region from a battlefield to a market place. Thailand, which was seen as the probable leader among the pact, provided some sort of leadership until the infamous 1997 Asian Economic downturn took place, which saw ASEAN taking the lead instead. With the end of the Vietnam War and the conclusion of the Vietnam-China conflict, this area has seen an increase in economic interaction.

⁷³ For further discussion, please refer to Kavi Chongkittavorn's 'The GMS Co-operation Within the ASEAN Context', in 'The 2nd ASEAN Reader' by editors Siddique and Kumar.

Overseas Economic Cooperation Fund (OECF) and the Japan International Cooperation Agency (JICA).

Laos would benefit tremendously from these projects, as it would mean a better infrastructure and greater access to economic markets within the whole Southeast Asian region. Furthermore, Laos' application to join the WTO in 2008 would surely influence positively its economy and its international trade. Laos would also comply with the AFTA CEPT standards by 2008, which put her in the same bracket as more senior ASEAN members.

2.1.7 Cambodia

Hun Sen's coup d'état against his co-premier, Prince Norodom Ranariddh, on 5th and 6th July 1997 shattered the ASEAN dream of celebrating its 30th birthday with full force and with full membership. After prolonged internal rivalry and a large number of political adversaries, Hun Sen, backed by his loyal Cambodia's People Party (CPP) and the communist army, seized the capital city of Phnom Penh. Bloody street skirmishes with supporters of Ranariddh took place, to the dismay of other ASEAN leaders. According to the United Nations report, a large number of corpses were incinerated and about sixty people executed while in Hun Sen's army custody⁷⁴.

⁷⁴ Hun Sen's coup, or some may say a pre-emptive strike against the Prince, was a result of his dissatisfaction with the newly formed National Union Front (NUF) by the Prince in order to build up support for the scheduled 1998 elections. The 1998 elections would determine only one Prime Minister would remain in power as being agreed by both sides compared to dual premier government. For a brief discussion on the 1997 coup, please refer to Sorpong Peou's article 'Cambodia in 1997: Back to Square One?' in the *Asian Survey*, Vol. 38, No. 1. Jan 1998, p 69-74.

Despite pleas from the ASEAN Standing Committee (ASC) that the two conflicting parties should resolve the problem peacefully, no favourable outcome was in sight. This prompted the Association, through its ASEAN Foreign Ministers special meeting held on 10th July in Kuala Lumpur, to postpone Cambodia's admission into ASEAN until further notice⁷⁵. However, the meeting had also decided that Laos and Myanmar's admittance into ASEAN should proceed as planned and that the Association would remain, by any means possible, committed to playing any integral part in restoring political and security stability in Cambodia.

In an attempt to dash any hope of Prince Norodom Ranariddh regaining his power, Hun Sen declared that Mr Ung Huot (Cambodia's Foreign Minister and from Ranariddh's own Funcinpec party) would be the new First Prime Minister, and placed the Prince on trial for treason. Ranariddh and a handful of his supporters took refuge in Thailand while Hun Sen was tactically spreading propaganda about Ranariddh including the much-hated Khmer Rouge into his coalition, which amounted to treason.

ASEAN, on the other hand, did not shy away from taking steps to resolve the political conflict in Cambodia. After receiving a clear signal by Hun Sen that it could become involved, ASEAN decided to create the ASEAN Troika to keep the Association engaged in the process of restoring stability in Cambodia. The Troika consisted of the Foreign Ministers of the Philippines (the Chairman of the ASC), Indonesia (taking

⁷⁵ Malaysia was the then Chair of the ASEAN Standing Committee at the time of the conflict before relinquishing the seat to the Philippines. ASEAN's original response was to urge Hun Sen to give power back to the Royal Government but then mellowed down when met with stiff resistance by the Hun Sen new government. Hun Sen then in return responded clearly that he welcomed ASEAN's participation, and sent two letters to the Association giving ASEAN a tacit mandate to start the mediation process. Hun Sen also reiterated Cambodia's wish to join ASEAN. Please refer to 'Hun Sen's Pre-Emptive Coup: Causes and Consequences' by S. Peou in *Contemporary Southeast Asia*, No. 20 1998, for a brief history on the coup.

into account her prominent role in the 1991 Paris Peace Accord) and Thailand (due to the proximity of borders and the presence of Ranariddh and his followers in exile in Bangkok)⁷⁶.

Several meetings took place in Beijing, Siem Reap and even in New York in order to iron out key obstacles that blocked a return to peace and stability in Cambodia. In every meeting, ASEAN repeatedly emphasised the importance of holding a free, fair and credible election in Cambodia in order to restore international and regional confidence in Phnom Penh's incoming government. Finally, it was agreed that elections would be held on 26 July 1998, and all ASEAN countries were invited to send electoral observers to oversee the event. A Joint International Observer Group (JIOG) was tasked to monitor the elections⁷⁷.

Despite some notable shortcomings in the elections, the Joint International Observer Group declared its support and acknowledgement of the elections and confirmed Hun Sen as the new, legitimate Prime Minister of Cambodia. The JIOG consisted of more than 500 international observers from national governments and international NGOs (Downie, 2000:50). Among the JIOG members that recognised the elections were Japan, France, The European Union and ASEAN. The fact that 90% of the registered voters turned out signifies that the voices of the Cambodian people had been heard⁷⁸.

⁷⁶ Please refer to Juanito P. Jarasa's 'The ASEAN Troika on Cambodia' in the 2nd ASEAN Reader by Siddique and Kumar, 2003, ISEAS, Singapore.

⁷⁷ The JIOG was comprised of observers from 34 international groups namely from ASEAN countries, the EU, American NGOs, prominent individuals, and representatives from Japan and France. Despite several flaws and complaints from many parties, JIOG spokesman Swedish Sven Linder, announced that the voting 'reflect[ed] in a credible way, the will of the Cambodian people'. Please refer to a report by *Richard D. Fisher, Jr. is former Director of The Asian Studies Center at The Heritage Foundation* at <http://www.heritage.org/Research/AsiaandthePacific/BG1220.cfm> criticising the outcome of the elections.

⁷⁸ Three newly formed Cambodian electoral organisations—the Neutral and Independent Committee for Free Elections in Cambodia, the Coalition for Free and Fair Elections, and the Committee for Free

The EU dispatched more than 200 observers Cambodian-wide and saw nothing grievously wrong with the elections.

Out of the 122 seats contested, Hun Sen's CPP emerged as the winner with sixty-four seats, while two opposition parties (Funcinpec and Sam Rainsy Party) came in second and third with forty-three and fifteen seats, respectively. The opposition parties claimed that the elections were rife with fraud and intimidation, and took to the streets. The opposition parties also rejected Hun Sen's offer to form a coalition government as, according to the 1993 Cambodian Constitution, Hun Sen needed to win at least a two-thirds majority to form a government. Hun Sen responded with a heavy crackdown on the opposition and raids on 'Democracy Square', where the opposition parties mobilised their supporters.

The two opposition parties did not receive much support from the outside world. ASEAN, in a clear indication of support and acknowledgment to the just concluded general elections, urged all parties to resolve the conflict peacefully⁷⁹. After much diplomatic and political reconciliation, Hun Sen decided to accept the opposition's proposal to set up a new Senate apart from the National Assembly, as a trade-off to their support to form a coalition government. Prince Norodom Ranariddh was elected as the National Assembly President and the Sam Rainsy Party was left out, remaining

and Fair Elections— fielded observers at virtually every station, as did the three main parties: CPP, FUNCINPEC and SRP.

⁷⁹ As early as 4 September 1998, ASEAN officials publicly complimented the Cambodian people for the successful conclusion of the elections and urged all parties to accept the people's verdict. Filipino Secretary of State Siazon even accused parties who might turn down Hun Sen's offer to form a coalition government as irresponsible and immoral. The ASEAN Standing Committee Chairman even made a statement saying that ASEAN was expecting Cambodia to join the Association in the near future. For an elaborate discussion on the issue, please refer to S.Peou's article titled 'The Cambodian Elections of 1998 and Beyond: Democracy in the Making'. *Contemporary Southeast Asia*, Vol 20, No. 3, December 1998.

as the main opposition party in parliament. Other opposition parties included the Buddhist Liberal Party, the National Union Party and the National Solidarity Party.

As the political and security situation in Cambodia returned to relative normality, ASEAN re-extended its invitation. On 30 April 1999, The Kingdom of Cambodia was officially accepted as the tenth member of the Association. ASEAN's enlargement process was completed, and it could now fully concentrate on its economic and social agendas. Cambodia would soon enjoy the same benefits that Laos and Myanmar received by becoming a member of ASEAN, especially in terms of economic and financial co-operation.

2.2 ASEAN Membership Benefits

When ASEAN was established, its criteria for membership were primarily based on geographical factors and proximity rather than political proclivity (Dewi, 2001:27). Although the five founding nations were Western-like democracies, the members knew that if they were to survive and remain relevant in the future, they must put aside factors that would alienate their neighbours from joining them; in this case, the communists of the Indochinese states. ASEAN has always held the view that to make the Association more credible, formidable and more competitive, it must be able to unite all ten countries in the region and engage in negotiations as one entity⁸⁰.

⁸⁰ Although ASEAN is an organisation that involves ten countries, it does not prohibit member countries from establishing bilateral economic ties and special arrangements (Free Trade Agreements-FTAs) with other parties. However, ASEAN would be better represented when negotiating with other regional trading blocks such as the European Union and the North American Trade Agreement (NAFTA).

Nevertheless, based on the background of its inception, the creation of ASEAN somewhat divided the Southeast Asia region into two distinctive blocks. In one part was the more pro-Western stance of ASEAN, and on the other was the communist countries of Indochina⁸¹. Nevertheless, ASEAN's consistent claims and adamancy on becoming a neutral organisation and being seen as one, won the hearts and minds of their communist colleagues. Malaysian sponsorship of the 1971 Zone of Peace, Freedom and Neutrality (ZOPFAN) was a clear indication that the Association was trying hard to be neutral and ready to establish a relationship with all parties⁸². The ZOPFAN agreement attempted to portray the region as apolitical, despite reservations from its own members. Thailand, Indonesia and Singapore harboured doubts as to whether it was the right decision to forgo a United States military presence in the region to balance China's so-called communist threat.

The 1976 Treaty of Amity and Cooperation (TAC) and the ASEAN Concord proved to the region that it was trying to become a neutral organisation, and guaranteed its members a policy of non-interference in the domestic affairs of member countries. This was ASEAN's strongest selling point and hopefully would entice the CLMV (Cambodia, Laos, Myanmar and Vietnam) countries to join them. By 1999, the

⁸¹ All founding members of ASEAN were in one way or another members of a Western alliance or organisation. Malaysia and Singapore had a military relationship with the United Kingdom, Australia and New Zealand under the banner of the Five Power Defence Arrangements (FPDA). The Philippines and Thailand were members of the American-led Southeast Asian Treaty Organization (SEATO). Only Indonesia was not a member of any Western pact but Suhartoe's anti-communist stance was visible enough to put Indonesia as an anti-communist nation. But the fact that Indonesia was also the founding member of the Non-Aligned Movement (NAM) neutralises this perception.

⁸² ZOPFAN was signed on 27 November 1971 in Kuala Lumpur. Its aim was to create a safe and peaceful region in Southeast Asia and avoid becoming the ponds of Cold-War rivalry. As the majority of the ASEAN member states were newly independent, they needed all the help that they could and from all the sources available. Malaysia, for example, despite keeping its good relationship with the British, established diplomatic ties with communist China as early as 1974. In fact that Malaysia was the first Southeast Asia nation to normalise a relationship with China on the 31 May 1974. And this set the pace for the relationship of other Southeast Asian countries with China. For readings on ZOPFAN, please refer to H. Hanggi's 'ASEAN and The ZOPFAN Concept', ISEAS, Singapore, 1991 (Pacific Strategic Paper).

ASEAN membership expansionism programme was completed and all ten nations became one. ASEAN must now offer substantial benefits to member countries if it is to remain a relevant and worthy organisation to join.

2.2.1 Political and Security Benefits

One of the most important objectives of the establishment of ASEAN was to bring about regional reconciliation between Indonesia and its neighbours, especially Malaysia (Haacke, 2006:130). The establishment of ASEAN did not erode its members' sovereignty over their own countries, as in the case of the European Union, but instead reinforced it with the guarantee of the other member states. Malaysia, Indonesia, Thailand and the Philippines became more stable individually, which meant that they could concentrate on nation-building and fighting internal insurgency without worrying about interference from neighbouring countries.

It is, in a way, to ASEAN's credit that since its inception forty years ago, no intra-regional war has occurred. Moreover, if there have been any kinds of fallouts or tensions, these have been resolved diplomatically and amicably. Bilateral disputes between members will not be placed on the ASEAN agenda – some cases, for example, the Sipadan-Ligitan Island case between Malaysia and Indonesia⁸³ and the

⁸³ Malaysia and Indonesia brought their disagreement to The Hague in 1998 and in December 2002, the Court awarded the island with Ligitan Island to Malaysia. The judgment was reached on the basis of 'effective occupation' by Malaysia's predecessor (the United Kingdom) against Indonesia's argument of claims on the Northern Borneo which was rejected as void. Please refer to Fabio Spadi (2003) "Pulau Ligitan and Pulau Sipadan: New Parameters for the Concept of Dependency in the Maritime Environment? The ICJ judgment of 17 December 2002", *The International Journal of Marine and Coastal Law* 18: 295-310 for further readings. For brief information on the trial and judgments, please refer to ICJ Press release no 2002/39bis dated 20 December 2003.

Batu Putih Island claims between Malaysia and Singapore⁸⁴, have been settled at the International Court of Justice, the Hague. This is the extent to which ASEAN members will go to preserve regional order and stability.

For the first two decades of ASEAN existence, cooperation in the Association mainly focused on political and security issues instead of economic and social activities. This was due to the internal situation of member countries and individual nation-building processes. Singapore emerged as the first country to excel in trade and services, attributed to its successful entreport⁸⁵ business. Singapore relies on an extended concept of entreport trade, by purchasing raw goods and refining them for re-export to sectors such as the water fabrication industry and oil refining⁸⁶. Singapore also has a strategic port, which makes it more competitive than many of its neighbours in carrying out such entreport activities⁸⁷.

⁸⁴ On 24 July 2003, Malaysia and Singapore jointly seized the International Court of Justice (ICJ) in a dispute concerning sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge. On 23 November 2007, the Court ended its proceedings and started its deliberation stage. It was anticipated that judgement would be made by the end of 2008. For more information into the case, please refer to www.icj-cij.org under pending cases.

⁸⁵ An *entrepôt* (from the French "warehouse") is a trading post where merchandise can be imported and exported without paying import duties, often at a profit. This profit is possible because of trade conditions, for example, the reluctance of ships to travel the entire length of a long trading route, and selling to the *entrepôt* instead. The *entrepôt* then sells at a higher price to ships travelling the other segment of the route.

⁸⁶ Singapore imports raw water from Johor, Malaysia for 3 sen for every 1000 gallons. In return, she sells the processed water back to Malaysia for 50 sen per a thousand gallons and this has been one of the sources of conflict between the two nations. This transaction followed an agreement signed by both parties in 1961 and 1962 which will end by the year 2061. For a comprehensive reading for Singapore economy, please read L Low (1998) 'The Political Economy of a City State: Government-made Singapore' Oxford Press, London, and G. Peebles & P. Wilson, (1996), 'The Singapore Economy', Edward Elgar, Cheltenham.

⁸⁷ Singapore has one of the busiest ports in the world, surpassing even Hong Kong. Singapore's strategic locations on major sea lanes and industrious population have given the country an economic importance in Southeast Asia, disproportionate to its small size. Currently the world's busiest port in terms of total shipping tonnage, it also handles a quarter of the world's shipping containers as the world's busiest container port, half of the world's annual supply of crude oil, and is the world's busiest transshipment port.

Politics and security have always unconsciously been the core business of ASEAN, even since its inception. Severino (2004) argued that although five out of the seven ‘aims and purposes’ of establishing ASEAN were economic and trade, socio-welfare, administrative, communications and transportation purposes, security was the main objective. This, however, was purposely muted to avoid the notions that ASEAN was going to be a military force or a pact alliance, because such a perception would be detrimental to the future of the Association and invite unnecessary rivalry from other military alliances such as NATO or the Warsaw Pact.

The then Malaysian Prime Minister, Mahathir Mohamad, declared in an ASEAN economic conference in 1987:

“You will agree with me that in its first 20 years, the main thrust of Asean has been political. This is as it should be and we have no need for regrets. We should remember that it was political problems between us as neighbours that first brought us together”⁸⁸.

In terms of regional security cooperation, several platforms and dialogues take place regularly and annually. Among these are the ASEAN Chief of Arms Forces Meeting, ASEAN Chief of Police Meeting and ASEAN Chief of Intelligence Meeting. The ASEAN Regional Forum (ARF) is another notable mode of cooperation in respect of peace and security in the region.

⁸⁸ *Keynote address in eds. Noordin Sopiee, Chew Lay See and Lim Siang Jin (1987) ‘ASEAN at the Crossroads’*, Institute of Strategic and International Studies (ISIS) Malaysia, Kuala Lumpur.

2.2.2 The ASEAN Regional Forum

During the early 1990s, some ASEAN members expressed the need for the organisation to expand its role in maintaining the peace and security of the region. The escalation of conflict regarding the Spratly Island claims somewhat sparked debates among the international community on how ASEAN could play an important role in defusing regional tension between its members and its extra-regional relations⁸⁹. ASEAN needs to include all relevant parties into discussions on how to maintain peace and security in the region. Without peace, ASEAN's economies cannot prosper, which could influence the development process of member states.

At the twenty-sixth ASEAN Ministerial Meeting and Post Ministerial Conference, held in Singapore on 23-25 July 1993, the Association agreed to establish the ASEAN Regional Forum (ARF), a platform to include all interested parties in the discussion of peace and security issues in the region. The inaugural meeting of the ARF was held in Bangkok on 25 July 1994. The ARF's original concept paper emphasised on three strong stages and objectives:

Stage I: Promotion of Confidence-Building Measures

Stage II: Development of Preventive Diplomacy Mechanisms

Stage III: Development of Conflict-Resolution Mechanisms

⁸⁹ Sino-Filipino conflict over the Spratlys, especially the Mischief Reef dates back to February 1995, when China built and manned three octagonal structures perched on stilts atop the atoll. Following a three-year hiatus, China resumed construction at Mischief Reef in late October 1998. At least four military supply ships and some 100 workers were involved in the construction operation to lay concrete foundations there (Tiglao & Sherry, 1998). Malaysia is the most recent claimant to occupy parts of the Spratlys militarily. In late 1977, Malay troops landed on Swallow Reef. Since then, about seventy soldiers have been stationed on three of the twelve islets claimed by Malaysia.

The participants in the ARF have changed from time to time but currently are as follows: Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, The European Union, India, Indonesia, Japan, Democratic Peoples' Republic of Korea, Republic of Korea, Laos, Malaysia, Myanmar, Mongolia, New Zealand, Pakistan, Papua New Guinea, Philippines, Russian Federation, Singapore, Thailand, the newly independent Timor Leste, the United States of America and Vietnam.

The 'geographical footprint' of the ARF is any country in Northeast and Southeast Asia, as well as Oceania. The chairman of the ARF is also the chairman of the ASEAN Standing Committee. The ARF's activities are mainly divided into two categories, which are:

Track 1- Official and inter-governmental activities such as formal meetings and conferences.

Track 2- Non-governmental and non-official activities such as seminars, workshops and talks.

Although critics of the ARF label it a mere 'talking shop', the cooperation between the members has successfully nurtured dialogue and mutual confidence among its participants (Fukushima, 2003:278). The ARF has been deliberating serious regional issues such as the Indian-Pakistan nuclear race, the Korean Peninsular conflicts and the Jakarta bombings. Furthermore, the cooperation also creates discussion on non-

traditional issues such as terrorism, drug trafficking, cyber crimes, money laundering, trafficking in persons and infectious diseases⁹⁰.

2.2.3 Economy and Trade

Despite declaring that ASEAN's remit was to deal primarily with economic cooperation and advancement in the region, it took more than seven years after its inception for ASEAN countries to meet formally for the first time. The first ASEAN Economic Ministerial Meeting (AEM) was held on the 26 November 1975 in Jakarta. Indonesia, as the host country, took this opportunity to introduce its 'National Resilience' concept as a prerequisite to having stronger regional cooperation. Indonesia argued that a strong and competitive nation would contribute to stronger and more resilient regional cooperation.

Suharto, in his opening address, enjoined the ASEAN member countries to adopt pragmatic approaches to ASEAN economic cooperation, which would take into account the differences in the stages of development of the member countries. He also stated that the aim of economic cooperation should facilitate the development efforts in enhancing national as well as regional resilience⁹¹. He further emphasised that ASEAN must be capable of making not only the region economically viable, but also responsible for concretely contributing to solution for world economic problems. He stated that the economic resilience of each member country should be strengthened in view of the world food crisis at that time.

⁹⁰ The Eleventh ASEAN Regional Report, Jakarta, 2 July 2004 at <http://www.aseanregionalforum.org/Default>. Accessed on 27 September 2007.

⁹¹ First AEM Press Statement at <http://www.aseansec.org/6104.htm>. Accessed on 20 September 2007.

In the coming years, Preferential Trading Arrangements, or PTAs, were agreed and adopted, which covered a variety of products, the most sensitive of which were agricultural base commodities. As all member states were primarily agro-based countries, except for Singapore and Brunei, member states tended to be more defensive in surrendering tariff lines, which meant less monetary gain to the national economy from the tax levies.

As the world economy moved towards regional economic blocs – among which were the European Community and the North American Free Trade Agreement (NAFTA) – ASEAN countries felt that the same initiative should be undertaken by member states in order to safeguard the region's economic interests. During the 1991 AEM meeting in Kuala Lumpur, Mahathir announced his proposal to establish the East Asia Economic Group (EAEG) as a regional economic platform. Nevertheless, the Malaysian Prime Minister made it clear that the EAEG should not be a trade bloc and should instead stand for free trade⁹².

The meeting also received a more desirable proposal from Thailand that would see ASEAN transformed into a more formidable economic force in the coming years. Thailand proposed the creation of the ASEAN Free Trade Area (AFTA) to address the rising problem of inter-bloc trading. Ministers held extensive discussions on the

⁹² The EAEG proposal met with fierce objection, primarily from the United States, as it was not involved due to its geographical location. The East Asian Economic Group (EAEG) proposal, later repackaged as the East Asian Economic Caucus (EAEC) within APEC, stemmed from a Malaysian proposal of the early 1990s for a group consisting of Asian countries (notably excluding APEC members such as Australia, New Zealand and the United States). The original Malaysian "non-paper" for the proposal included as its rationales cooperation in advancing the Uruguay Round negotiations, the need for a cohesive voice in trade matters, the usefulness of a counterweight to growing trade groupings outside Asia, the need to meet political-economic challenges in Europe and the Americas threatening to divert investment from the ASEAN region, and the desire to ease "pressures by OECD , countries on ASEAN to move towards premature membership in that organisation".

new initiatives proposed by ASEAN member countries, namely the Common Effective Preferential Tariffs (CEPT) Arrangement, the “Growth Triangle” concept, the establishment of an ASEAN Free Trade Area (AFTA), the ASEAN treaty of economic cooperation, and the ongoing efforts to improve the ASEAN Preferential Trading Arrangements (PTA) scheme.

During the 1992 twenty-fourth AEM meeting in Manila, ASEAN countries officially adopted the new AFTA and set 1 January 1993 as the date of implementation. The meeting approved the Terms of Reference (TOR) of the AFTA Council for CEPT, which had the primary responsibility for supervising, implementing and monitoring the implementation of the Agreement⁹³. AFTA would be the main vehicle used to accelerate intra-regional economic cooperation and become the future platform for any inter-regional negotiations. Mahathir asserted the how imperative it was for ASEAN countries to stick together in his speech at the 2001 ASCOPE conference. He said:

“So how do we survive in the new economy? We survive by staying together, by defending our market and by extracting the best terms from our dealings with the developed countries. Alone we will fall, but together we will have a chance”⁹⁴.

Overall, the economic benefits in joining ASEAN are continuously placed at the forefront of its members’ agendas, but without forgetting their political and security commitments. In order for ASEAN to be buoyant and optimistic in its economic

⁹³ The Meeting discussed the implementing details of the Agreement, including the rules of origin, principles and lists of products for accelerated tariff reduction, operational procedures, and products and programmes for inclusion, and directed the AFTA Council to finalise the remaining details. There were fifteen product sectors identified by the Heads of Government at the Singapore Summit for accelerated tariff reduction. On the programme of accelerated tariff reduction, the Meeting agreed on a time-frame of reduction of 10 years for products with tariffs above 20 per cent, 7 years for products with tariffs below 20 per cent and 7 years for products with tariffs of 20 per cent and below.

⁹⁴ A speech delivered at the 7th ASCOPE Conference and Exhibition in Kuala Lumpur, Malaysia on 7 November 2001.

cooperation, the stability and security of its member states must be sustained. Without national and regional stability, there will not be viability and, therefore, economic advancement cannot be achieved. ASEAN also established several regional acts of cooperation in cultural and community affairs, although early emphasis was given to economic and political collaborations.

2.2.4 Culture and the Community

Although cultural, welfare and community cooperation have long been established in the ASEAN framework, they have always been overshadowed by political and economic collaboration. ASEAN has established a very elaborate and multitude cooperation in the field of:

- ASEAN University Network
- Culture and Information
- Disaster management
- Drugs and Narcotic Control
- Education
- Health and Nutrition
- HIV/AIDS and SARS
- Labour
- Rural Development and Poverty Eradication
- Science and Technology
- Women, Youth and Children.

In addition to the above, haze pollution has been one of the most highly attended issues, as it has a direct impact on economic and trade activities in the region. Major

episodes of fire and trans-boundary haze pollution occurred in the region during the 1980s and 1990s. The blaze of 1997-1998, which was also known as the El-Nino Southern Oscillation Phenomenon (ENSO), affected Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand, was among one of the most damaging in recorded history(Dudley, 1997:8). More than 9 million hectares of land were burnt, 6.5 million of which was forested area. It was estimated that over 20 million people in the region were affected by these fires (Byron & Shepard, 1998:2).

The damage was estimated at more than USD 20.1 billion in terms of economic, social and environmental losses, including the release of an estimated 1-2 billion tonnes of carbon (Varma, 2003: 161). More recently, trans-boundary haze pollution has also become a serious problem in Cambodia, Lao PDR, Myanmar and Thailand. In northern Thailand, land and forest fires caused the air quality to deteriorate to unhealthy levels during the dry season of 2006 and 2007⁹⁵.

The question of immigration and cross border facilitation was addressed at an early stage. The 5th ASEAN Summit in 1995 in Bangkok identified immigration as an area where cooperation could be further strengthened to support ASEAN economic cooperation. The ASEAN heads of government and state initiated the convening of a consultative meeting of the ASEAN Heads of Immigration for the first time, in order

⁹⁵ ASEAN treated the haze problem seriously as smog from fire from one country would easily travel to another due to proximity and wind conditions. ASEAN established the ASEAN Hazeonline webpage to inform ASEAN nationals of any occurring haze problem. Please visit <http://www.haze-online.or.id/> for complete information on the problem. An elaborate report by WWF written by Vayda, Andrew P. (1999) *Finding Causes of the 1997-98 Indonesia Forest Fires : Problems and Possibilities*, WWF Indonesia.

to focus on the simplification of immigration procedures to further strengthen economic cooperation.

The ASEAN Vision 2020, adopted by the ASEAN heads of government and states at their 2nd ASEAN Informal Summit in Malaysia in 1997, set out a broad vision for ASEAN to the year 2020 as a community of Southeast Asian Nations – it must be outward looking, live in peace, be stable and prosperous, bond together in partnership in dynamic development, and form a community of caring societies⁹⁶.

In July 2006, ASEAN governments agreed to extend visa exemption to all ASEAN citizens who bore their respective national passport. Under the agreement, visas would be issued for up to fourteen days only for visiting purposes. This visa exemption for intra-ASEAN travel by ASEAN nationals would hopefully encourage citizen-to-citizen relationships and eventually contribute to intra-ASEAN tourism.

Every one of these efforts is a signal that ASEAN is putting great emphasis on all fields of collaboration and not only on politics, security and the economy. Nonetheless, all these activities depend on the continuous good political climate among member states.

2.3 Conclusion

The history of ASEAN shows that member states of this association decided to join the organisation for several reasons, some shared by others and some in the interests of individual countries. The threat of Vietnam has been identified as among the chief

⁹⁶ <http://www.aseansec.org/16572.htm>. Accessed on 14 May 2007.

reasons why five Southeast Asian countries banded together in 1967. From the very onset of its formation, the original members of ASEAN carefully planned the future membership of the other five nations, which at last became a reality in 1999 with the induction of Cambodia as the tenth and final member of the Association.

There were also other benefits that came with membership – political and security surety, economic and trade cooperation and cultural diversification – all of which could only be enjoyed if the region avoided any unwanted conflicts. The strict adherence to the non-interference principle in the internal affairs of member states gave the breathing space that was badly needed in order to have an environment conducive to nation-building and economic development.

History shows that since the inception of ASEAN in 1967, neither war nor military conflict has broken out between member states. This by itself is a very fulfilling achievement compared to other regions, such as the Middle East and the African continent, which have been intermittently warring since the end of World War Two.

Chapter Three will discuss the main topic of this thesis, which is the evolution of the non-interference principle in ASEAN, and why this code of conduct is fiercely defended and embraced by its members.

UNIVERSITY OF HULL

**The Effects of the ASEAN Non-interference Principle in Managing
Conflict: The Malaysian Experience (1981-2003)**

Chapter Three

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CHAPTER 3

THE EVOLUTION OF THE NON-INTERFERENCE PRINCIPLE AND REGIONAL CHALLENGES

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CHAPTER 3

THE EVOLUTION OF THE NON-INTERFERENCE PRINCIPLE AND REGIONAL CHALLENGES

Introduction

In the last chapter, the history of ASEAN and the background against which the organisation was created was discussed in detail. ASEAN was established amidst tensions between neighbouring countries in Southeast Asia, and Malaysia played a very significant role in being one of the prime and original advocates for new regional cooperation during that time. Furthermore, the move to create ASEAN should not compromise the national sovereignty of member countries, as happened during the formation of the European Union, which, ironically, strengthened it. ASEAN does not have a centralised body such as the European Court of Human Rights, which possesses paramount judicial power above national courts in the EU.

ASEAN's introduction and its persistent adherence to the principle of non-interference in member states' internal affairs ensured that national developments in member countries could be undertaken forcefully, without the accusation of intimidation and interference. Member countries were therefore assured that the process of nation building could be undertaken without the fear of any external threat, influence or unnecessary intra-regional rivalry. Malaysia, for example, could then concentrate on building its own economy with the ending of the "Konfrontasi" episode with Indonesia⁹⁷. At the other end of the frontier, the Philippines

⁹⁷ For a discussion on the benefits of ASEAN to its members, refer to Kurus, Bilson, (1993), 'Understanding of ASEAN: Benefits and Raison d'Etre', Asian Survey, Vol. 33, No. 8 (Aug 1993), pp. 819-831.

government's decision to tone down its sovereignty claim to Sabah (North Borneo) contributed considerably to the creation of ASEAN (Kurus, 1993:826). Even after ASEAN's formation, bilateral conflict among members was never discussed during ASEAN meetings, as all members agreed that it would drag ASEAN into bilateral conflicts with its member states.

Member states would also have the opportunity to curtail any internal subversive movements that would derail national development processes and progression. All these significant periods of time were made possible due to the nature of intra-regional cooperation and the importance of adopting the non-interference principle in ASEAN regional collaboration. In this chapter, the history and evolution of the non-interference principle (NIP) will be discussed, along with the events that challenged this principle. The discussion will begin with the Treaty of Amity and Cooperation (TAC), its contents and impact on region-wide international relations.

3.0 The Evolution of the ASEAN Non-interference Principle (NiP)

The non-interference principle into another country's internal affairs, neither by any extra-regional power nor by any regional member states, has always been pervasive in ASEAN documents. As newly independent states, ASEAN member countries try to build up national economies and resilience; they want a free hand in making national policies and administering their respective governments without having to avoid any unnecessary difficulties. Funston (2000) argued that this behaviour was nothing peculiar, but merely an adaptation of the European Westphalia system. Moreover, countries that have been deprived of self-government would naturally cherish their sovereignty after gaining their own independency.

“It is hardly surprising that those most recently deprived of sovereignty should be amongst the strongest supporters of the principle” (Funston, 2000:1).

Ramcharan (2000) gave a viable explanation as to why such an attachment was understandable. He argued that the history of colonial intrusion, followed by great powers’ military interventions during the Cold War and the emergence of post-colonial nation states embroiled in inter-state disputes and internal subversions, was a supporting reason for such an attachment. The region needed to be liberated from any external threats and intra-regional conflict if these nations were to succeed, which was also important for member nations in searching for their own new identities.

K.J. Holsti, in his book ‘International Politics: A framework for Analysis’, proffered that three basic rules were required in order to achieve acceptable and recognisable values in international politics and in the relations between modern nation states: non-intervention (another term for non-interference), sovereignty and the legal equality of states. If these three rules were not observed, “the structure of the system and the nature of inter-state relations would change radically” (Holsti, 2000:80-81).

This may explain why ASEAN member states expressed their intention to be left alone from the very beginning of the Association’s inception. In the 1967 ASEAN Declaration, they explicitly included a provision stating that the region should be free from any outside influence in the near future. A provision in the treaty states:

“AFFIRMING that all foreign bases are temporary and remain only with the expressed concurrence of the countries concerned and are not intended to be used directly or indirectly to subvert the national independence and freedom of States in the area or prejudice the orderly processes of their national development”⁹⁸.

The temporary reliance on United States and British military might was understandable. Thailand and the Philippines were hosting American ships and soldiers, but these military presences were just temporary and at the behest of the host nations⁹⁹. The closure of Clark Air Base and the Subic Bay Naval Base in the Philippines in 1991 was seen by ASEAN members as a significant step towards self-reliance for the Philippines, although ASEAN felt that the military facilities could provide security and stability for the region¹⁰⁰. Reports and claims of alleged incidences of sexual violence and exploitation that occurred in US military facilities and the neighbouring towns furthermore complicated any attempt to extend the Filipino hospitality¹⁰¹. Nonetheless, these closures were hailed by ASEAN members and attributed to its non-interference policy in Southeast Asia.

⁹⁸ The ASEAN Declaration, Bangkok 8 August 1967 at <http://www.aseansec.org/3628.htm>

⁹⁹ The Clark Air base in Luzon was the biggest American military base outside of the US. The other American military facility in the Philippines was in Subic Bay which was the support base for the US Seventh Fleet. The Clark facility was started in 1903 and was overrun by the Japanese in December 1941 during the Second World War, but recaptured in January 1945. After failing to reach a desirable agreement, the US and the Philippines government decided to end the lease in 1991. The Philippine Senate rejected an extension of the Military Bases Agreement, and it expired on September 16. The U.S. Air Force formally transferred Clark in its entirety to the Philippines on November 26, ending its century-long presence in the region. For a timeline history of the base, please visit <http://www.clarkab.org/history/index.htm>

¹⁰⁰ Refer to Storey, Ian James, (1999), ‘Creeping Assertiveness: China, The Philippines and The South China Sea Disputes’, Contemporary Southeast Asia, Vol. 21, No. 1, pp.95.

¹⁰¹ The United States had 24 military bases in the Philippines when it closed in 1991-1992. These bases allegedly created a host of social, political, security and environment problems to the Filipinos living in the proximity, despite giving them valuable security and financial opportunities. It was reported that as many as 60,000 women and children worked at bars, parlors and entertainment attractions at Angeles and Olangapo Cities, which resulted in thousands (approximately 30,000) of Amerasian (a term given to children of American and Asian descendant) births and severe environmental problems from the dumping of toxic wastes in the vicinities. The United States and the Philippines signed a 1951 Mutual Defence Treaty, which was the basis for this military cooperation. After the rapid closure of all US bases in the Philippines, both governments signed a Visiting Forces Agreement (VFA) as a back way to legitimate future cooperation, but this time it is only for personnel visit during R&R or any joint

ASEAN members' relationships with the US and British military forces can be summarised as a 'love-hate' relationship, a term coined by the Philippines former Defence Chief, Mercado¹⁰². They 'loved' the Western military presence because it ensured the security and stability of the region. Nevertheless, the growing nationalist and Roman Catholic Church movements insisted that the Filipino government end the hospitality. Furthermore, their presence brought financial advantages to the Philippines from all the servicemen stationed in the country to and servicing the ships¹⁰³. Malaysia and Singapore, on the other hand, had a defence pact with the UK, Australia and New Zealand through the Five Power Defence Arrangements (FPDA)¹⁰⁴.

The general belief among critics at that time was that a power vacuum in the region would automatically coronate China – and to some extent India – as the new superpowers in the region¹⁰⁵. The departure of U.S. forces created a power vacuum in the strategically important South China Sea, which Beijing was quick to exploit¹⁰⁶. China's creeping expansionism in the Spratly Islands demonstrated how vulnerable this region was the moment Western forces decided to withdraw and return home. It is believed that an estimated \$3 trillion worth of oil, gas, and minerals is embedded

military exercises. For further readings, please refer to 'Deploying Insecurity'. by Cornwell, Rachel; Wells, Andrew. *Peace Review*, Sep99, Vol. 11 Issue 3, p409, 6p; and <http://www.dfa.gov.ph/vfa/frame/frmvfa.htm>.

¹⁰² Satchell, Michael (2000) 'Back to the Philippines', U.S. News & World Report, 00415537, 01/24/2000, Vol. 128, Issue 3

¹⁰³ American military bases in the Philippines bring in about \$1 billion a year in "rent" (military and economic aid), salaries (for 79,000 Filipino base workers) and public and private spending. It was estimated that the value of the facilities left behind by the US was around \$8 billion. Please refer to *Economist*, 00130613, 5/8/93, Vol. 327, Issue 7810.

¹⁰⁴ The FPDA was set up following the termination of the United Kingdom's defence guarantees of Malaysia and Singapore as a result of Britain's decision in 1967 to withdraw its armed forces east of Suez. For further reading refer to Leifer, Michael. (1995) *Dictionary of the Modern Politics of South-East Asia*. London: Routledge and Chin Kin Wah. (1974) *The Five Power Defence Arrangements and AMDA*. Singapore: Institute of Southeast Asian Studies, Occasional Paper No. 23.

¹⁰⁵ *Economist*, 00130613, 11/17/90, Vol. 317, Issue 7681

¹⁰⁶ Beijing established an outpost that includes a three-story, barracks-type building, several octagonal structures with satellite communication equipment, apparent weapons platforms, an airstrip, and a helicopter landing pad at the Mischief Shoal/ Reef in 1992.

beneath the waters surrounding the islands. The Chinese estimated that there were around 17.1 billion barrels of oil in the seas – more even than the Kuwaiti reserves (Joyner, 1999).

In addition, the concepts of non-interference, Zone of Peace, Freedom and Neutrality (ZOPFAN) and the Southeast Asia Nuclear Weapon Free Zone (SEANWFZ) clearly indicate that such foreign military presence is a hindrance to ASEAN's own hope of creating a peaceful, free and neutral region¹⁰⁷. Singapore and Brunei have opened their ports to Western naval fleets since the Philippines took over U.S. military bases. The only excuse that such a courtesy has been extended is that these visits are just harbour calls and the American warships are not being permanently stationed in the regions' ports.

ASEAN's doctrine of non-interference is congruent with many other international or regional organisations. The Charter of the African Union and its successor the Constructive Act of The African Union (AU), signed in July 2000, included a non-interference policy in their charters. The South Asian Association for Regional Cooperation (SAARC) and the Organization of the American States (OAS), as well as the United Nations Charter, also preserve national sovereignty and uphold the non-interference principle. Therefore, ASEAN does not depart from the generally accepted norms of international relations (Severino, 2000:87).

¹⁰⁷The Southeast Asian Nuclear Weapon Free Zone (SEANWFZ) was signed in December 1995 by ASEAN members and is a by-product of ZOPFAN. This treaty basically prohibits member countries from procuring, harbouring, developing and dumping any nuclear weaponry in the region. For further information, please visit <http://www.aseansec.org/3636.htm>.

However, the main dissimilarity between the ASEAN version and the others' – especially the UN, AU and OAS's – is the absence of any kind of set of sanctions should the occasion arise. The UN, through the Security Council, has the power to sanction an economic and political embargo on states that break certain standards of governance, for example basic human rights or genocide. The AU's Constitutive Act specifically states that it will preserve certain basic principles such as respect for democratic principles, human rights, the rule of law, good governance, and even the unconstitutional changes of governments¹⁰⁸.

Such steps, whether imposing economic or political sanctions, will not be undertaken by ASEAN because imposing sanctions would be tantamount to interfering in members' internal affairs¹⁰⁹. ASEAN also lacks the sort of legitimate power held by the likes of the OAS, which aligns itself with the Inter-American Commission of Human Rights, the Inter-American Democratic Charter and the Inter-American Court of Human Rights. The OAS has intervened in the affairs of Haiti, Peru and Venezuela during elections and referendums by sending OAS observer teams and making official statements and recommendations, but with the consent of the nations involved (Severino, 2000:89).

¹⁰⁸ A case in hand was the appointment of President Eyadima's son (of Togo) by the military force to succeed him after his sudden death, which was done undemocratically. The AU came out publicly not accepting the appointment and urged that an election be carried out to choose the new president. Eventually, Faure Gnassingbe' did win in an election in 2005 with the help of the AU, two months after his father's death. For brief information on the conflict, please refer to Polgreen, Lydia 'Seizing of Power By Togo Military Is Condemned'.. New York Times, 2/7/2005, Vol. 154 Issue 53118, pA12-A12, 1/9p;

¹⁰⁹ Ruukun Katanyu, (2006), 'Beyond Non-interference in ASEAN: The Association's Role in Myanmar's National Reconciliation and Democratisation', Asian Survey, Vol.XLVI, No. 6.

ASEAN reasserts further the NiP in several political documents and declarations such as the Declaration of Zone of Peace, Freedom and Neutrality (ZOPFAN) and the ASEAN Intergovernmental Commission on human Rights (AICHR).

3.1 Declaration of Zone of Peace, Freedom and Neutrality (ZOPFAN) 1971

Four years after ASEAN's inception, the association successfully came up with a more determined effort to uphold regional integrity and reaffirm its non-interference policy. The Declaration of Zone of Peace, Freedom and Neutrality (ZOPFAN) was signed in November 1971 in Kuala Lumpur. This declaration was mooted by the then Malaysian Prime Minister Abdul Razak at the non-aligned Conference in Lusaka in September 1970¹¹⁰. The ZOPFAN declaration was a clear indication of the region's aspiration and desire to become a safe, peaceful and prosperous group of nations, free from any external influence or threat¹¹¹.

This declaration was an important and necessary success for ASEAN in the wake of the communist victory in Indochina, which was a major concern for member states, as they were all primarily democracies. Furthermore, Malaysia as the sponsoring party, felt strongly that the region would be safer without the involvement and interference from the Great Powers, and insisted that the non-interference element be included in

¹¹⁰ Nischalke, T. (2002), 'Insights From ASEAN Foreign Policy Co-operation: The ASEAN Way: A Real Spirit or A Phantom', *Contemporary Southeast Asia*, Volume 22, Number 1, April 2000.

¹¹¹ The ZOPFAN concept was first formally presented to ASEAN during the fourth ASEAN Ministerial Meeting in March 1971 after Malaysia promoted it in several places and times during the late 1960s. Malaysia saw that Nixon's policy of disengagement in Asia in 1970 would leave a power vacuum and invited China, which was supporting Communist Malaya Part (CMP) undergoing a subversive arms struggle in Malaya, to fill the gap. China was also behind Sukarno's Konfrontasi which ended when Suharto took power later on. For extended reading, refer Hanggi, Heiner, (1991) 'ASEAN and the ZOPFAN Concept' ISEAS, Singapore and Palmer, Ronald, (1987) 'Building ASEAN: 20 Years of Southeast Asian Cooperation'. Praeger, New York.

the 1971 declaration (Severino, 2002:167). The ZOPFAN declaration explicitly stated that:

*“RECOGNISING the right of every state, large or small, to lead its national existence free from outside interference in its internal affairs as this interference will adversely affect its freedom, independence and integrity”*¹¹².

Despite its successful launch, other ASEAN member states had certain reservations. Indonesia, for example, felt that Malaysia’s ZOPFAN was introduced without any detailed consultation with them; therefore, Indonesia was not the main actor behind its creation. Furthermore, ZOPFAN would alleviate the People’s Republic of China’s (PRC) profile as the perceived rising threat to the Southeast Asia region as PRC was the main superpower in the region. Suharto’s New Order regime wanted regional governments to handle regional affairs, vis-à-vis its national resilience concept¹¹³. He also wanted to avoid China’s influences, as Sukarno (the previous president) had been heavily influenced by the communist regime and distanced Indonesia from the West. Under Suharto’s New Order policy, Indonesia became Western-friendly, emulating its neighbouring countries¹¹⁴.

¹¹² The Declaration of Zone of Peace, Freedom and Neutrality, Kuala Lumpur , Malaysia, 27 November 1971 at <http://www.aseansec.org/3629.htm>.

¹¹³ Haacke, Jurgen, (2005), ‘ASEAN’s Diplomatic and Security Culture: Origin, Development and Prospect’, Routledge, London.

¹¹⁴ It was commonly perceived that Sukarno was anti-Western and derived his political power from the defunct Indonesia Communist Party. His rhetoric of anti-Westernism served him well. Sukarno became a leader of a pro-independence party, *Partai Nasional Indonesia* when it was founded in 1927. He opposed imperialism and capitalism because he thought both systems worsened the life of Indonesian people. In the 1950s he increased his ties to China and admitted more communists into his government. He also began to accept increasing amounts of Soviet bloc military aid. This aid, however, was surpassed by military aid from the Eisenhower Administration, which worried about a leftward drift should Sukarno rely too much on Soviet bloc aid. For a complete biography on Sukarno, refer J.D.Legge (2002) ‘Sukarno: A Political Biography’, Archipelago Press, Singapore and Adams, Cindy (1965), ‘Sukarno: An Autobiography’, Bobbs-Merrill, Indianapolis.

Singapore and the Philippines argued that they enjoyed tremendous advantages from their involvement with foreign superpowers in the region, especially the Americans. Singapore relied heavily on the Americans' presence to encourage regional stability that would in return give confidence to foreign investors. Singapore was convinced that it was important to keep an active U.S. presence to deter the alternative possibility of Soviet, China or even Indian political and military hegemony in the region¹¹⁵.

The Philippines hosted American military bases in Luzon, which gave them security and economic benefits. Hence, the declaration of a region free from superpower presence would have negative repercussions rather than positive. Thailand was also a bit apprehensive about supporting Malaysia's proposal, as it too had military and economic ties with America. Such a declaration would upset the status quo and then result in a withdrawal by the Americans. It was clear to some ASEAN countries that an American presence in the region was important in maintaining political and security stability and keeping Japan, Russia, China, and India at a safe distance (Crone, 1996:46). A power vacuum would have invited new powers to fill the gap left by the withdrawal of the U.S.

Despite all the hesitations and apprehensions, all member states stood behind Malaysia and backed the declaration as if it was their own proposal. This was truly a show of comradeship and a validation of the 'ASEAN Way' concept. However, due

¹¹⁵ Crone, Donald (1996), 'Political Roles for ASEAN' in Wurfel, David & Burton, Bruce (eds) in 'Southeast Asia in the New World Order: The Political Economy of a Dynamic Region', St Martin Press, London.

to the members' lack of military capabilities and strong political affiliations with the Western powers, especially the U.S. and Great Britain, with the exception of Indonesia, ZOPFAN was seen as an objective that would be reached in the future rather than a real-time statement of fact (Collins, 2000:113).

However, credit should be given to ASEAN for having political will and optimism. Face-saving politics, which avoided embarrassing other nations in public, prevailed. Even in the early stages of its formation, the 'ASEAN Way' and the non-interference principle evidently formed the backbone of intra-regional cooperation. It preferred quiet discussions and eschewed 'megaphone diplomacy' and 'feel-good diplomacy'. "The association considered mutual respect and understanding – an understanding by each member of another's situation and difficulties – as vital to the peace and stability of the region and to the future of the Association itself"(Severino, 2001:34). ASEAN thereafter went a step further, reinforcing again the non-interference principle by signing the Treaty of Amity and Cooperation (TAC) in 1976, which emboldened the policy and set up important guidelines for inter-state relations.

3.2 The Treaty of Amity and Cooperation (TAC) 1976

Three documents were signed during the first ASEAN summit meeting of heads of government (HOG) in Bali, but only two of them shaped the future of ASEAN relations – the Treaty of Amity and Cooperation and The ASEAN Concord. The third agreement formally established an ASEAN permanent secretariat, headed by a Secretary General (Rajendran, 1985:34). The Bali summit opened a new chapter in

ASEAN relations as the leaders put forward a broad programme of action, which stressed on political and economic cooperation¹¹⁶. This marked the readiness of ASEAN nations to move on to the second stage of cooperation – the shift towards collective action¹¹⁷.

The Treaty of Amity and Cooperation in Southeast Asia (TAC) was signed at the conclusion of the 1976 Bali Conference¹¹⁸. Since that time, the treaty has been the principle guideline for regional interaction and relations among ASEAN member states, and the most accessed document in this aspect. The TAC lay down certain precepts governing the behaviour and the modus operandi of inter-state relations. The treaty also guaranteed equal standing and the same opportunities to each member state, and established procedures and a code of conduct for facilitating the peaceful settlement of disputes.¹¹⁹ These factors alone were attractive enough for other regional states that had not yet become ASEAN members.

¹¹⁶ Rajendran, M, (1985), 'ASEAN'S Foreign Relations: A Shift to Collective Actions', ArenaBuku Sdn. Bhd., Kuala Lumpur.

¹¹⁷ This significant step is a result of two years of intense meetings and planning by the ASEAN Annual Ministerial meeting, motivated by events unfolding in the Indochina states. Following the US retreat from the Vietnam War and Nixon's policy of disengagement, ASEAN leaders saw this as not only a qualified threat to the security and political wellbeing of the region, but also an opportunity to enhance trade and embark on economic liberalisation in member states. In April 1974, in a joint communiqué of the Seventh ASEAN Meeting in Jakarta, ASEAN countries stated that the Association should '...embark on a more substantial and meaningful economic collaboration... and were of the view that the three techniques of cooperation, among others, trade, liberalisation, complementary agreement and package deal arrangements, might be useful techniques for ASEAN cooperation.' In ASEAN 10 Years, p. 279.

¹¹⁸ This treaty was signed on 24 February 1976 in Denpasar, Bali, Indonesia by the 5 original members of ASEAN. It is considered as the main principle guideline in the modus operandi of intra-ASEAN relationship.

¹¹⁹ For further discussion, refer to 'Framing the ASEAN Charter: an ISEAS Perspective' compiled by Rodolfo Severino, (2005) p. 5.

The 1976 Treaty of Amity and Cooperation in Southeast Asia is a legally-binding instrument used to promote perpetual peace, everlasting amity and cooperation in the region, which has been accepted by a growing number of countries outside Southeast Asia. Four non-regional countries acceded to the Treaty in 2004, namely Japan (2 July 2004), Pakistan (2 July 2004), The Republic of Korea (27 November 2004), and Russia (29 November 2004). They joined three other non-ASEAN countries that had already acceded to the Treaty, namely Papua New Guinea (1989), China (2003) and India (2003). These accessions are shows of political support for the ASEAN principles of peaceful coexistence, friendly consultation and resolution of conflict, and goodwill in cooperation¹²⁰.

Nine years after its formation, ASEAN conducted its first summit meeting, the Bali Conference, which showed how the region was making changes. This time frame was relatively slow, although ASEAN's desire to enhance regional interactions and activities was beginning to take form and starting to pick up a bit more rapidly. This view is shared by Rajendran (1985) and Irvine (1985), who stated that the advancement was "... very slow, somewhat indecisive progress towards meeting the new objectives, according to ASEAN time frame whereby patience and concern for the forms of consensus were and remained the greatest of regional virtues"¹²¹.

However, with the fall of Vietnam's Phnom Penh on 17 April 1975 and then Saigon on 30 April the same year, this process accelerated (Rajendran, 1985:34). The ASEAN region saw that Vietnam and China were potential threats, as countries like

¹²⁰ 2004-2005 ASEAN Annual Report at <http://www.aseansec.org/4913.htm> (5 July 2007).

¹²¹ See David Irvine, 'Making Haste Less Slowly: ASEAN from 1975' in Alison Broinowski's (1982), 'Understanding ASEAN', MacMillan, Hong Kong.

Thailand and Malaysia were facing internal subversive activities by Maoist insurgencies, basically propelled by Chinese minorities in respective countries¹²². These subversive actions prevailed until the end of the 1980s, when China stopped encouraging movements to seek political power through guerrilla warfare. It was at the same time, coincidentally, that the world witnessed the fall of the Soviet Socialist bloc.

Today, the non-interference principle entrenched in the TAC continues to garner acceptance of the initial format of inter-state relations that respects national sovereignty and equality in status, despite the size of a nation. To date, fourteen non-regional states have acceded to the TAC and more are expected to follow suit¹²³.

There are five chapters with twenty articles in the treaty. Article 2 reiterates member states' commitment to adhere to certain guidelines. This agreement was signed as ASEAN countries believed "... in the need for cooperation with all peace-loving nations, both within and outside Southeast Asia, in the furtherance of world peace, stability and harmony"¹²⁴.

¹²² China was seen as more of a threat compared to the Soviets due to its proximity and the existence of Chinese minorities in the region. Communist insurgencies in Thailand and Malaysia primarily concentrated in the thick jungle areas which complemented their guerilla warfare tactics. Among the highest resistance areas were the bordering provinces of Malaysia and Thailand in which protracted skirmishes occurred until the end of 1980s. This arms subversion started during the transition period and when the Japanese Army handed back Malaya to the British created a power vacuum for almost a month. For a comprehensive reading on the communist movements in Malaysia, refer to C.C Chin & Karl Hack (2004), 'Dialogue With Chin Peng: New Light on the Malayan Communist Party', National University of Malaysia Press, Singapore.

¹²³ Severino, Rudolfo, (2007), ASEAN Beyond Forty: Towards Political and Economic Integration', contemporary Southeast Asia, VI. 29, No. 3, p. 410.

¹²⁴ <http://www.aseansec.org/1217.htm>

The article clearly stipulates that the foundation of intra-regional relations should be based on mutual respect, an avoidance of threats and force, and the adoption on non-interference in the internal affairs of member states. The Article states:

Article 2

“In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles:

- a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;*

- b. The right of every State to lead its national existence free from external interference, subversion or coercion;*

- c. **Non-interference in the internal affairs of one another;***

- d. Settlement of differences or disputes by peaceful means;*

- e. Renunciation of the threat or use of force;*

- f. Effective cooperation among themselves.”¹²⁵*

Clause C in Article Two, which is highlighted above, has been used over and again by member states for one reason or another. It has been used to fend off external critics and any effort by regional and non-regional states to get involved in the internal

¹²⁵ *ibid.*

affairs of ASEAN member states. On most occasions, the political and security matters of member states, e.g. political successions, internal rivalries, the eradication of subversive movements, and the administration style of a particular government have been controlled through referral to this article. It is convenient for member states to invoke this portion of the agreement in order to legitimise their deeds and any future course of action. Malaysia and Thailand, for example, have hidden behind this principle to rebuke external criticisms against them.

3.2.1 Why Non-interference has been Embraced

Every country has its own domestic politics that shape its own policies and actions. As the fabric of communities and political beliefs differ from one country to another, every ASEAN member has their own reasons to embark on certain policies. These policies and actions may suit domestic politics, but could on occasion be a cause of concern to others. Therefore, using the non-interference principle to fend off criticism by foreign or neighbouring countries is very convenient. Malaysia, Thailand, Cambodia, Myanmar and, to some extent, Singapore, have hidden behind this principle.

3.2.2 Malaysian Politics and its Affirmative Action Policy

Malaysia has been implementing the contentious policy of Affirmative Action (favoritism policy towards the Malays and the aboriginal people known as the ‘Bumiputra’) in order to economically favour the Bumiputeras compared to the local Chinese. Affirmative Action has been alleged to be discriminatory to other ethnic groups in Malaysia (Means, 1991, & Funston, 2001). Among the steps taken under

Affirmative Action are special quotas for Bumiputeras in government business contracts, their appointments to posts in the Federal Civil Service, and quotas for university enrolment¹²⁶. All these steps were included in the Malaysia New Economic Policy (NEP), which ran from 1970 until 1990¹²⁷. It was renamed the National Development Policy (DPN) from 1990 until 2000, and is still believed to be in use¹²⁸.

Malaysian politics is no stranger to controversy and the usual political rivalry. In 1998, Mahathir Mohamad, the fourth Prime Minister of Malaysia, decided to dismiss his anointed Deputy, Anwar Ibrahim, on the basis of corruption and immorality. Many voices of criticism could be heard from various regional leaders. President Estrada of the Philippines, who was a personal friend of Anwar, was among the loudest of all. Anwar was Mahathir's third deputy and he repeatedly pronounced that he was the heir apparent to the Prime Minister's post¹²⁹.

¹²⁶ Please refer to <http://www.icu.gov.my/icu/pdf/artikel/DEB.pdf> the official site of Malaysia's Information Coordination Unit (ICU), the Prime Minister's Department of Malaysia for brief information on NEP.

¹²⁷ The NEP targeted a 30% share of the economy for the Bumiputra, but according to official government statistics, the NEP did not succeed in reaching this target. Although the policy ended officially in 1990, Malaysians often refer to the NEP in the present tense because many of the tangible economic benefits it offered the Bumiputra are ongoing. In 2005, some politicians from the United Malays National Organisation (UMNO), the leading political party of the governing Barisan Nasional coalition, called for the restoration of the NEP as part of the New National Agenda (NNA).

¹²⁸ Please refer to Goh, Cheng Teik (1994). *Malaysia: Beyond Communal Politics*. Pelanduk Publications for further information.

¹²⁹ Two deputies before Anwar Ibrahim were Musa Hitam and Ghafar Baba. Musa Hitam decided to step down from the DPM post in 1986 after five years holding the post. There were several theories behind the reason for his resignation, but the strongest ones were falling out with Mahathir over how to run the country and his tarnished reputation after handling the bloody 'Baling Incident'. Ghafar Baba on the other hand was side tracked after he was defeated by Anwar Ibrahim in UMNO party elections in October 1993. As being the deputy president of UMNO means also being the deputy Prime Minister of Malaysia, Ghafar with a broken heart decided not to challenge the result and entered the political wilderness.

The main point of contention was not why Anwar was sacked, but the manner in which he was removed from his position. Anwar and his supporters responded by staging a nationwide roadshow, and began what was called the 'Reformasi' movement. In 1999, he was sentenced in a highly controversial trial to six years in prison for corruption, and in 2000 to another nine years in prison for alleged homosexual acts. However, in 2004, the Federal Court (Malaysia's highest) reversed the second conviction and he was released¹³⁰.

Malaysia's Foreign Minister, Syed Hamid Albar, rebuked Estrada's critics by saying that this was an internal Malaysian affair and that they should let Malaysia solve the problem by itself. On another occasion, Al Gore, the American Vice President, was charged with interfering in Malaysian politics when he made a supporting statement to the Reformasi movement during the Malaysian APEC meeting in Kuala Lumpur¹³¹. The U.S. Vice-President made his infamous speech on 12 November 1998 at the APEC dinner in Kuala Lumpur, praising the supporters of the 'Reformasi' movement. This statement did not go down well with the Malaysian government, especially as he was a guest of the Malaysian administration. Al Gore's compliment and support for the Reformasi movement was seen as a direct interference in the internal politics of Malaysia.

¹³⁰ Before Anwar Ibrahim was jailed in 1999, he led massive demonstrations Malaysian-wide which directly challenged Mahathir's authority. There were calls for Mahathir's resignation but after a massive opposition round up by the police, the 'Reformasi' movement was squashed and the government retained its two-thirds majority in the 11th Malaysia General Election later on that year. Anwar was released during Abdullah's early years of administration, which fabulously worked to the advantage of Abdullah. Abdullah was seen as the new PM which consolidated the majority of Anwar's supporters back to mainstream politics. This also contributed to the overwhelming success that the ruling party enjoyed in 2004 general election which saw them win 92% of the seats in the Malaysian parliament.

¹³¹ For a brief history of the 'Reformasi' movement, please refer to Weiss, Meredith L (Dec 1999). 'What Will Become of Reformasi? Ethnicity and Changing Political Norms in Malaysia'. *Contemporary Southeast Asia*, Vol. 21 Issue 3, p424.

3.2.3 Thai Politics and the Country's Southern Muslims

Thailand faced inter-ethnic tension in its southern provinces of Pattani, Yala and Narathiwat, which are predominantly inhabited by Muslim Malay Thais. Allegations were levelled against the Thai government to the effect that Muslims in the south had been treated harshly, partly because of their resistance to adopting the Thai/ Buddhist culture. The election of Thaksin in 2001 exacerbated the situation, particularly following some of the political actions taken by him in this region. Malaysia as the neighbouring country expressed its concern over some of the actions taken by Bangkok to curb Muslim insurgency, which included mass arrests and discriminatory policies¹³².

Thaksin Shinawatra became Thailand's Prime Minister in 2001 when his party, Thai Rak Thai (TRT-Thai Love Thai), won a landslide victory in one of the most open and corruption-free elections in Thai history¹³³. Thaksin's TRT party thrived on populist propaganda, which resounded perfectly with the Thai public. Despite being elected overwhelmingly by the Thais, his government was frequently challenged with allegations of dictatorship, demagoguery, corruption, conflicts of interest, human rights offences, acting undiplomatically, the use of legal loopholes and hostility towards a free press¹³⁴. Although Thailand was steadily recovering from the 1997-1998

¹³² Please refer to Harish, S.P. 2006. 'Ethnic or Religious Cleavage? Investigating the Nature Of The Conflict in Southern Thailand', *Contemporary Southeast Asia*, Vol. 28, No. 1: 48-69.

¹³³ Robert B. Albritton and Thawilwadee Bureekul (2004), 'Developing Democracy under a New Constitution in Thailand', National Taiwan University and Academia Sinica Asian Barometer Project Office Working Paper Series No. 28,

¹³⁴ *The Star*, 'Dreaded day dawns – despite lies and dark forces', 2 April 2006

economic recession, some of the policies that Thaksin embarked on were controversial.

Two of the most controversial policies, at least in the eyes of the international community, were his fight against drugs and how he handled the Thai Muslim conflict. It was alleged that more than 2,700 people were killed, claimed to be part of the drug underworld organisations¹³⁵. Allegations of selective targeting by the Thai Royal Police emerged as the operation to eradicate drug (methamphetamine) use in three months was launched.

Desperate measures were taken to achieve the set target, including selective killings. Human Rights Watch, a non-governmental organisation based in New York, alleged that on the whole, these killings were extrajudicial executions that, most of the time, involved civilians who were not connected to the drug lords¹³⁶. These accusations were naturally refuted by Thaksin. Despite the huge number of killings, the war on drugs campaign was applauded within many quarters of Thai society, especially from academic circles¹³⁷.

¹³⁵ 'The War on Drugs, HIV/AIDS, and Violations of Human Rights in Thailand'. Human Rights Watch.

¹³⁶ Despite all the arrests and killing that occurred, none of the Thai drug barons were caught, which prompted suspicion about the real intention of such actions. It was reported that more than 1400 of the killings involved the general public, according to a special committee set up by the military government in 2006. However, the committee failed to link these killings to Thaksin. "Thailand's drug wars. Back on the offensive". January 24, 2008. *The Economist*.

¹³⁷ "Thai drugs war attacked", BBC, February 24, 2003.

Thaksin's handling of the Malay-Muslim group in the three southern provinces was also controversial. The Kru Se Mosque and the Tak Bai incident, which in both cases involved scores of lives lost, were condemned and criticised by both international and regional leaders. Thaksin replied by saying that this was an internal matter and any criticism towards his government would be considered as interference in Thailand's internal affairs. A coup led by Army Commander General Sonthi Boonyaratglin on 19 September 2006 brought Thaksin's government to an abrupt end¹³⁸.

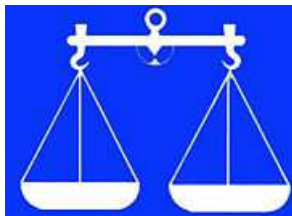
Thailand has seen its constitution changed sixteen times since the end of the absolute monarch era in 1932 (McCargo, 2002:2). Since 1932, out of thirty-six Thai prime ministers, sixteen have been elected to lead military interim governments. The last military coup of 2006, which witnessed the self-imposed exile of Thaksin in London, would only reinforce the international recognition that Thai politics needed the strong and undivided support of military forces, which in turn would be loyal to the Thai monarch¹³⁹. Whenever the ruling government starts to sway from its primary role of serving the Thais, the military enters the fray and cleans the house until it can restore order and hold a new election. With such a volatile situation, criticism and foreign interference in Thai politics is seen as highly intrusive and unwelcome.

¹³⁸ "Thai armed forces seize Bangkok", Reuters, September 19, 2006

¹³⁹ Although the monarch no longer holds executive and legislative power, it has positioned itself well above everything in Thailand. A king of Thailand is considered the representation of the Buddhist God in this world. Therefore, he is beyond humanity and commands respect and sovereignty. That is why, during the latest coup, General Sonthi's coup army tied yellow cloths or ribbons on its personnel as a sign of support for the King and faced very little resistance from the public. Troops participating in the coup were from the 1st and 3rd Army Regions, the Internal Security Operations Command, the Special Warfare Centre and Army units in Nakhon Ratchasima and Prachin Buri provinces and sections of the Navy. With the careful coordination by Sonthi, other troops that did not join the coup stood down and did not retaliate.

3.2.4 Singapore Politics

Malaysia and Singapore practice almost the same kind of authoritarian democracy, but different groups of people, whom are the majority of their citizens, benefit. Malaysia is predominantly a Malay nation state (Malay 50.4%, Chinese 23.7%, indigenous 11%, Indian 7.1%, others 7.8% (2004 est.))¹⁴⁰ while Singapore is a predominantly Chinese island state (Chinese 76.8%, Malay 13.9%, Indian 7.9%, other 1.4% (2000 census))¹⁴¹. The Malaysian Barisan Nasional (National Front) government always plays the race card and embarks on policies that are based on the Affirmative Action strategy by giving special treatment to the Malays and Bumiputeras (sons of the soil) ethnic group. This has been a very successful strategy as the Barisan Nasional government has never lost general elections and always returns with a two-thirds majority in the Malaysian parliament's lower house¹⁴².



The Dacing, or Balance, is the symbol of the Barisan Nasional

With such a monopoly, Malaysia has been criticised repeatedly and urged by international NGOs and human rights groups to change its alleged discriminatory

¹⁴⁰ <https://www.cia.gov/library/publications/the-world-factbook/geos/my.html>

¹⁴¹ <https://www.cia.gov/library/publications/the-world-factbook/geos/sn.html>

¹⁴² The Barisan Nasional is a composition of 14 political parties nationwide formed in 1973 as the successor to the Perikatan. The main political parties in the coalition are United Malay National Organisation (UMNO), the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC). As UMNO is the dominant party with the largest number of representatives in parliament, it plays the role of the leader in this coalition. At the time of writing this thesis, the Coalition Government has just suffered its worst election result since independence when the opposition parties, spearheaded by Anwar Ibrahim, denied the Coalition the two-thirds majority in the recently concluded 8 March 2008 general election. But the Coalition still enjoys a substantial support from the mass, gaining 140 out of 222 seats it contested.

policies against minorities in Malaysia. Therefore, the non-interference principle in ASEAN suits the ruling government well in keeping its critics at bay.

The island state of Singapore, on the other hand, is a Chinese majority country that rules its citizen with hard but effective policies. Like the Barisan Nasional government in Malaysia, the People's Action Party (PAP) has ruled through government since its separation from Malaysia in 1965. With more than two-thirds of its citizens of Chinese ethnic origin, PAP has ruled Singapore without much resistance from the minority Malay and Indian groups. PAP, which was a left-leaning party during its early years, transformed its ideology ground to become more centred, or even more to the right. Thereafter, PAP ruled by adhering to four major ideologies: pragmatism, meritocracy, multiracialism and Asian values, or communitarianism (Mauzy & Milne, 2002:41).

Lee Kuan Yew, who served as Singapore's first Prime Minister for more than thirty years (1959-1990), was renowned for his strict but pragmatic style of leadership. Although he absorbed many Western democratic ideas, he never approved of total democracy. Mutalib (2004), states that for Lee Kuan Yew, "Singapore would be better off without liberal democracy"¹⁴³.

Singapore has a record of clamping down on political parties that challenge the government's authority. There has only ever been one major series of political arrests, which were carried out in 1963 and nicknamed 'Operation Coldstore'. This was a major manoeuvre to round up political and trade union leaders under the pretence of

¹⁴³ Hussin Mutalib (2004). *Parties and Politics. A Study of Opposition Parties and the PAP in Singapore*. Marshall Cavendish Academic.

curbing communist subversion¹⁴⁴. No other major operations were undertaken after this, as the opposition parties no longer had the leadership or the influence after 1963. Since that year, the largest number of opposition representatives that have won in any national election is four only, which happened in the 1991 elections.

3.2.5 ASEAN Countries' Diverse Backgrounds

It is only logical that an organisation hosting a number of diverse political backgrounds will face many difficulties. Different political ideologies and orientations result in different ways and styles in managing national politics. Out of the ten ASEAN countries, only five are considered democracies (Indonesia, Malaysia, the Philippines, Singapore and Thailand), one is an absolute monarchy (Brunei) and the rest are either socialist or communist, even if they hold elections every now and then (Myanmar, Vietnam, Laos and Cambodia). Cambodia seems to be the least communist, although the rampant abuse of human rights and freedom is reported continuously.

Freedom House, a U.S.-based non-governmental organisation established in 1941 by President Roosevelt, painted a very grim picture in its 2006 annual report on the state of liberty in terms of political rights and civil liberty in the ten ASEAN countries¹⁴⁵. If the report can be taken as independent and reliable, only Indonesia is considered a free country that upholds the concepts of democracy and civil liberty.

¹⁴⁴ Operation Coldstore (sometimes spelled 'Operation Cold Store') was a security operation conducted by the government of Singapore in February 1963, in which it arrested at least 107 left-wing politicians and trade unionists, many of whom were members of the political party Barisan Sosialis and the Singapore Association of Trade Unions (SATU).

¹⁴⁵ <http://www.freedomhouse.org/uploads/WoW/2006/TableofIndependentCountries2006.pdf>

Table 1: Freedom Rating by Freedom House

Country	PR	CL	Freedom Rating
Brunei	6	5	Not Free
Cambodia	6	5	Not Free
Indonesia	2	3	Free
Laos	7	5	Not Free
Malaysia	4	4	Partly Free
Myanmar	7	7	Not Free
Philippines	3	3	Partly Free
Singapore	5	4	Partly Free
Thailand	3	3	Partly Free
Vietnam	7	5	Not Free

Source: From Freedom House report Worst of the Worst: The World's Most Repressive Societies 2006 at <http://www.freedomhouse.org/template.cfm?page=383&report=40>

PR and CL stand for 'Political Rights' and 'Civil Liberties', respectively; 1 represents the most free and 7 the least free rating. The ratings reflect an overall judgment based on survey results.

Political rights and civil liberties are among the most important tenets of a working democracy. If democracy is to be understood as the 'rule of the people' or the rule of the majority¹⁴⁶, citizens should be given an equal opportunity to air and express their views in an open forum without fear of intimidation and political suppression. But such liberty would obviously distract the people instead of focusing on building up a nation and ensuring that the economy is striving to block internal bickering and political rhetoric. This is what almost all governments in the Southeast Asian region have done – they have tried to strike a balance between embracing democracy, which is limited to only one vote every four or five years, and at the same imposing tight and

¹⁴⁶ Ian Mclean (ed), (1996), Oxford Concise Dictionary of Politics, p. 129.

limited avenues to the people to voice their concerns, especially if they are not from the ruling government party. This is, in short, limited democracy.

Meanwhile, any matters that are not deemed as political per se and do not affect the grip of existing governments on their political power tend to be less restrictive. Even the 1997-1998 region-wide financial downturns, which brought down the Suharto regime in Indonesia, were discussed openly and frankly, although there were apprehensions during the first months of the incident. The haze pollution problem occurs almost every year with the burning of Indonesian land and forests, mainly in the Borneo and Sumatra territories. The worst haze problem took place in 1997-1998, coinciding in the El Niño years, which also contributed to the financial crisis at time.

These examples clearly show that the non-interference principle in ASEAN has been used by the appropriate governments for their convenience. As there is no formal definition of what is considered as interference or intervention in the internal affairs of an ASEAN member state, ASEAN governments have and will continue to use this principle as an excuse to take the necessary steps to strengthen their domestic political grip and power, even when their actions contravene basic human rights and discriminate against their citizens. Several major events have occurred in the past fifteen years that have tested the NiP. Among these are the 1997-1998 Financial Crisis, the Indonesian Haze problem, SARS and the political conflict in Myanmar.

3.3 Regional Events that Questioned the Principle

In the history of ASEAN, four major events have tested the Association's non-interference principle, three of which have been relatively settled. These events are

the 1997-1998 Asian Financial Crisis, The Indonesian Trans-boundary Haze Pollution Problem, the Severe Acute Respiratory Syndrome Epidemic (SARS) and the political unrest in Myanmar. There is a fifth incident, which was the Cambodian issue, but as Cambodia is still not part of this Association, it is not necessary to discuss it here.

The first three events have been contained, leaving the fourth as an ongoing issue. Political turmoil within Myanmar is still occurring, as hesitance persists on the part of ASEAN members to contribute meaningfully towards finding an amicable solution.

3.3.1 1997-1998 Asian Financial Crisis

There have been many theories and assumptions made as to why the Asian Financial Crisis occurred from the middle of July 1997 to February of 1998. Some of the causes identified are poor government policies, ineffective national financial systems and practices, private sector debt problems and poor loan quality, rising external liabilities for borrowing countries, the pegging of local currencies and the U.S. dollar, a global economic slowdown, balance-of-payments (BOP) difficulties, and changes to the technology used in financial markets¹⁴⁷. The International Monetary Fund was also criticised for bad diagnosis and bad prescription (Severino, 2002:98).

The crisis first struck Thailand before snowballing to Malaysia, the Philippines, Indonesia, Singapore and eventually to South Korea. It is widely argued that the crisis started in Thailand with the financial collapse of the Thai Baht, caused by the decision

¹⁴⁷ Congressional Research Services report to the U.S. Congress by Dick K. Nanto titled 'The 1997-1998 Asian Financial Crisis' at <http://www.fas.org/man/crs/crs-asia2.htm>

of the Thai government to float the Baht on 2nd July 1997. The Thai Baht collapsed after fierce and intense speculations by international hedge funds, which withdrew their investments in huge sums after witnessing the local financial system crumble. The Thai economy was overheating, with escalating non-performing loans due to the rise of interest rates in the U.S. economy. The Thai financial collapse had a domino effect in the sense that international investors started to withdraw their investments from neighbouring Malaysia, The Philippines, Indonesia and lastly Singapore for fear of losing their money. The Malaysian Premier, Mahathir, put much of the blame on international hedge funds and named George Soros as one of the biggest culprits (Mahathir, 2000:55).

The rise in U.S. interest rates, due to slow economic activity in the States, translated into an appreciation of the U.S. dollar. This meant that local banks and businesses ended up with significantly larger debts than they initially expected, resulting in borrowing that could not be serviced. To make things worse, many of the borrowings were short-term loans for long-term investments, for example in real estate and infrastructure projects. Claims of nepotism and cronyism were also levelled at the Asian Tiger economies, but these were denied (Chang, 1998; Liu, 1999).

Before the crisis, Southeast Asian economies offered high interest rates to foreign investors in order to propel forward regional economic activities (Zhuang & Dowling: 2002:10-35). As a direct outcome of this policy, the region experienced high inflows of capital into the economies of Thailand, Malaysia, Indonesia, the Philippines, Singapore, and South Korea, resulting in high growth rates of between 8 and 12% GDP in the late 1980s and early 1990s. This 'bubble economy' amazed the world and

earned these countries the nickname ‘Asian Economic Tigers’. The World Bank called these countries the ‘miracle economies’ – the model of economic development for the rest of the developing world to emulate¹⁴⁸.

As a result of the economic downturn resulting from the crisis, the governments in Indonesia and Thailand were replaced and a power struggle between Mahathir and Anwar transpired in Malaysia. Thailand and Indonesia resorted to IMF funds to salvage what they could, which amounted to \$17.2 and \$40 billion, respectively¹⁴⁹. Both countries had to restructure their economic and financial systems according to IMF guidelines, a precondition put in by the international institution before funds were released.

Some scholars cite ASEAN’s non-interference principle as a contributory factor in this bitter experience. Hadi Soesastro (1999), Stuart Harris (1999) and T.J. Pempel (1999), to name just a few, all claimed that detection and remedial steps were made impossible due to ASEAN’s strict adherence to the non-interference principle. Pempel, for example, stated that:

“During the crisis, ASEAN struggled to play a role, but it was not equipped institutionally to do so without the voluntary cooperation of its members. Most governments resisted any surrender of their independence or any modification of the ASEAN non-interference principle in domestic affairs”¹⁵⁰.

¹⁴⁸ World Bank, (1993) ‘The East Asian Miracle: Economic Growth and Public Policy’, Oxford University Press, New York.

¹⁴⁹ By the end of August IMF agreed to provide Thailand with a \$17.2 billion standby assistance spread over 34 months. The contributions for the \$17.2 billion came from IMF (\$4 billion), the WB and ADB (\$2.7 billion), and Japan, Singapore and others (\$10.5 billion).

¹⁵⁰ T.J. Pempel, (1999), ‘Regional Ups, Regional Downs in the Politics of the Asian Economic Crisis’ cited in Severino, (2006), ‘Southeast Asia In Search of the ASEAN Community’ ISEAS, Singapore.

However, Professor Wing Thye Woo of the Department of Economics at the University of California argued that although it was recognised that policy failures by Asian financial institutions did play a role, financial panic among international investors was also to blame. Woo also claimed that the introduction of flawed macroeconomics, which he termed ‘macroeconomic malpractice of the IMF’, was also a source of failure. The IMF instigated major financial adjustments ranging from hiking interest rates to the merging of local financial institutions, which in some instances worked while in others did not.

The late Professor Michael Liefer of the London School of Economics and Political Science declared in 2000 that, “ASEAN has been largely irrelevant in the economic crisis... ASEAN’s feebleness and disarray have diminished its international standing”. That statement sums up ASEAN’s role in the infamous 1997-1998 East Asian Financial crisis. It is argued that if ASEAN members had shared valuable information, for instance financially sensitive statistical data, with regional partners the severity of the crisis could have been decreased. However, others argue that the crisis was imminent due to the nature of speculation attacks and panic withdrawals by investors.

Out of the five ASEAN countries, Thailand and Indonesia were the worst hit, while Singapore bounced back within just one year of the incident. Malaysia and Singapore resisted the International Monetary Fund’s offer of help, which demonstrated their strong economic fundamentals and huge reserves.

Nevertheless, the question that remains is could ASEAN have done any better in resolving the Financial Crisis? ASEAN as an organisation should have done better to remedy the financial situation¹⁵¹. In short, it was up to individual economies to either dig deep into their own reserves and persevere, or decide to borrow from the IMF. Malaysia and Singapore, for example, resisted the IMF's offer; rather, they fell back on their own economic fundamentals, huge reserves and strengths to pull through the crisis. Other countries such as Thailand and Indonesia accepted the IMF's financial assistance, which resulted in a massive restructuring of their financial systems.

3.3.2 Haze Problem

As if the region was not in enough trouble, Southeast Asian countries also faced an environmental catastrophe in the form of haze pollution originating from the peat fires in Indonesia. Although some fires started as a result of drought, accidental fires and acts of nature, it was reported that the Indonesian Haze of 1997-1998 was also the result of deliberate burning and clearing by plantation corporations, in order to clear the lands and make way for mass palm oil and timber plantations (Severiono, 2006:108). By the end of 1998, it was estimated that some 8 million hectares of land had burnt, affecting millions of people in the region in terms of health and finance. It was estimated at the time that the financial losses amounted to around \$4.5 billion¹⁵².

¹⁵¹ According to Zhuang and Dowling (2002), there were several warning signals witnessed by all national composite indices during the last 24 months prior to the crisis. But these warnings were not heeded and shared among involving countries due to the absence of institutionalized mechanisms in the region.

¹⁵² The fires originally only affected Indonesia, Malaysia and Singapore but by early 1998, countries as far as Thailand and Brunei also felt the effects of the haze. For a comprehensive reading, refer to Glover, David & Jessup, Timothy, (2006), 'Indonesia's Fire and Haze : The Cost of Catastrophe', Institute of Southeast Asian Studies, Singapore

This was not the first time that such an outbreak had occurred. Serious haze pollutions took place between 1982-1983, 1987, 1991 and 1994. It was not until 1995, however, that serious and concerted efforts were taken to tackle this reoccurring issue. Indonesia, which was at the epicentre of the problem, never rejected any constructive suggestion to curtail the magnifying problem.

Due to the dire environmental situation, ASEAN Environmental Ministers vented their anger and concern. During the Environmental Ministers Meeting in Bandar Seri Begawan in 1998, the Ministers gave their assessments and comments explicitly and officially, but not publicly (Severino, 2006:110). This was done despite Suharto's apology a year before when the same meeting took place in Jakarta. Indonesia did not feel offended, but rather welcomed these criticisms which paved the way for a regional permanent task force to deal with such problems in the future.

As a result, a Regional Haze Action Plan was agreed by the Ministers in 1998, which led to the establishment of the ASEAN Agreement on Trans-Boundary Haze Pollution in 2002. The agreement came into effect in November 2003 when six ASEAN nations ratified the treaty, namely Singapore, Malaysia, Myanmar, Brunei, Vietnam and Thailand. Ironically, however, Indonesia, which was the main state involved in this problem, did not ratify and is still to do so. However, the fact that Indonesia does not have the ability to tackle this problem alone explains why the Indonesian government is ready to absorb the blame and receive regional help and assistance. Indonesia in

this instance, waived the principle of non-interference practice instead and welcomed regional assistance¹⁵³.

3.3.3 SARS Problem

The Severe Acute Respiratory Syndrome (SARS) epidemic that swept through Asia was dealt with in a decisive and a timely manner by all ASEAN countries. ASEAN countries understood that immediate remedial steps should be taken as this epidemic must be contained before it could cause further damage. The first SARS case took place in Guangdong Province in China in 2002. SARS' first appearance in an ASEAN country was in Vietnam's Hanoi, brought in by a business man who had travelled from the Guangdong Province¹⁵⁴.

Due to the rapid spread of the syndrome, by April 2003 SARS had spread through Indonesia, Malaysia, the Philippines, Singapore, Thailand and Vietnam. This epidemic had negative effects on the economy of the region, especially within the tourism sector. Singapore, which thrived on the tourism industry, saw a rapid decline of up to 74% in terms of tourist arrivals at the height of the epidemic¹⁵⁵

¹⁵³ Amresh Gunasingam, in *Joint Efforts with Fire-prone Provinces Help Ease Haze*, Straits Time, 16th sep. 2009.

¹⁵⁴ BBC news 28th April 2003 'Vietnam Fast Contain Sars Outbreak' at <http://news.bbc.co.uk/2/hi/asia-pacific/2980831.stm> accessed 13 June 2007.

¹⁵⁵ The Singapore Tourism Board said on Monday that visitor numbers between April 22 and April 28 had fallen to 32,800, down 74% on the same period last year. SARS killed 25 Singaporeans and infected 173 more over the past two months. Please refer to BBC News, 5 May 2003 accessed at <http://news.bbc.co.uk/1/hi/business/3001717.stm> on 13 July 2007.

ASEAN+3 (China, Japan and South Korea) meetings were regularly held, and help from the World Health Organisation (WHO) was actively sought. Among the drastic measures taken to contain the disease were strict border checking at all airports, ports and land entry points, the sharing of information over newly detected cases and a hotline network among member countries.

By the end of the epidemic, 282 cases had been recorded within ASEAN countries, thirty-five of which were fatal. Most of the fatalities were in Singapore and Vietnam¹⁵⁶. By June 2003, the ASEAN region was declared a ‘SARS-free region’ by Health Ministers meeting in Siem Reap. The SARS episode in the ASEAN region was tackled in a thoroughly open manner, as nobody would benefit from being infected with such a disease. This incident proves that as long as the issue does not involve political or security matters, ASEAN countries are more than willing to cooperate and share their information. As this crisis was also a trans-boundary problem, similar to the haze pollution incident, it was handled relatively transparently compared to the isolated issue of Myanmar

3.3.4 Myanmar

Myanmar has been a source of embarrassment to ASEAN, partly due to the inability of the Association to find a resounding solution to the prolonged episode and partly to the failure of the ruling military junta to take heed of the good faith and political persuasion offered by everyone in an attempt to change the political landscape in

¹⁵⁶ http://www.who.int/csr/sars/country/2003_4_29/en/

Myanmar¹⁵⁷. Despite numerous appeals by ASEAN and even the United Nations, the military regime in Yangon (previously known as Rangoon) has always found excuses to maintain the status quo. Myanmar's persistent rejection to any significant political reconciliation with the democratic movements has started to become a 'burden' and the source of humiliation to other ASEAN members (Ganesan, 2006:132).

The regime has resisted any political change, fearing that such a shift would spell the end to the junta administration. Since its acceptance into ASEAN in 1997, Myanmar/Burma¹⁵⁸ has disrupted some of ASEAN's relations with other regional countries and organisations. However, ASEAN's insistence on Myanmar's inclusion in all its activities has resulted in attempts to boycotts and disengagement, as well as the abandonment of projects¹⁵⁹.

ASEAN's relations with the EU have been strained due to the latter's position on Myanmar (Petersson,2006:564). The EU has put much emphasis on the human rights track record when it comes to establishing cooperation with third world countries¹⁶⁰. ASEAN's unrelenting support of the junta government is partly to show to the junta

¹⁵⁷ An interview with Razali Ismail, the special UN envoy to Myanmar revealed that Myanmar has never had any serious intention of trying democracy. Its military leaders were reluctant to share its power with the democratic parties fearing a backlash in terms of retribution and losing power.

¹⁵⁸ The military government changed the name Burma to Myanmar in 1989 in order to break away from any colonial legacy. The name Burma was given by the British when in colonised the country. On 18 June 1989, the military junta passed the 'Adaptation of Expressions Law' that officially changed the English version of the country's name from *Burma* to *Myanmar*, and changed the English versions of many place names in the country along with it, such as its former capital city from *Rangoon* to *Yangon*.

¹⁵⁹ As a result of Myanmar's inclusion to ASEAN, EU had called off the 1997 ASEAN-EU Joint Cooperation Committee Meeting and the problem persist when Myanmar officials Visas were not approved for the 1998 ASEM II meeting in London. However, after much diplomatic discussion, the EU decided to allow Myanmar to be involve in ASEM meeting as an observer (Pattugalan, 1999:49).

¹⁶⁰ With the signing of the 1997 Amsterdam Treaty, the EU has put much emphasis on the protection of basic human rights, inline with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Therefore, doing any sort of co operations with a country like Myanmar would violate this convention. To refer the convention, go to <http://www.europa.eu.int/scadplus/leg/en/s50000.htm>.

that ASEAN is working hard to help Myanmar become accepted in the international arena in exchange for some sort of political change. However, this effort has backfired against the Association more than it has benefited it. Myanmar has, in most of the time, taken the advantage without repaying it with any significant step at restoring political and democratic order in the country and engages the NLD purposefully.

One simple explanation as to why such change has been resisted by the military government is that it does not want to lose its grip on power and risk the possibility of being tried by its own people once democracy is established. Razali concluded that after seeing dictators and military governments brought to justice in several parts of the world after surrendering their power to the people, the Myanmar government is terrified that it will suffer the same fate: “The way Suharto was being charged in court, despite decades of rule over Indonesia has put fear to the military junta that the same fate would befall upon them if democracy is given a chance in Myanmar”¹⁶¹. Therefore, Myanmar has played with ASEAN throughout, without any real intention of changing.

It was obvious to ASEAN governments that after the sudden sacking of the Myanmar Prime Minister General Khin Nyunt, who showed a slight inclination towards change, along with many other top officials, the military government in Yangon would not change its attitude as anticipated. The ASEAN strategy of tempting Myanmar with economic benefits and political support did not bear any fruit.

¹⁶¹ Interview with Razali Ismail on 5th April 2007 in Kuala Lumpur.

ASEAN failed to use the opportunity that arose in 2005 when Myanmar took the ASEAN chairmanship from Malaysia. By finding ways to pressurise Myanmar into changing its domestic policies or risk the chairmanship, ASEAN countries eventually coerced Myanmar into voluntarily passing the chair to the Philippines. Should Myanmar insist on taking the chairmanship, ASEAN risked a series of boycotts by America and Europe. The Americans announced that they would not participate in the forthcoming post-ministerial conference or the ARF annual gathering should Myanmar take the chairmanship (Severino, 2006:140).

To the relief of the ASEAN countries, Myanmar agreed to pass the chair to the Philippines, citing that its priority to tackle the ongoing internal reconciliation and democratisation process as the reason for not taking the chair¹⁶². This decision has been a source of relief to the ASEAN members due to the mounting pressures from the international community to take some sort of action against Myanmar (James,2006:163).

In a joint communiqué made on the 26 July 2005, ASEAN, in the true spirit of ‘face saving politics’ generously ‘thanked’ Myanmar for its understanding and sacrifice.

Statement by the ASEAN Foreign Ministers

Vientiane, 25 July 2005

We, the Foreign Ministers of ASEAN have been informed by our colleague, Foreign Minister U Nyan Win of Myanmar, that the Government of Myanmar had decided to relinquish its turn to be the Chair of ASEAN in 2006 because it would want to focus its attention on the ongoing national reconciliation and democratisation process. Our colleague from Myanmar has explained to us

¹⁶² ‘Myanmar Decline to Take Over ASEAN Chair’, New Straits Times, July 27 2005.

that 2006 will be a critical year and that the Government of Myanmar wants to give its full attention to the process.

We would like to express our complete understanding of the decision by the Government of Myanmar. We also express our sincere appreciation to the Government of Myanmar for not allowing its national preoccupation to affect ASEAN's solidarity and cohesiveness. The Government of Myanmar has shown its commitment to the well-being of ASEAN and its goal of advancing the interest of all Member Countries.

We agreed that once Myanmar is ready to take its turn to be the ASEAN Chair, it can do so¹⁶³.

This incident demonstrated ASEAN's inability to act decisively in the face of a serious conflict.

ASEAN's reputation in the eyes of international politics has been badly damaged and confirmed critics' appraisals of ASEAN as no more than window dressing when it comes to crunch matters. One positive note that could be the seed for future actions on Myanmar is the call for the expulsion of Myanmar from the Association by Mahathir Mohamad during his last days of his premiership (Gunesan, 2006:142).

The events above have challenged the non-interference principle in ASEAN as regional countries have been forced, in some circumstances, to accept open criticism and share vital information with neighbouring countries. These exchanges have not happened before and will presumably continue to test how transparent ASEAN countries have been. However, ASEAN countries still find it hard to interfere when the issue concerns politics and security, as witnessed in the Myanmar example and the

¹⁶³ <http://www.aseansec.org/17589.htm>

Indonesian conflict with Aceh and the breakaway of Timor (this will be discussed later in the thesis).

It is obvious from the four issues stated above that ASEAN has been an organisation without any consequential influence when it comes to issues pertaining to human rights, internal politics and the repression of democratic movements. The same can be said in similar cases such as the Indonesian security problems in Aceh and the breakaway province of Timur-timur now called Timor-Leste, political and security upheavals in Mindanao and ethnic/religious tensions in Southern Thailand¹⁶⁴. Its performance in economic and social affairs seems to be better considering both issues do not have any direct repercussions on the political powers of member states. ASEAN can only hope that change will come from the states themselves, rather than being pressured and subjugated by external parties.

3.4 Attempts to Change the Non-interference Policy

Over the years, attempts to alter the original non-interference policy have been met with hostility and been diluted. As being discussed above, due to its adherence to the non-interference principle, ASEAN has not been able to bring much change to areas where the Association has to exert its political influence forcefully, or where the issue involves politics or security. The Association has been accommodating rather than proactive and decisive.

¹⁶⁴ The Aceh independence movement has been resolved after the tsunami hit its shores causing hundreds of thousand of human lives and basically paralysed the whole province while the situation in Mindanao and Southern Thailand still cause real security problems to the governing countries.

When the Association was confronted with the Cambodian political conflict, it could at least exert some kind of pressure upon Cambodia as the communist country was still not part of the Association. Cambodia's membership was postponed not because ASEAN wanted to see a change in the political situation in Phnom Penh, but because Cambodia was in a state of chaos and did not have a respectable national government. ASEAN was reported as being "actively involved, engaged, or intervening in Cambodia" (Kim Houn, 1999:54). As soon as Hun Sen won the 1998 national elections, ASEAN took no time in extending a renewed invitation and accepting the Cambodian government into its fold. This was all in the name of realising the ASEAN 10 objective.

Efforts to alter ASEAN's NiP were started in 1997 by a high-ranking ASEAN official, the Malaysian Deputy Prime Minister. Anwar Ibrahim's interview with *Newsweek International* in 1997 mooted the idea of 'constructive intervention' with his five-fold proposal¹⁶⁵. Anwar argued that "ASEAN must now move from being a largely reactive organisation to one that is proactive"¹⁶⁶. The Association should take instant steps before the situation in Cambodia erupted into a full-blown crisis. Cambodia already had a track record of bloody infighting, which cost the lives of more than 1.5 million people¹⁶⁷.

¹⁶⁵ Anwar Ibrahim, 'Crisis Prevention', *Newsweek International*, 21 July 1997, p.13.

¹⁶⁶ Emmers, Ralf, (2003), 'Cooperative Security and The Balance of Power in ASEAN and the ARF', RoutledgeCurzon, London.

¹⁶⁷ After taking power, the Khmer Rouge leadership renamed the country Democratic Kampuchea. The **Khmer Rouge** subjected Cambodia to a radical social reform process that was aimed at creating a purely agrarian-based Communist society. The city-dwellers were deported to the countryside, where they were combined with the local population and subjected to forced labour. About 1.5 million Cambodians are estimated to have died in waves of murder, torture, and starvation, aimed particularly

Anwar argued that constructive intervention did not constitute interfering into member states' internal affairs, as proposals such as firming up electoral processes, increasing support for legal and administrative reforms and strengthening the rule of law were seen as aiding the government in need. Intervening in countries in conflict would also be a moral and humanitarian obligation, especially if it meant avoiding loss of life and restoring peace and security. However, no follow-up was made until almost a year later.

In June 1998, the Thai Foreign Minister, Surin Pitsuwan, revived Anwar's proposal in a speech he gave at the Thammasat University. According to Pitsuwan, changing this policy of inactivity and restriction would give ASEAN the "...constructive role in preventing or resolving domestic issues with regional implication"¹⁶⁸. Pitsuwan made an effort to make the concept more suitable by changing its name to 'Flexible Engagement', which was presented at the ASEAN Annual Ministerial Meeting in July the same year. At the AMM meeting, after rigorous discussion by the meeting's members, only the Philippines supported this idea, but ASEAN came to a compromise and agreed to a new, milder formula of 'Enhanced Interaction'.

So many names have been given to this new format of regional interaction. Among others are 'Flexible Engagement' and 'Constructive Engagement'. However, such a

at the educated and intellectual elite. Refer to David P. Chandler: *A History of Cambodia* (Westview Press 2000) and Ben Kiernan: *How Pol Pot Came to Power: Colonialism, Nationalism, and Communism in Cambodia, 1930-1975* (Yale University Press, Second Edition 2004)

¹⁶⁸ Dr. Surin Pitsuwan, 'Thailand Foreign Policy During the Economic and Social Crisis', presented at Thammasat University, 12 June 1998, p.6.

discussion does not take place in ASEAN official meetings such as the ASEAN Ministerial Meetings (AMM) and the ASEAN Summit; rather, the matter is discussed separately before or after such meetings. These gatherings are termed as ‘retreats’ which connotes the relaxed, informal and frank nature of discussions (Katsumata, 2004:2). During the ASEAN Ministerial Meeting in 2002, the Foreign Ministers “...reaffirmed the usefulness of informal, open and frank dialogue... to address issues of common concern to the region”¹⁶⁹.

The fact that ASEAN members resist institutionalising a change in the approach to the discussion of internal matters relating another member clearly shows the uphill task faced and the inability of ASEAN to change its original formula of non-interference. One reason may be that all member states are still in the process of nation building, even after decades of independence.

However, the fact that ASEAN has opened a new avenue to discuss issues of concern to all, although informally, marks a degree of shift in its non-interference policy. The non-interference principle has been interpreted in a more flexible way¹⁷⁰, but does this shift from being overtly sensitive to being a bit more receptive an indication of change, as these retreats are informal meetings and do not have any binding resolutions? Simon Tay & Jesus Estanislao (2001) and Herman Kraft (2000) defended these retreats, stating that they do make a difference in the way ASEAN countries

¹⁶⁹ ASEAN Joint Communique, the 35th ASEAN Ministerial Meeting, Bandar Seri Begawan, Brunei, July 29-30, 2002.

¹⁷⁰ Hiro Katsumata, (April 2004), ‘Why is ASEAN Diplomacy Changing: From “Non-interference” to “Open and Frank Discussion?”’ Asian Survey, University of California.

view regional conflict. The authors attribute such a paradigm shift to the 1997-1998 Economic Crisis, the Indonesian Haze problem, drug trafficking problems and trans-boundary crime, which all fall under the spheres of economic, financial and social issues rather than politics and good governance.

Malaysia, Indonesia, Cambodia, Myanmar, Laos and even Singapore have been less than enthusiastic about changing the modus operandi of intra-regional cooperation. This passive stand was again shown during the 2007 'Saffron Revolution', which was led by thousands of monks, who received harsh retaliation from the Myanmar military government¹⁷¹. According to media reports, anti-government protests started on August 15, 2007 and have been ongoing since that time. Thousands of Buddhist monks started leading protests on September 18, and were joined by Buddhist nuns on September 23. On September 24, 20,000 monks and nuns led 30,000 people in a protest march from the Golden Shwedagon Pagoda in Yangon, past the offices of the opposition National League for Democracy (NLD) party. Comedian Zaganar and national TV star Kyaw Thu brought food and water to the monks. On September 22, the monks marched to greet Aung San Suu Kyi, a peace activist who had been under house arrest since 1990¹⁷².

In the midst of the conflict, the United Nations sent Ibrahim Gambari to assess the situation on the ground, and to discuss ways to resolve the tension with the ruling

¹⁷¹ The Saffron Revolution was launched as the immediate response to the unannounced decision of the ruling Myanmar junta, the State Peace and Development Council to remove fuel subsidies which caused the price of diesel and petrol to suddenly rise as much as 66%, and the price of compressed natural gas for buses to increase fivefold in less than a week.

¹⁷² <http://afp.google.com/article/ALeqM5ivO0AtyBkmFxEVb3xG3xpzLlpGIQ> accessed on 3 March 2008

junta. The Myanmar state media said that all but ninety-one of the nearly 3,000 arrested in the crackdown were released. Ibrahim Gambari criticised the closing of the monasteries, yet was assured that the crackdown would stop¹⁷³.

The Myanmar junta is still struggling with the democratic movement led by Suu Kyi. At the time of writing this thesis, the latest situation in Myanmar is a bit tense with the current trial of Suu Kyi¹⁷⁴. For the first time, UN Secretary General Ban Ki Moon has personally visited Myanmar and discussed the issue with General Than Shwe, the junta's chief¹⁷⁵. Despite assurances given by the General that the coming elections will be free and fair, the international community cannot escape its pessimism about the current situation (Fawthrop, 2009:27).

3. 5 Conclusion

ASEAN does not have the political will or support to become a more decisive organisation when it comes to issues pertaining to political power, good governance and, to some extent, the violation of human rights by its regional members. There is no doubt that significant steps have been taken to ensure that economic and financial cooperation reaches higher stages of collaboration. The successful implementation of

¹⁷³ News at <http://www.nytimes.com/reuters/world/international-myanmar-monastery.html> accessed on 4 March 2008.

¹⁷⁴ Suu Kyi is currently on trial and has been handed an 18 month House Arrest for allowing John Yettaw, an American who swam across he lakeside house in May 2009. Her latest trial has sparked international criticism and considered as a plot by the military junta to disallow her from taking part in the coming Myanmar General Election. Yettaw himself was sentenced to seven years of hard labour, but has been released by the junta upon a high profile visit by US Senator Jim Webb and was flown back to the United States. Senator Webb is a strong proponent of engagement with the military government which obviously receives strong objections from Myanmar's political and civil groups.

¹⁷⁵ Tom Fawthrop, (2009) 'ASEAN's Burmese Diplomacy Has Failed', *Guardian*, 27 July 2009.

AFTA, the main vehicle for economic and financial cooperation, and fast and decisive reactions towards the Haze pollution, cooperation on anti-terrorism, SARS and other issues proves that ASEAN can adapt to changes when they affect the entire region.

However, the fact remains that reforms in issues pertaining to civil rights, basic human rights, democratisation, and the rule of law are still under the exclusive jurisdiction of the respective nations. ASEAN cannot force its hand where national politics are at stake, except for minimal gestures of dissatisfaction through joint communiqués and statements. It is currently too early to evaluate the 2007 ASEAN Charter and the Association's vision of an ASEAN Community. The way Myanmar deals with 'threats' from ASEAN concerning its worsening human rights records shows that ASEAN does not have the credibility or for that matter power to change any internal conflicts.

The Treaty of Amity and Cooperation has served its purpose to the full. Two amendments that took place in 1998 and 2001, which laid down the rules of procedures to establish the High Council, which until now has never been erected, could be a positive sign towards a more interventionist ASEAN. Nevertheless, significant changes to the way ASEAN members deal with one another are still far from reach. However, where there is hope, there is surely a way.

Out of the ten nations, only Thailand and the Philippines seem to be interested in amending the non-interference principle. They see the need for ASEAN to be more

proactive and responsible for regional conflicts. Other ASEAN countries such as Malaysia, Indonesia and Singapore are more hesitant to this notion of interventionism which departs from the old and tested principle of non-interference. In the next chapter, discussions will take place on the history of Malaysia and its participation in regional and international arena which all take place as a result of the peace and stability in the region as fruition of the non-interference principle in ASEAN.

UNIVERSITY OF HULL

**The Effects of the ASEAN Non-interference Principle in Managing
Conflict: The Malaysian Experience (1981-2003)**

Chapter Four

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CHAPTER FOUR

MALAYSIA AND ITS INVOLVEMENT IN INTERNATIONAL AND REGIONAL COOPERATION

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CHAPTER FOUR

MALAYSIA AND ITS INVOLVEMENT IN INTERNATIONAL AND REGIONAL COOPERATION

4.0 Introduction

The discussion in Chapter Three focused mainly on the historical and background details of the evolution of ASEAN's Non-interference Principle (NiP). The NiP has been embedded into several ASEAN's main political documents, namely the Declaration of Bangkok 1967 (the treaty that established ASEAN as an organisation), The Treaty of Zone of Peace, Freedom and Neutrality 1971 (ZOPFAN), and the Treaty of Amity and Cooperation 1976 (TAC). A brief discussion has also explained why countries within ASEAN embraced this principle, and the challenges they faced in upholding it. It is clear that the strict adherence to the non-interference principle into member states' internal affairs has sometimes hampered important and critical efforts in finding solutions to certain national tribulations and some trans-boundary problems.

This chapter will look into the vital role played by Malaysia, as one of the founding members of ASEAN, in upholding the principle of non-interference. Malaysia has been one of the leading countries in stating its unequivocal commitment towards ASEAN. This chapter will begin by discussing a brief history of Malaysia, and will be followed by the foreign policy formulated by each of its PMs. It will look into the challenges faced by these leaders and the important role played by them during their times in office. In a nutshell, Malaysia through its leaders has shown that Malaysia is able to play important roles in terms of initiating and sponsoring significant regional

and international co-operations such as the formation of ASEAN itself, ZOPFAN and the EAEG which led to the creation of AFTA in the later stages. This however does not change the fact that these Malaysian governments at the same time still promote and uphold the principle of non-interference as holding to this principle will create a peace and harmonious environment in the region.

4.1 A Brief History of Malaysia

It is important to understand Malaysian history in order to comprehend the effects that it has had on the developmental process of the nation and the policies that this country has formulated and undertaken. The country of Malaysia was formed after hundreds of years of colonialism by three different Western powers, namely the Portuguese (1511-1641), the Dutch (1641-1815) and the British (1815-1957)¹⁷⁶. With Western colonialism came the Chinese and Indians to share the wealth and land with the indigenous Malays. Malaysia today is a multiracial country with a predominantly Malay/Islam heritage and foundation.

Malaysia's history can generally be traced back to the era of the Melaka (Malacca) Sultanate, which dates from the early fifteenth century. A Javan prince by the name of Parameswara sought refuge in the Malay Peninsula and established what was known as the Malacca Malay Sultanate. Due to the geo-strategic location of the Port of Melaka in the Straits of Malacca, which is the halfway mark between the trading West and the East, the port was the centre of commerce and trade for Arab and Indian traders from the West and the Chinese from the Far East. With the Arabs and the

¹⁷⁶ For a brief history of Malaysia and ancient Malaya (Malaya was the name given to the peninsula of Malaysia before 1963 with the creation of Malaysia), please refer to Andaya and Andaya (2001) 'A History of Malaysia', Palgrave, London.

Indians came the religion of Islam, which was responsible for converting many Malays from their ancient religion of Hinduism. From thereon in, Malacca was the centre of not only trade but also the spreading of Islam in the Southeast Asian region. Since Islam's introduction to the Malay world, especially to the peninsula of Malaysia in the eleventh and thirteenth centuries, the religion and its values have been deeply embedded into the lives and identities of the Malays (Nair, 1997:14). A Malay is by definition a person who is a Muslim, lives by the traditions of a Malay and has special privileges (what has been termed as the Malay Special Rights) guaranteed by the Malaysian Federal Constitution¹⁷⁷. This then creates a duality of citizenship status between the Malays as the sons of the soil and the rest of the citizens.

Although this exposes a status of non-equality among the citizenry, an informal deal struck during the independence negotiations with the British and other ethnics in Malaysia gave the Malays the upper hand in exchange for giving citizenship to non-Malay immigrants. This situation has worked well for the past fifty years and will be difficult to amend by any party that gets into power in Malaysia. Malaysian politics has always been defined by racial lines, and will be for the foreseeable future¹⁷⁸.

Malaysia is a federation consisting of thirteen state governments and a federal national government. It inherited the British style of parliament and has two houses of representatives – the lower house, which is the House of Representatives, or the Dewan Rakyat (has 222 elected representatives from the National General Elections

¹⁷⁷ Article 160 of the Constitution of Malaysia says that a "Malay" means a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom and (a) was before Merdeka Day born in the Federation or in Singapore or born of parents one of whom was born in the Federation or in Singapore, or was on that day domiciled in the Federation or in Singapore.

¹⁷⁸ For a discussion on Malaysia politics and the coalition government of ethnic based political party, please refer to Diane K. Mauzy, (1983), 'Barisan Nasional: Coalition Government in Malaysia', Marican and Sons, Kuala Lumpur.

held once every five years – translated as the People’s House) and the upper house, which is Dewan Negara or National Hall¹⁷⁹ (70 appointed senators, 26 by the state governments of the day and the rest by the King).

Malaysia consists of eleven states in the Peninsula of Malaysia plus Sabah and Sarawak from the Borneos, with Kuala Lumpur as the fourteenth state and the capital city of Malaysia. From the eleven states in the Peninsula, nine of them have their own respective sultans or rulers (Johor, Negeri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan, Terengganu and Pahang) as their constitutional monarchs, who only act as symbols of unity and have only direct powers in the affairs of Islam in their domain. The states of Melaka and Pulau Pinang (known as Malacca and Penang to the British) do not have sultans, but instead install Yang Di Pertuas (governors) due to the historical attachments of these two states to previous British rule¹⁸⁰.

Every state has its own state assembly hall, which also holds elections once in every five years. However, state elections are usually held simultaneously with the national general elections to save the time, money and the energy that go into the elections’ processes. The Barisan Nasional alliance has won twelve consecutive times in the general elections since Malaysia obtained its independence in 1957. Dato’ Seri Abdullah Ahmad Badawi is Malaysia’s fifth Prime Minister, succeeded Mahathir

¹⁷⁹ For basic information on Malaysia Legislative systems, please refer to Shuid, Mahdi & Yunus, Mohd. Fauzi (2001). *‘Malaysian Studies’*. Logman, Kuala Lumpur and Means, Gordon P. (1991). *‘Malaysian Politics: The Second Generation’*, pp. 14, 15. Oxford University Press

¹⁸⁰ Governors for these two states are not from the Malay Royalty family but rather retired statesmen and civil servants. Melaka and Pulau Pinang were the two British Straits Settlements that were being governed directly by the British Government from the early days of British expansionism compared to the advisory role that they play in the other Malay states. In 1826, Penang, along with Malacca and Singapore, became part of the Straits Settlements under the British administration in India, moving to direct British colonial rule in 1867.

Mohammad from 2003-2009, and currently Dato' Seri Najib Abdul Razak, the son of Tun Abdul Razak the second Prime Minister is the present Malaysia's sixth premier.

It is important to understand the history and the process of Malaysian nation building which contributed so much to the existing myriad of Malaysian politics. Malays in Malaysia, despite being the majority among the citizenry, remained lagging in economic and financial sectors and depend heavily on subsidization and affirmative assistance from the mainly Malay majority government. However, the preferential treatment that the Malays enjoy has been criticized by both domestic and international community and be seen as a form of discrimination against other races in Malaysia (Jomo, 2004: 3-13). Due to this 'sensitive' issue, Malaysia does not want any external interference which would destabilize domestic politics¹⁸¹.

4.2 Malaysian Foreign Policy

Malaysian foreign policy is defined differently, according to which prime minister is in office (Saravanamuttu, 1983:6-9). It shifts each time a new PM is elected, but the basic rules and objectives of upholding national sovereignty and national interest have always been at the forefront¹⁸². Malaysian foreign policies have evolved from befriending the West during its early inception years to an anti-communist stance in the 1960s and 70s, anti-British and pro-regionalism in the 1980s and becoming more Islamic with the current government in power.

¹⁸¹ Interview with Jawhar Hassan and Shamsul Amri in April 2007.

¹⁸² For a basic discussion on Malaysia's foreign policy in the first two decades of independence, please refer to Saravanamuttu, Johan (1983) 'Dilemma of Independence: Two Decades of Malaysia Foreign Policy 1957-1977'. Universiti Sains Malaysia Press, Penang.

Tengku Ahmad Rithaidden, the former Foreign Minister of Malaysia, stated that the formulation of Malaysian foreign policy is based upon:

- (i) The international environment – superpower interventions and rivalries
- (ii) Domestic considerations – the spirit of nationalism, the racial mix of Malaysia, the role of Islam, and economic and security considerations¹⁸³.

True to the statement, Malaysian foreign policy, like others, has always taken into consideration the dual objectives of satisfying its international clients and at the same time catering to the needs of its citizens.

4.2.1 Tunku's Era (1903-1990)

Tunku Abdul Rahman Putra Alhaj was the first Prime Minister of Malaysia and nicknamed Malaysia's 'Father of Independence'¹⁸⁴. The Tunku¹⁸⁵, as he was popularly known, was a Malay ruling prince with a British education and membership of the British Bar (Ott, 1972:225). As Tunku enjoyed the advantages of both worlds – a Malay prince on the one side and an English education on the other – his formulations of the nation's foreign policy were very pro-Western, especially towards the British.

¹⁸³ Tengku Ahmad Rithaidden, (1990) 'The Conduct of Malaysian Foreign Policy', in Malaysia Foreign Policy: Issues and Perspectives, edited by Karim, Howell and Okuda.

¹⁸⁴ Tunku Abdul Rahman headed a delegation from the Alliance to London for talks with the British Government on the future constitution of the Federation. On 31st August 1957, Malaya became independent. This earned him the nickname Father of Independence.

¹⁸⁵ Tunku is a Malay Royalty title meaning a prince. Tunku Abdul Rahman Putra Alhaj was born in Alor Star, Kedah, on 8 February 1903, the seventh son of the Ruler of Kedah, Sultan Abdul Hamid Halim Shah.



Tunku Abdul Rahman Putra Alhaj.

Under his stewardship, Malaysia played important roles in setting up regional institutions. Tunku joined Malaysia with the Philippines and Indonesia to set up MAPHILINDO, an attempt to establish a regional organisation after the failure of ASA a few years previously. After MAPHILINDO was disbanded in 1963 due to internal rivalry, Tunku with four of his counterparts from Indonesia, Thailand, Singapore and the Philippines formed ASEAN¹⁸⁶.

Tunku was bitterly anti-communist, and acted decisively during the Malaya Emergency crisis by continuing to invite British and other Commonwealth soldiers to fight against the Communist Party of Malaya (CPM)¹⁸⁷. In terms of regional cooperation, Tunku and his Deputy, Razak, played an integral part in the formation of

¹⁸⁶ Tunku was highly instrumental in formulating Malaya's foreign policy as he was also the Foreign Minister, apart from being the Prime Minister and Minister of Defence. Marvin C Ott (1972) depicted Tunku as a Foreign Minister who was anti-Communist, pro-Western and prioritised Malaya's relations with other Southeast Asian countries. As Malaya had just gained independence, Tunku strategised all his effort towards developing the nation and making new regional friends rather than playing any significant role in the international arena.

¹⁸⁷ Other countries that contributed soldiers during the Emergency were Australia, New Zealand and India. The Malayan Emergency was a state of emergency declared by the British colonial government of Malaya in 1948 and lifted in 1960, as well as an insurrection and guerrilla war fought between government forces and the Malayan National Liberation Army around the same period. For further reading, please refer to Stubbs, Richard (2004). *Hearts and Minds in Guerilla Warfare: The Malayan Emergency 1948–1960* Eastern University.

ASEAN, a move that has been picked up by every Malaysian Prime Minister and their government thereafter.

Challenges During Tunku's Era

One of the main regional challenges that occurred during Tunku's premiership were the Konfrontasi incident between Malaysia and Indonesia upon the formation of the Federation of Malaysia succeeding Malaya¹⁸⁸. On May 27 1961, Tunku, in a seemingly offhand manner, proffered to a press luncheon in Singapore the idea of bringing the East of Malaya and Singapore into the federation (Tilman, 1963:897). On 13th September 1963, Malaya became the Federation of Malaysia and expanded her boundary to include Singapore, Sabah and Sarawak into the confederacy. Indonesia was bitterly opposed to the idea of an enlarged Malaya, as it had also proposed the idea of Indonesia Raya, which included all of the Malay states in Southeast Asia. Thus, Sukarno launched the Konfrontasi against Malaysia, which saw a rise in tension between the two nations, but did not arrive to the stage of declaring war¹⁸⁹. The Konfrontasi subsided as Suharto overthrew Sukarno and became the second President of Indonesia in 1966.

¹⁸⁸ What was to be an impromptu suggestion made by Tunku in a speech in Singapore in early 1961 was taken seriously by officials from Malaya and Singapore which then saw a concrete proposal by the end of that year. Tunku led a delegation to London to discuss with the British government the possibility of merging Malaya, Singapore, Sarawak, Sabah and Brunei to form the federation of Malaya. The British government set up what was known as the Cobbold Commission in 1962 to survey the citizens of Sabah and Sarawak, which then found that the majority of the peoples except Brunei agreed with the proposal. For more information, please refer to R.S. Milne, (1962) 'Malaysia: A New Federation in the Making', *Asian Survey*, Vol. 3, No. 2, A Survey of Asia in 1962.

¹⁸⁹ The Indonesia-Malaysia confrontation (also known as *Konfrontasi* in Indonesian and Malay) was an undeclared war over the future of the island of Borneo, between British-backed Malaysia and Indonesia during 1962–1966. The origins of the conflict lay in Indonesian attempts to destabilise the new Federation of Malaysia, which came into being in 1963.

Another major challenge for Tunku was the forced exit of Singapore from the federation of Malaysia in 1965 after it was apparent that Singapore was, among other reasons, creating tension and imbalance in race relations with the Federation (Milne, 1966). With a sizable Chinese community, Singapore's developing ideology invalidated the Malays in the Peninsula and would deny them their majority status. Furthermore, Lee Kwan Yew, the chairman of the People's Action Party (PAP) in Singapore, which won the majority of seats in the 1963 Singapore elections and participated aggressively in the 1964 Malaysian general elections, was not in favour with Kuala Lumpur. PAP was dominated by ethnic Chinese and considered a leftist party that promoted a 'Malaysian Malaysia' concept rather than the UMNO's 'Malay Malaysian'¹⁹⁰ concept. Tunku's decision to expel Singapore was approved by the Malaysian parliament on 9th August 1965¹⁹¹. It was a very hard decision but was deemed necessary in order to preserve the Malays' political supremacy and to avoid the growing threat of communal violence (Andaya, 2001:288).

4.2.2 Tun Abdul Razak's Era (1972-1976)

Malaysian foreign policy did not change much during Tun Razak's premiership (1970-1976). However, the style of leadership and decision making may have changed a little from a more flamboyant and intuitive style to a more 'rational-legal'

¹⁹⁰ For a history of PAP, please refer to Bellows, Thomas J. (1970), *The People's Action Party of Singapore: emergence of a dominant party system*. New Haven, CT.: Yale University Southeast Asia Studies

¹⁹¹ After much deliberation, the Malaysian House of Representatives passed a Constitutional Amendment Bill for Singapore to be expelled on 9th August 1965. This marked the official separation process between Malaysia and Singapore. Singapore's inclusion into Malaysia in 1963 had always been a point of concern. The Singapore Chinese-based government was seen as a threat to Malaysia; therefore, it was a matter of either containing the threat within the system in the form of being a member in the Malaysian Federation or being a threat outside the system. It was assumed that containing the threat was more effective rather than having a dangerous neighbour. This assumption was proven wrong and expelling Singapore from the federation was the only answer to avoid further communal unrest.

style (Ott, 1972:239). Razak was always a more calculative and pragmatic leader than Tunku, and he tended to listen to and absorb various views before making any decision or undertaking any course of action. He was seen as less charismatic compared to Tunku (Means, 1991:19).

Razak's deportment on the communist issue was more pragmatic than ideological. If Tunku was anti-communist, Razak's approach was seen as more sophisticated and termed as "non-communist" (Ott, 1972:227). He preferred to be engaged with the Chinese rather than having rhetorical speeches and avoiding the problem from afar. Razak's commitment to engage the Leftist movement was evidenced when, in 1972, he instructed the Foreign Ministry to begin the groundwork for establishing formal diplomatic ties with communist China. This would boost tremendously the government's image with its own Malaysian Chinese citizens.

Tun Razak and China

In May 1974, Razak became the First ASEAN Head of Government to officially visit China. He openly endorsed China as the sole sovereign government of the Chinese and sidelined Taiwan's claim of sovereignty (Milne, 1974:166). Malaysia was the first ASEAN country to have formal diplomatic ties with communist China. This visit was a culmination of the policy of détente and an attempt to gain China's support for ASEAN's Zone of Peace, Freedom and Neutrality Declaration (ZOPFAN), an effort sponsored by Malaysia.



Tun Abdul Razak bin Hussein (1922-1976)

Razak's visit was also aimed at getting PRC's assurance that it would stop whatever support the communist country was lending to the subversive movement of the Communist Party of Malaysia (CPM) and its insurgency activities. Although the Malayan Emergency was declared ended a few years before, Malaysia was still suffering from guerrilla warfare waged in the thick Malaysian jungles by the CPM. Razak's initiative bore fruit when the PRC stopped lending support to the CPM, which eventually opened the possibility of the surrender and disarmament of the rebellious movement by the end of the 1980s.

Tun Razak and OIC

Razak's other significant foreign policy accomplishment was Malaysia's successful stewardship of the Organization of Islamic Countries (OIC) in the form of its first Secretary General from 1971-1973, Tunku Abdul Rahman. Malaysia also sponsored the Fifth Islamic Conference of Foreign Ministers in 1974, in which it pleaded with the oil-rich Arab states to set up funds and projects to help poor and needy Islamic countries. This led to the creation of the Islamic Development Bank under the OIC. In

addition, Razak toured the Arab and Gulf countries pleading for assistance and support from these rich countries to help poor Islamic countries, especially as many of them were enjoying substantial profits from the surplus revenue enjoyed due to the sharp rise of world oil prices (Means, 1991:49).

This effort accomplished two major results. Firstly, it united Arab and non-Arab Muslim countries into one common platform. This platform could be used to establish and enhance economic and social relations and development between these countries. Secondly, it helped to show to the local Malays that his government was not only concentrating on the Chinese and communist quandary, but also on the Malay and Islam predicament. Razak's image as a statesman and an international politician received a huge boost, and he was viewed as someone who could unite the Muslims whilst simultaneously befriending the East and the West. Playing a part in the successful effort to establish OIC was an image boost to international and local constituents (Yoon Lin, 1976:220).

Tun Razak and ZOPFAN

Notably, Razak's marked achievement in regional politics was the proposal for the neutralisation of the region in 1971. The November 1971 Kuala Lumpur Declaration of Zone of Peace, Freedom and Neutrality showed how serious he was in promoting regional peace and security, which would create a conducive environment for nation building to take place. By successfully persuading ASEAN countries to take a neutral stand during the height of the Cold War, Razak succeeded in portraying Malaysia's stature as an important regional political player. By being neutral as well, Malaysia

would be able to build relationships with both the West and the East at the same time. Malaysia, and to some extent other countries in the region, would enjoy the liberty to trade with any state that it wished to, without being subjected to political intimidation and influences.

Razak's untimely death on 14th January 1976, at the age of 54, was a hugely unpleasant surprise to everyone. His early death explained why he was always so precise in setting up his political objectives – all the time in a rush – followed by significant steps towards the realisation of his plans¹⁹².

4.2.3 Tun Hussein Onn Era (1922-1990)

Tun Hussein bin Dato' Onn, the son of the founder of UMNO, Dato' Onn Jaafar, ran the country as the third Prime Minister of Malaysia from 1976 until 1981. He was trained in the military services before the Second World War broke, and was then sent to the Middle East to fight the war with his Indian colleagues in 1940¹⁹³. Hussein was well known as a Prime Minister who put a great deal of emphasis on national unity and dedicated much of his effort in forging inter-communal relationships, which earned him the title of Malaysia's 'Father of Unity'.

¹⁹² Tun Abdul Razak suffered a long-fought leukemia illness but succeeded in keeping it a secret. When his condition worsened in December 1975, he announced that he was having a 'holiday' in London, the place where he passed away. For a brief biography on Tun Razak, please refer to Shaw, W. (1976) *Tun Razak: His Life and Times*, Longman Publishing Group, Kuala Lumpur.

¹⁹³ Tun Hussein Onn joined the Johor Military Forces as a cadet in 1940 and was sent a year later to the Indian Military Academy in Dehradun, India. Upon completion of his training, he was absorbed into the Indian Army and served in the Middle East when the Second World War broke.



Tun Hussein Bin Onn

In terms of domestic policy, although Tun Hussein emphasised national unity, his marked contributions, among others, included setting up a scheme for the Malays and Bumiputeras (sons of the soil) designed to transfer millions of dollars' worth of government-owned shares to a specially modified giant National Unit Trust (Amanah Saham Nasional) controlled by the National Equity Corporation (Permodalan Nasional Bhd., or PNB). This was a part of the strategy to increase Malays' equity in the economic and business sectors, targeted under the New Economic Policy (Dasar Ekonomi Baru) introduced by Tun Razak in the wake of the May 13th 1969 racial unrest. Under the NEP, it was targeted that Malay equity would be raised by up to 30% by 1990, which has not materialised to this day (Mahathir & Jamaluddin, 2004:29).

Tun Hussein and Regional Issues

On the regional front, Tun Hussein, like other regional leaders of his time, was preoccupied with the threat of Vietnamese-Soviet expansionism. With the devastating withdrawal of the American forces from Vietnam in 1975, the Southeast Asian region

became vulnerable and intimidated by the communist expansion to other parts of the region, especially after Vietnam invaded Cambodia (Kampuchea) in January 1979¹⁹⁴.

Tun Hussein and his ASEAN counterparts lobbied at the United Nations that Cambodia's chair at the UN should remain and be represented by the exiled Democratic Kampuchea government (Means, 1991:77). Prince Norodom Sihanouk was entrusted to head the exile government and fight for Cambodia's independence from outside¹⁹⁵. Sihanouk, regrettably, had to join forces with the Khmer Rouge, whom had forced his resignation a year before, to form a formidable force against the Vietnam-backed Pol Pot government.

As the threat of Vietnamese expansionism became more apparent, and ASEAN countries saw the incidents of Vietnam's incursions into Thailand in their effort to uproot rebellion forces at the borders, Tun Hussein and President Suharto jointly organised a meeting in Kuantan¹⁹⁶. The 'Kuantan Principle' was announced in March 1980, which stated that China and the Soviet Russia should refrain from involvement in Southeast Asia, and called for a political solution to the Cambodian problem (Teik Soon, 1982:553). As Thailand became more restless with the threat from Vietnamese-

¹⁹⁴ Vietnamese forces invaded Kampuchea (Cambodia) on 7th January 1979, in order to overthrow the Khmer Rouge government. This ended the Cambodian genocide from 1975-1979 under the rule of Pol Pot which was being supported by the Chinese. Vietnam aligned with the Soviets with the signing of the 1978 'Friendship Treaty'.

¹⁹⁵ Prince Sihanouk lived in exile in China and North Korea after the fall of Cambodia. In 1982, he became president of the Coalition Government of Democratic Kampuchea (CGDK), which consisted of his own Funcinpec party, Son Sann's KPNLF, and the Khmer Rouge. The Vietnamese withdrew in 1989, leaving behind a pro-Vietnamese government under ex-Khmer Rouge cadre Hun Sen to run the People's Republic of Kampuchea (PRK). For a brief biography of the Prince, please refer to Osborne, Milton E. (1994) *Sihanouk Prince of Light, Prince of Darkness*. Honolulu: University of Hawaii Press.

¹⁹⁶ Thailand and ASEAN countries were alarmed at the Vietnamese incursions into Thailand in June 1980 and again in January 1981. On the latter occasion, the Thai government protested the incursion by Cambodia-based Vietnamese troops and the deaths of two Thai soldiers. There was another incident involving Vietnamese and Thai troops at the end of January 1981 when a Thai soldier was killed during the skirmishes. For additional discussion, please refer to Lau Teik Soon (Jun 1982) *ASEAN and the Cambodian Problem*, Asian Survey, Vol. 22, No. 6.

Cambodian attacks, Tun Hussein announced in October that year that Malaysia would come to Thailand's rescue should the Kingdom be attacked. Tun Hussein also sent his Foreign Minister to visit Hanoi in January 1981 to show that Malaysia, although serious about wanting Vietnam to vacate Cambodia, was at the same time more flexible in approaching the problem¹⁹⁷.

Malaysia was affected directly by the war in Cambodia, as it had to accept more than 38,000 refugees from that part of the world. Most Cambodians taking refuge in Malaysia were Muslim Cambodians, making the decision to help and house them far more complex. Malaysia had to accept them in the name of Islamic brotherhood, which of course would make the decision acceptable to the Malay-Muslim majority of the country (Abu Bakar, 1990:83).

Most of Tun Hussein's foreign policy from 1976-1981 was primarily on security issues. It was the need of that time. The region was plagued with security concerns and Tun Hussein utilised Malaysia's position in ASEAN to the nation's advantage. He, like his predecessors before him, consistently stayed true to the concept of self-government, non-interference and the settlement of disputes through peaceful means. Although ASEAN did not do much in terms of economic cooperation in the first decades of its existence, it was utilised as an effective political platform by its members.

¹⁹⁷ The delegation to Hanoi was to show that Malaysia was taking a flexible approach in finding solutions to the Cambodian invasion. But it was reported that the visit was a failed mission as Vietnam was adamant on supporting the Heng Samrin government that they had placed therein. Vietnam maintained that they acted on behalf of Heng Samrin's request. Vietnam also saw that as long as there was a Chinese threat in Indochina, they could possibly play the stabiliser role, and their existence in Cambodia was important to maintain peace and security to the region. Unless China's threat was removed, Vietnam's occupation of Cambodia would continue.

Malaysia was always been eager to be part of a regional organisation that in return would give some sort of protection against foreign aggressors. Self-defence and bilateral assurances are useful, but not sufficient for a developing nation that is lacking in financial resources and technical know-how. It is only normal that a small nation like Malaysia would seek refuge in multilateral organisations that offered legal equality and safety in numbers (Indorf, 1979:140).

4.2.4 Tun Mahathir's Era

Tun Mahathir Mohamad (previously Dato' Seri Dr Mahathir Mohamad) took office as the fourth Prime Minister of Malaysia on 16th July 1981, as anticipated by many observers because every previous Deputy Prime Minister had been elevated to the highest office without being challenged either internally or by someone from outside the UMNO party (Mehden, 1982:202). Malaysia's domestic concern shifted to the issue of who would become his deputy rather than the post of PM¹⁹⁸. Tun Hussein Onn was not in the best of health after having a heart attack a few months previously, and was receiving medical treatment from abroad¹⁹⁹. This would be the first time that Malaysia would be headed by a man from a humble background and with a local education²⁰⁰.

¹⁹⁸ There were two main contenders for the post. On one side, Tengku Razaleigh Ismail, a Kelantanese Prince who was the Finance Minister for some time. His vast experience and ground support placed him as the front-runner. The second was Dato' Musa Hitam, a younger Johor UMNO leader who was as vocal as Mahathir and spent time in the political wilderness with Mahathir during Tunku's era. Both were UMNO's deputy vice president at that moment.

¹⁹⁹ Tun Hussein Onn was ill during his visit to London in December 1980. He went back to London in February 1981 and had a coronary bypass operation, which prompted him to make the decision to resign a few months after.

²⁰⁰ Mahathir, unlike his predecessors, was locally educated at the Malaya University. He was a medical doctor by profession. Tunku, Razak and Hussein were all foreign educated and from either royal or the



Mahathir Mohamad

Mahathir chose Dato' Musa Hitam as his deputy, and both were 'young Turks' in terms of aggressiveness and the desire to serve the nation, even going as far as to challenge the leader of the Malaysian independence movement, the Tunku (Hamzah, 1990). Both men were 'ultra' Malay nationalists and came from the rank and file of the UMNO hierarchy (Means, 1991; Milne & Mauzy, 1999; Morais, 1982)²⁰¹. However, Musa was not the only deputy that served under Mahathir. In the course of his 22-year rule, Mahathir had four deputies: Dato' Musa Hitam (1981-1986), Tun Ghafar Baba (1986-1993), Dato' Seri Anwar Ibrahim (1993-1998) and Dato' Seri Abdullah Ahmad Badawi (1998-2003), the current Prime Minister of Malaysia. Out of the four deputies, Anwar Ibrahim was the only one who publicly defied him, and was unceremoniously sacked in 1998.

Mahathir's fierce, frank and open criticism were the hallmarks of his leadership style, even before he held any government post. To him, being frank and open should not be equated to extremism; he felt that he risked being taken for granted if he were

autocratic families. Mahathir however came from a middle class family, his father, Master Iskandar, was a headmaster of a school where Tunku once went as a student.

²⁰¹ The term 'ultras' was given by Lee Kuan Yew, the former Singapore Prime Minister in light of fierce criticism by Malay leaders towards Singapore and its predominantly Chinese leadership. The Malay leadership in return labelled Singapore leaders as Chinese chauvinists, due to their strong roots in defending the Chinese community and having traditional ties with the PRC.

anything but forthright (Morais, 1982:45). This style of leadership was clearly evidenced during his tenure as the Prime Minister of Malaysia.

Mahathir's 'My Way'

Tun Mahathir was a fan of the Frank Sinatra song 'My Way', so much so that one can observe that his political life was nothing but a realisation of Sinatra's song. He would say whatever he needed to say and do whatever needed to be done, even if what he said or did upset other people²⁰². He would cunningly control a meeting in such a way that the attendees would agree with him or, at the very least not reject his ideas. Although this may sound a bit authoritarian, most importantly Mahathir always got the job done (Hamzah,1990:23).

In shaping Malaysian foreign policy, Mahathir always gave his diplomatic services clear instructions and directions, unlike previous PMs. Zainal Abidin Sulong, a former diplomat and civil servant in the diplomatic services, recounts that Mahathir, "... *always knows what he wants and gives directions on what to do... not like the PMs before him*"²⁰³. Mahathir shifted Malaysia's traditional pro-British and Western foreign policy to his new 'Look East' policy²⁰⁴. He even launched the 'Buy British Last' policy as retaliation against the unfavorable treatment of Malaysian students in

²⁰² This act of Mahathir is so famous that some termed it "Vintage Mahathir", for example by Raja Petra Kamaruddin, a blog writer with his highly critical online blog famously known as the Malaysia Today blog. Mahathir was very good at handling journalists and would give ample time for them to indulge in Q & A sessions. He never scolded anybody; however, he often resorted to sarcastic and cynical answers. He also liked to give analogies as the answer to trivial questions.

²⁰³ An interview with Zainal Abidin Sulong. See appendix A.

²⁰⁴ Mahathir was always fascinated with the work ethics of the Japanese, South Koreans and Taiwanese workforces. One of the first steps imitating their work ethics was the introduction of punch-in clock machines in all government buildings and the wearing of name tags. This directive not only targeted the improvement of government services and effectiveness, but also made it easier to identify any civil servant was involved in any wrongdoing such as corruption or breach of trust.

Britain and problems encountered by Malaysia's flagship national airline, Malaysia Air (MAS), over landing rights in London (Means, 1991:92).

Despite Mahathir's scathing remarks about the West and the monopoly of Jews, America remained as Malaysia's biggest trading partner and biggest export market for the next twenty years. Trade with the United States went up steadily and consistently over the years, despite Mahathir's periodical 'pot-shots' at the West. Malaysia's huge semi-conductor and electrical goods production required the huge American and European markets, as well as the Japanese.

Table 2: Malaysia Trade relations with the U.S.

	1990	2002	% increase
Exports	RM13.5 billion	RM71.5 billion	429.6%
Imports	RM13.3 billion	RM49.7 billion	273.7%

Source: MITI Trade and Industry Report 2002 at <http://www.miti.gov.my/>

Table 3: Malaysia Trade relations with EU

	1990	2002	% increase
Exports	RM11.9 billion	RM43.9 billion	268.9%
Imports	RM11.6 billion	RM34.4 billion	286.6%

Source: MITI Trade and Industry Report 2002 at <http://www.miti.gov.my/>

Table 4: Malaysia Trade relations with Japan

	1990	2002	% increase
Exports	RM12.6 billion	RM39.8 billion	215.9%
Imports	RM19.1 billion	RM53.9 billion	182.2%

Source: MITI Trade and Industry Report 2002 at <http://www.miti.gov.my/>

Malaysia under Mahathir experienced phenomenal economic growth of about 6% annually from 1990-1996. However, when Malaysia was thrown into deep recession in 1997/1998, Mahathir accused “irresponsible Western speculators” and unregulated short selling practices by greedy Westerners, among them namely George Soros, as the reasons for the economic downturn (Mahathir, 2000:7). Later, in 2002, Mahathir expressed his satisfaction when Soros was charged and found guilty by a Paris court for inside trading. He said:

“I am glad to hear that. It shows that he is not very ethical. When he (Soros) said that I was a menace to my own country, actually he is the menace to the world's economy.” Berita Nasional Malaysia (BERNAMA) 23rd December 2003.

Mahathir steered Malaysia from recession, and by the third quarter of 1998, the country already could see signs of recovery. Mahathir’s formula during the crisis and the way he achieved it were dubbed the ‘Sinatra Way’, which means doing business according to his own way²⁰⁵.

²⁰⁵ Andrew Walker, BBC News article titled Malaysia’s Economy: The Sinatra’s Principle, 15 November 1999.

Mahathir and ASEAN

“I am a Malaysian nationalist. For this I offer no apologies. I am also an ASEANist. I am deeply committed to ASEAN, which has played such a critical role in turning what was an area of turmoil, antagonism, conflict...into a zone of cooperative peace and prosperity” (Dr. Mahathir Mohamad at the Asia Society Conference on Asia and the Changing world, Tokyo, Japan, 1993)²⁰⁶.

Mahathir was one of the ASEAN leaders who categorically stated his appreciation of ASEAN as the driving force behind stability in the region. To Mahathir, ASEAN had a stabilizing influence and acted as a catalyst in developing national economic resilience in the Southeast Asian region. Consequently, ASEAN remained at the forefront of Malaysia’s foreign policy priorities during Mahathir’s premiership (Makarudin, 2004:viii).

Mahathir saw that the economic development, harmony and safety enjoyed by ASEAN countries for the previous forty years or so were as a result of successfully maintaining a peaceful, secure and business-friendly environment in the region. ASEAN made it possible for these countries to enjoy such an environment by abiding to the principles of ASEAN neighbourliness, a policy of non-aggression, non-interference into internal affairs, and the successful avoidance of escalated conflict²⁰⁷.

²⁰⁶ For a selection of Mahathir’s speeches and ideas on ASEAN, refer to Mohamad, Mahathir, (2004), *Reflections on ASEAN*, Pelanduk Publications, Kuala Lumpur.

²⁰⁷ It was obvious that Mahathir was indebted to the organisation from all of his speeches given over the years. In his final and departing speech at his last ASEAN Summit in 2003, he urged that the remaining ASEAN leaders uphold the non-interference principle, the consensus-based decision making, national and regional resilience, respect for national sovereignty, and the renunciation of the threat and the use of force in the settlement of dispute. These are the ASEAN norms and the ASEAN Way that have served ASEAN countries well. He reiterated again Malaysia’s total commitment to the Association, having been one of the founding members of the organisation.

Mahathir always reminded ASEAN leaders of the need to implement every planned project and programme rather than making rhetorical announcements for the benefit of the press. In his speech addressed to the 29th ASEAN Economic Ministers meeting in Petaling Jaya, he urged all the delegates to remain focused in pursuing ASEAN objectives in economic and trade sectors, and start addressing issues that confronted them²⁰⁸.

Mahathir always upheld the concept of state sovereignty over internal affairs and the need to restrain oneself from getting involved into another country's affairs. To him, every state should enjoy a free hand in administering its own people and address issues in its own way. Malaysia restrained itself from making unnecessary comments about other members' internal issues, as it did not want any other nation to do likewise. However, this rule had one exception, which was Singapore. Mahathir and Lee Kuan Yew criticised each other whenever the opportunity arose, as the historical ties between the two nations made it impossible to resist.

Malaysia-Singapore relations were only cordial during his premiership. There were many unresolved issues between the two countries ranging from the Water Agreement between Johore and Singapore, overlapping claims on the Pulau Batu Putih and Pulau Pisang and the Tanjung Pagar CIQ relocation predicament. However, no comments from either side of the boundary affected the reality that both countries enjoyed tremendous economic advantages from inter-state trade and commerce. Singapore remained the second largest trading partner to Malaysia from the early 1980s.

²⁰⁸ A speech delivered at the 29th ASEAN Economic Ministers' Meeting in Petaling Jaya, on October 16, 1997.

TABLE 5**Table 5: Top Four Malaysian Trading Partners in 2007.**

Country	2007 RM Billion	Share %
United States of America	149.21	13.4
Singapore	146.46	13.2
Japan	120.78	10.9
People's Republic of China	117.94	10.6

Source: <http://www.matrade.gov.my/foreignbuyer/Msiatop10.htm> accessed 5th August 2008

Mahathir and EAEG

Tun Mahathir understood the way the new economic world worked. He believed that in order for ASEAN commodities to gain international access and to be treated fairly in international negotiations, each country should come together and have a common stand on certain international issues (Mohamad, 2004). With the emergence of the European Community (which evolved to become the European Union) and the North American Free Trade Agreement (NAFTA), ASEAN countries would have a better chance in international negotiations if they teamed up together with other Eastern Economic Tigers. Therefore, in 1991, Mahathir proposed the formation of a loosely economic arrangement called the East Asia Economic Group (EAEG)²⁰⁹. EAEG was then modified to become the East Asian Economic Caucus (EAEC).

²⁰⁹ A speech delivered at the Meeting of ASEAN Economic Ministers (AEM) in Kuala Lumpur, Malaysia, on 7th October 1991.

EAEC would consist of all ASEAN countries plus Japan, South Korea and China, with Japan as the leading negotiating country. However, Mahathir's proposal did not have the backing of other economic powers in the Pacific region, including the United States (the U.S.), which was a set back to Mahathir. The U.S. was concerned that any economic grouping that did not include them would be detrimental to its economic well-being. As a reaction to this problem, Japan hesitantly rebuffed Malaysia's proposal out of loyalty to the U.S. Some countries felt that the EAEC would overlap the functions already played by the Asia Pacific Economic Cooperation (APEC). Furthermore, when AFTA was launched in 1992, Mahathir's EAEC proposal was sidelined.

Few understood that Mahathir's EAEC proposal was mainly to keep the U.S., Australia and New Zealand from being in the same grouping as the other Asian countries. ASEAN's inclusion into APEC upset Mahathir so much so that he boycotted the APEC Summit when it was held in Seattle in 1993 due to a lack of prior consultation by the Australians who proposed the meeting (Milne and Mauzy, 1999:128). Mahathir believed that ASEAN countries should work together as they had "something in common" as regards to culture and attitudes towards the West. Nonetheless, Mahathir's EAEC concept was not well explained and therefore did not receive the support it needed to see its implementation (Higgot and Stubbs, 1995:552).

However, in a face-saving exercise, Malaysia's Foreign Minister, Syed Hamid Albar, told a Malaysian backbencher in 2000 that the East Asia Economic Caucus was created in 1995 in the form of "ASEAN+3". He pointed out that "ASEAN+3"

meetings had been held recently between ASEAN, Japan, China and South Korea. Meeting the previous November in Manila, he noted, these countries had agreed to strengthen economic, social, technical and other ties in the region. This showed that the EAEC had been implemented²¹⁰.

Mahathir and Islam

Islam assumed a growing prominence under Mahathir's administration (Milne & Mauzy, 1999:135). Although Islam and the Muslim agenda were close to the hearts of previous administrations, certain international events amplified Malaysia's role in speaking for the Islamic world. Mahathir was always pro-Palestine and anti-Zionist, so much so that he equated almost every bad thing that happened in the world to being orchestrated by the Zionist movement. In his last speech at the Organization of the Islamic Conference (OIC) in 2003, Mahathir said Jews ruled the world and got others to fight and die for them, but added that they would not be able to defeat the world's 1.3 billion Muslims²¹¹. Earlier, he opposed bitterly the visit of the Israeli President to Singapore in 1986, and labelled Singapore as being insensitive to the emotions of the surrounding Muslim ASEAN countries.

Mahathir's passion for the plight of Muslim minorities throughout the world was duly noted. When ethnic clashes took place in the Balkans, he sprang to their defence by providing Malaysian troops as a part of the UN peacekeeping forces in Bosnia-

²¹⁰ It was not until 1995, however, that the rest of ASEAN unanimously endorsed the concept. At the ASEAN Foreign Ministers meeting in Bandar Seri Begawan, Brunei, the members affirmed their support for the EAEC. It took another couple years before the first "ASEAN+3" meeting took place – during the December, 1997 ASEAN summit in Kuala Lumpur (Asiaweek, 15th March 2000 in an article title ASEAN+3= "EAEC": Building Ties Across the Region" by Santha Oorjitham).

²¹¹ CNN October 17 2003 'Mahathir Attack on Jews Condemned' at <http://edition.cnn.com/2003/WORLD/asiapcf/southeast/10/16/oic.mahathir/index.html>.

Herzegovina²¹². Malaysia also played an important role in the Southern Thailand and Mindanao conflicts as a mediator. Mahathir's last direct involvement in international Islamic affairs was when he became the Chairman of the OIC in 2003, just months before he retired from active politics.

He was regarded as the voice of the Muslim world, the voice of the Third World and, evidently, as the voice of ASEAN. Malaysia emerged as a strong and insistent voice, especially under the determined direction of Tun Mahathir Mohamad (Milne & Mauzy, 1999:126).

4.3 Conclusion

Malaysia's foreign policy has been characterised by myriad variables, but can be summed up as follows:

- (i) Malaysia as a developing nation
- (ii) Malaysia as a member of ASEAN and the Southeast Asia region
- (iii) Malaysia as a member of the larger Asian continent
- (iv) Malaysia as a part of the Muslim world

In spite of differences in the approach and implementation of Malaysian foreign strategy between one Prime Minister and another, Malaysia has never been more pragmatic in formulating its foreign policy. However, Mahathir was the most pragmatic leader of all. How else can one explain that Mahathir's unrelenting support

²¹² Malaysia sent about 1500 military personnel to Bosnia-Herzegovina as peacekeepers. He slammed the US and the Europeans for being late in reacting until the situation was way out of hand. The slaughtering of 8000 Bosnians in Srebrenica turned around the world's attention and began significant steps intervening in the Balkan wars.

for the Palestinian cause and his international condemnation of the Jews be coupled by a public denunciation of the suicide bombers' attacks in the Palestinian conflicts?²¹³ As a result of making that particular statement, Mahathir caused a great deal of anger and dissatisfaction among the Arab leaders.

Mahathir's critical view of the West did not stop him doing business with them. Nor did his strict intolerance towards Singapore result in any reduction in trading with the neighbouring country. Mahathir was a pragmatic leader that Malaysia needed, and his resignation in 2003 was perceived by some as a big loss to Malaysia and the region as a whole.

Malaysian foreign policy towards ASEAN and regional cooperation was nothing short of a full commitment, as Malaysia realised that in order for Malaysia and other states to achieve economic and political development, the region itself must offer a conducive and favourable environment. ASEAN succeeded in keeping bilateral conflicts at bay by not including them in any official meeting agendas. Malaysia's insistence in keeping the status quo as it was, and remaining true to the concept of non-interference and the non-use of force in settling disputes, bore fruit, as ASEAN countries have successfully avoided any military conflict since its inception in 1967. This alone is a milestone achievement for ASEAN.

²¹³ Mahathir condemned the suicide bombers and the terrorist attacks of the New York World Trade Center during his last speech at the OIC conference in Putrajaya in 2003. At the same meeting, Foreign ministers of the Organization of the Islamic Conference (OIC) would not accept any attempt to label ongoing Palestinian struggles as terrorist acts, and called on the United Nations to take the lead in combating terrorism. The five-page statement, titled the Kuala Lumpur Declaration, was adopted by the ministers on the conclusion of the three-day Extraordinary Session of the OIC Foreign Ministers on Terrorism. The ministers also reiterated the principled position under international law and the Charter of the United Nations of the legitimacy of resistance to foreign aggression and the struggle of peoples under colonial or alien domination and foreign occupation for national liberation and self-determination.

ASEAN countries' excellent trade records and economies over the years, except during the Asian Crisis of 1997/1998, have been the proud achievement of the region. With peace and stability came foreign direct investment (FDI) and infrastructure development. Singapore currently remains the strongest economy in the region with Malaysia, Thailand and Indonesia not far behind. With the total implementation of AFTA in the near future, only good things will happen. As Mahathir pointed out during his final speech delivered in Bali in 2003, as ASEAN moves forward, it must not disregard the principles that have kept its members together for more than four decades. He listed all the values that the ASEAN organisation stands for, for what the international community identifies as the 'ASEAN Way'.

However, an achievement in finance and the economy should go together with peace, prosperity and the preservation of basic human rights and the promotion of democracy. In the long run, internal disputes will hamper regional cohesion and result in a weaker region. ASEAN must try to ensure its members excel in all the aspects envisaged in ASEAN's 1967 declaration.

This chapter also demonstrated the ability of Malaysia, if it chooses to, to initiate and lead regional co-operations and changes for the betterment of the region. Malaysia's involvement in sponsoring Zone of Peace, Freedom and Neutrality (ZOPFAN) and consequently the Treaty of Southeast Asia Nuclear Weapons Free Zone (SEANWFZ) showed that Malaysia and countries in the region are able to band together to implement tough but needed reforms. As a result of these treaties, foreign military bases by world superpowers such as the ones in the Philippines have been closed and relocated to area outside this region. This has been another milestone achievement on the part of the Philippines government and of ASEAN members as a whole.

If only the same feat and commitment is also shown in the reformation and amendment of the principle of non-interference, ASEAN countries could slowly but surely move towards a more open regional community not only in the fields of economy and trade, but also in terms of political and security issues. Significant changes in the approaches towards resolving non-traditional security issues have been noticed over the recent years, however traditional issues such as national security remained untouchable and left to the individual member states (Katsumata,2004:240). However, Malaysia and other regional powers could not afford to ignore anymore issues that blatantly disregard human rights and democratic values (taking the Myanmar case as an example) if the region wants to move forward and become more relevant in the future.

UNIVERSITY OF HULL

**The Effects of the ASEAN Non-interference Principle in Managing
Conflict: The Malaysian Experience (1981-2003)**

Chapter Five

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CHAPTER FIVE

CHALLENGES TO MALAYSIAN FOREIGN POLICY AND UPHOLDING THE NON-INTERFERENCE PRINCIPLE DURING MAHATHIR'S RULE

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CHAPTER FIVE

CHALLENGES TO MALAYSIAN FOREIGN POLICY AND UPHOLDING THE NON-INTERFERENCE PRINCIPLE DURING MAHATHIR'S RULE

5.0 Introduction

The discussion in Chapter Four mainly touched on Malaysia's pivotal role in the regional organisation of ASEAN and the commitment given by all the previous Prime Ministers to the movement. Malaysia, as one of the founding fathers of ASEAN, showed that it was as much in need of a regional body that had the ability to maintain regional peace and security as any other country in Southeast Asia, in order to have a free hand in its nation building process. If only one ASEAN success had to be chosen, it would be the Association's achievement in avoiding the escalation of intra-regional conflicts between member countries. ASEAN has successfully avoided any military conflict between its members since its inception in August 1967. Chapter Four also discussed briefly the roles played by previous Malaysian Prime Ministers in respect to Malaysia's foreign policy.

In this chapter, the discussions will be more focused on the challenges faced by Malaysia in respect to regional cooperation during the premiership of Tun Mahathir Mohamad. It will start with the orientation of Malaysian foreign policy during Mahathir's time and the challenges it faced in regional conflicts. It will then discuss on the abiding nature of the non-interference principle of ASEAN by Mahathir,

despite urges from several quarters of the international community for ASEAN and Malaysia to act. This chapter will discuss the paradox between the negative impacts Malaysia experienced from the non-interference principle and its continued resistance to amending it.

5.1 Orientation in Malaysian Foreign Policy during Mahathir Mohamad's rule

Malaysian foreign policy during the Mahathir era endured dramatic and progressive changes that steered Malaysia to becoming more inclusive to the outside world but at the same time remaining fundamentally introverted due to its domestic policies and stakeholders. Mahathir transformed Malaysia from a country that relied on agricultural income to one that was more industrialised in nature. Malaysia, under Mahathir, encouraged exports, foreign investment, the transfer of technology, and South-South cooperation²¹⁴. Mahathir's foreign policy orientation was a mixture of international political economy, the 'south' against the 'west' and the promoting of the 'true version' of Islam.

5.1.1 Trade, Economy and Aid

Malaysia, under Mahathir, joined new emerging economies such as South Korea, Taiwan, Hong Kong and Singapore (the East Asian Tigers), which rode the booming world economy in high tech and electronic manufacturing goods, and embarked on producing its own national car, the Proton. Mahathir's economic policies upgraded

²¹⁴ Foreign Affairs Malaysia, March 1985, p.21.

Malaysia to become one of the Newly Industrialized Countries (NICs)²¹⁵ by the middle of the 1990s. The Malaysian economy grew steadily between 1987 and 1996, which resulted in rising living standards and a lifting of its per capita income from \$1850 to \$4425 (Athukorala, 1999: 28).

However, to Mahathir, going global did not necessarily mean opening Malaysian borders extravagantly without any limit. Mahathir's agenda of uplifting the Malays from poverty and targeting 30 per cent from the national economic equity remained the backbone of his economic programmes. In other words, Malaysia needed foreign direct investment and capital to flow in, but without jeopardising the economic wellbeing of local partners²¹⁶.

Mahathir hoped that trade-based foreign policy would hopefully turn Malaysia into a major trade and economy centre for the region (Hamzah, 1990:469). However, Mahathir imposed strict guidelines and criteria for foreign companies investing in Malaysia such as the restriction of the number of foreign workers and the allowed foreign equity hold in these businesses²¹⁷. These steps were being taken to safeguard local partners and businesses and avoid the risk of losing huge sources of investments should the foreign companies wish to extract their money abruptly. Nevertheless, such

²¹⁵ NICs are characterised as countries undergoing rapid economic growth, a switch from agricultural to industrial economies, especially in the manufacturing sector, strong capital investment from foreign countries, an increasingly open-market economy, allowing free trade with other nations in the world, and increased social freedom and civil rights and having strong leaders. For more information, refer to Bożyk, Paweł (2006). "Newly Industrialised Countries", *Globalisation and the Transformation of Foreign Economic Policy*. Ashgate Publishing, Ltd., London.

²¹⁶ Malaysia encourages direct foreign investment, particularly in export-oriented manufacturing and high-tech industries, but retains considerable discretionary authority over individual investments. Especially in the case of investments aimed at the domestic market, it has used this authority to restrict foreign equity (normally to 30 per cent) and requires foreign firms to enter into joint ventures with local partners. Malaysia also restricts the number of expatriate workers working in the factories in order to safeguard local job markets. For example, manufacturing companies with a foreign paid-up capital of at least \$ 2 million receive automatic approval for up to 10 expatriate posts.

²¹⁷ http://www.ustr.gov/assets/Document_Library/Reports_Publications/2004/.

stringent policies were relaxed and eventually lifted in the wake of the 1998 economic downturn²¹⁸.

Foreign companies were also required to enter into joint ventures with local partners and develop local intellectual capacity through technology and 'know-how' transfer. Mahathir's hope was that, in time, Malaysia would have the numbers of skilled workers to become a fully industrialised country by the year 2020. Nevertheless, whether such a transfer did really occur is debatable in view of the strict and over-protective policies that these international companies imposed on such operations²¹⁹.

Mahathir realised that Malaysia did not have any significant standing on the international stage. Much like his 'Look East Policy', Mahathir turned his attention towards smaller nations to bolster the Malaysian image. He started giving aid and making trips to countries of less or no significance to Malaysia in a bid to give the Malaysia Inc. brand international exposure. Some saw development aid to Samoa, Fiji, Mali, Papua New Guinea, Tonga and the Maldives as falling into this category (Hamzah, 1999:469). During the 1997/1998 Economic Crisis, Mahathir offered a RM1 billion economic aid package to Indonesia as a sign of solidarity and to show that not only was Malaysia able to resist the IMF money, but also would even be able

²¹⁸ Effective from 31 July 1998, the Malaysian government has liberalised the equity policy for the manufacturing sector in respect of new investments, expansion or diversification. Foreign investors can now hold 100% equity, irrespective of the level of exports. Please refer to <http://www.aseansec.org/6527.htm>.

²¹⁹ It has been argued that not much knowledge has been transferred by international companies to their Malaysian counterparts for the simple reason of intellectual properties and safeguarding corporate assets. Please refer to J. Jegathesan, A. Gunasekaran, S. Muthaly, (1997) 'Technology Development and Transfer: Experiences from Malaysia' *International Journal of Technology Management* 1997 - Vol. 13, No.2 pp. 196-214.

to help other countries in need. Eventually, only half of the pledged aid was disbursed due to Indonesian ineffectiveness in dispensing the aid²²⁰.

Even during its early administrative years, Malaysia was involved in distributing aid to small countries and trying helping them with long-term economic solutions. For instance, in 1981/82, Malaysia contributed rice and technical aid to Mali to help alleviate the food shortages and raise production levels²²¹. As Malaysia itself was a rice producing country, such aid did not involve huge monetary repercussions, and the channelling of the existing expertise would be beneficial for both sides.

Mahathir also saw that the establishment of the Organization of the Islamic Conference (OIC) was not purely to promote good relationships with fellow Muslim; rather, he spotted the opportunity for economic and trade relations as well. The OIC could also be the vehicle to promote and enhance trade between member countries and provide economic assistance to members in need. To the frustration of Mahathir, Muslim countries, especially the rich gulf nations, tended to invest their oil money in the U.S. and the Europe rather than other Muslim countries, which were competent like Malaysia. Nevertheless, some of his efforts did bear fruit.

Among them was the implementation and operation of the Islamic Development Bank (IDB) under OIC after his ten-day visit to the Gulf States and Jeddah, the capital city

²²⁰ At the height of the Asian economic crisis, two countries, namely Malaysia and Singapore, offered monetary aid to Indonesia to buffer its downturn and as a contagion effort. Singapore offered a soft loan of \$5 billion to buy back the Rupiah and Malaysia offered another RM1 billion to stabilise the Indonesian economy. However, after the alleged misuse of funds, both countries withdrew their offers halfway through the process and Indonesia agreed to the IMF economy aid package.

²²¹ Economic Report 1981/82, Vol. 11, Ministry of Finance, Government of Malaysia, Kuala Lumpur.

of the OIC in 1982²²². To date, the IDB has implemented more than 5,500 projects including giving technical assistance and financial capital to its fifty-six member countries²²³. The IDB currently operates in eighteen countries, as well as from its headquarters in Jeddah. Malaysia, among other countries, has benefited extensively from the IDB Trust Fund, especially in educational projects²²⁴. According to Mr. Ahmed Hariri, Regional Director of the IDB based in Kuala Lumpur, through 2002, the bank approved 106 projects in Malaysia with a total value of US\$ 512 million. In 2003, the IDB approved three new projects in Malaysia with a total value of US\$ 96.8 million (Hariri, 2003:2).

Mahathir was also an ardent supporter of the Gold Dinar-based trade and financial system compared to the conventional floating financial system. Mahathir argued that the Gold Dinar system, which was pegged at the price of gold, was more reliable and stable compared to the then current conventional system²²⁵. OIC countries that had special arrangements with each other could use the gold or the equivalent to pay for business.

²²² The Islamic Development Bank (IDB) is an international financial institution established in pursuance of the Declaration of Intent issued by the Conference of Finance Ministers of Muslim Countries held in Jeddah in Dhul Q'adah 1393H, corresponding to December 1973. The Inaugural Meeting of the Board of Governors took place in Rajab 1395H, corresponding to July 1975, and the bank was formally opened on 15 Shawwal 1395H corresponding to 20 October 1975. The purpose of the bank is to foster the economic development and social progress of member countries and Muslim communities individually as well as jointly in accordance with the principles of Shari'ah, i.e. Islamic Law. For more information, please visit <http://www.isdb.org>.

²²³ 'Thirty-four Years In the Service of Development', May 2008, Economic Policy and Statistic Department, Islamic Development Bank at <http://www.isdb.org/irj/go/km/docs/documents/IDBDevelopments/Internet/English/IDB/CM/Publications/34YearsService.pdf>.

²²⁴ In the case of Malaysia, the IDB helped to finance the construction of the University of Malaysia, Sabah (UMS) under the installment sale scheme. The total cost of the UMS project was US\$ 44.11 million, of which the IDB contributed about US\$ 20.16 million.

²²⁵ The price of Gold Dinar is determined by the price of gold. One Gold Dinar is equivalent to one ounce of gold. For more information, please refer to 'Gold Dinar Seminar Talking Points' by Mahathir Mohamad, 26 March 2002, Kuala Lumpur, at <http://www.scribd.com/doc/7794565/Gold-Dinar-Dr-Mahathir>.

5.1.2 Mahathir's 'Right' Islam

Mahathir's domestic battles and the rivalry between his Malay-based UMNO political party and the Partai Islam SeMalaysia (PAS), an Islamic fundamentalist party, had a spillover effect into the international arena. His orientation is best understood within the context of the country's domestic politics, especially the growing Islamic consciousness of the Malay-Muslim community from the late 1970s, which prompted Mahathir to adopt political strategies to gain legitimacy through Islam (Nair, 1997; Mohd Yusof Ahmad, 1990; Zainah 1987). Mahathir's view of Islam, which departed from the traditional view that held economic progress as an important part of the Islamic development process, gained critics from the bulk of Islamic political parties and non-governmental organisations, both locally and internationally.

Mahathir believed that in order to safeguard Islam and its followers, Muslim countries should not neglect the economic well-being of Muslims at the cost of just concentrating on the spiritual teachings of Islam. Mahathir argued that the traditional interpretations of Islam were misleading and a cultural hindrance to progress. These misinterpretations and misrepresentations of Islam, among other reasons, were the grounds for the downfall of Islamic communities and past Islamic empires (Nair, 1997: 98).

Mahathir wanted to change the conventional Malay Islamic way of thinking, which was of low aspiration and motivation, to progress and becoming more competitive and innovative (Mehmet, 1990:53). Furthermore, the vigorous and progressive economic competition with the local Chinese meant that Mahathir's task of

transforming the Malay psyche and the much-needed paradigm shift to make the Malays more competitive was a huge task in hand. His Islamic philosophy and understanding were clearly reflected in Malaysia's foreign policy during his administration. Malaysia, in the form of Mahathir, was anointed the leader and voice of Muslim countries and, to some extent, the Third World²²⁶.

The induction of Anwar Ibrahim into the UMNO fold was one of many strategies adopted by Mahathir to win over the hearts and minds of the local Muslim Malay and enhance Malaysian Islamic credentials abroad (Mauzy and Milne, 1984). Despite being young, Anwar enjoyed a relatively good relationship with other government officials from Islamic countries, especially the Saudis. Mahathir's strategy of becoming more Islamic than the Islamic party of PAS seemed to work favourably, as more and more young Malay Muslims chose to join UMNO rather than PAS. Most of these 'Young Turks' come from Anwar's ABIM movement and were well educated²²⁷.

²²⁶ Mahathir was regarded as a voice for the Third World, which earned him a nomination for the Nobel Prize in 2007. Four Bosnian NGOs nominated him for the prestigious international award, especially after his significant role during the Bosnia-Herzegovina conflict. In a nomination paper signed by Dr Ganic, made available to *The Star*, Dr Mahathir was described as the Third World's "*most illustrious contemporary*" and its "*most courageous advocate*". He also highlighted Dr Mahathir's "Prosper Thy Neighbour" policy, his enlightened vision of Islam and his work as an ambassador of peace in Iraq-Iran, Bosnia-Herzegovina, southern Thailand, Philippines and Aceh. Please refer to <http://www.perdana4peace.org/press2>.and [http://thestar.com.my/news/story.asp?file=/2007/2/4/nation/16782365 &sec=nation](http://thestar.com.my/news/story.asp?file=/2007/2/4/nation/16782365&sec=nation).

²²⁷ Basically, ABIM and PAS appeal to two different groups of people – one is the more educated and Western-like professionals while the latter applies to rural, ordinary village folk that are obviously much older in age. Anwar Ibrahim's move to join UMNO was seen not as an act of betrayal; rather, as a move to penetrate the ruling party and spread the word of Islam from within. However, both parties share the same ideals of setting up an Islamic State, but are different in their approaches. One is a 'dakwah' movement (missionary movement) while the latter is a political party. Among notable Young Malays who joined UMNO were Kamaruddin Jaafar, Kamarudin Md Noor, Mustafa Kamil Ayub and Muhd Nor Manuty. Please refer to Nagata (1980 &1984), Mohd Kamal Hassan (1981) and Kessler (1980) for more discussion on the Islamic movements in Malaysia.

With Anwar Ibrahim in the government, UMNO managed to silence the Islamisation pressure mounted upon them. Two most notable Islamisation steps taken by Mahathir were the establishment of the Bank Islam Malaysia and the International Islamic University (IIUM) in Kuala Lumpur. Both initiatives received tremendous applause and approval from local and international Muslim communities. Both establishments received some sort of aid from the OIC and the Saudis, if not monetary in nature, then morally and in terms of expertise²²⁸.

5.1.3 Regional Cooperation and South vs. North

Another distinct feature of Mahathir's foreign policy was his unwavering support for a closer cooperation with Third World or the 'South' countries²²⁹. For example, when Mahathir first came into office, it was obvious that the bulk of his attention would be focused on enhancing cooperation with Eastern countries, mainly Japan and South Korea, compared to Western countries, especially the United Kingdom, Malaysia's one-time colonial master (Milne and Mauzy, 1999:123). Mahathir was ready to lead Malaysia and the Third World to become less dependent on the West, but more interdependent between themselves.

²²⁸ Mahathir-Anwar's 'tag team' enjoyed mutually beneficial collaboration as they complemented one another. Mahathir had the progressive mindset while Anwar instilled his Islamisation projects, which he could not have done if he was still outside the government. The Bank Islam Malaysia model has been adopted in other Islamic countries and continues to grow in its role as a major financial institution in Malaysia. Although it primarily services the Muslim community, however, non-Muslims in Malaysia are also encouraged to do business with them. The establishment of the International Islamic University of Malaysia has promoted Malaysia's Islamic credentials among Muslim countries as international enrolment consists of almost 35% of its total students. Scholarships are given to poor international students, which has in turn become an excellent PR exercise for Malaysia when these students finish their studies and go back to their own countries.

²²⁹ The term 'South Countries' does not necessarily mean countries from the south of the Equator. The term 'South' was adopted in 1960s as shorthand for all less industrialised countries, especially when they act in a group. In 1978, The Special Unit for South-South Cooperation (SU/SSC) was established by the United Nations General Assembly. Hosted in UNDP, its primary mandate is to promote, coordinate and support South-South and triangular cooperation on a global and United Nations system-wide basis. Please refer to Iain McLean, (1997), 'Concise Dictionary of Politics' Oxford University Press, Oxford. For the SU/SSC please refer to <http://tcdc.undp.org/index.aspx>

Mahathir propagated his ideas via various platforms and in various circumstances. His vocal contributions in the OIC were discussed earlier. At the pinnacle of his leadership, Mahathir landed himself the office of the Head of OIC, briefly before his retirement in 2003. His final speech at the OIC conference in October 2003 at Kuala Lumpur summed up his personal views and continued understanding of world events, during which he openly accused Jews and Zionist movement of being responsible for all the bad things that happened in the world²³⁰. Mahathir claimed that it was the Jews' invincible hands that orchestrated wars by proxy through countries such as the United States of America and those in Europe²³¹.

Nevertheless, Malaysia did benefit tremendously from its relations with Islamic countries. Besides the monetary and expertise aid stated before, Malaysia enjoyed an influx of new tourists from Muslim countries and an additional number of international student enrolments in Malaysian public and private universities. Students from countries like Libya, Afghanistan, Iran, Oman and Somalia have been registering in local universities adding to the already numbering of Saudis, Pakistanis, Jordan and Iraqis students.

Malaysia has become a new education center for students from Islamic countries primarily for two reasons:

²³⁰ Please refer to CNN report online at <http://edition.cnn.com/2003/WORLD/asiapcf/southeast/10/16/oic.mahathir/index.html>

²³¹ The U.S. Ambassador to Malaysia, Marie Huhtala, declined to comment on Mahathir's speech. Washington was angered over a speech he made in February, as host of the Non-Aligned Movement of 117 countries, in which he described the looming war against Iraq as racist. Please refer to <http://www.foxnews.com/story/0,2933,100234,00.html>

- a- The readiness of local universities to accept them due to financial gains from their registration fees,
- b- The feeling of insecurity of these students if they opted for western countries in light of post 911 events.

Table 6: Enrolment of Foreign Students in Malaysia’s Private Institutions of Higher Learning (selected countries, 1999-2003)

No.	Country	1999	2000	2001	2002	2003
1.	Afghanistan	4	9	21	62	64
2.	Bangladesh	141	201	353	888	2182
3.	Egypt	9	4	14	27	55
4.	Indonesia	7115	6741	5336	7503	7744
5.	Iran	46	84	145	278	406
6.	Iraq	22	26	126	202	212
7.	Jordan	4	8	97	156	163
8.	Libyan Arab Jamahiriya	40	39	281	402	460
9.	Lebanon	1	4	4	9	8
10.	Maldives	273	409	295	614	602
11.	Oman	65	176	89	415	455
12.	Pakistan	191	334	501	722	1290
13.	Palestine	2	0	8	38	58
14.	Saudi Arabia	12	22	15	120	148
15.	Somalia	24	60	68	155	212
16.	Sudan	32	54	237	439	536
17.	Turkey	0	8	14	66	77
18.	United Arab Emirates	0	0	5	7	6
19.	Yemen	38	95	121	538	800

Source: Department of Private Education, Ministry of Education, Malaysia. Adapted from <http://kyotoreview.cseas.kyoto-u.ac.jp/issue/issue5/index.html>

The post 9-11 period saw Malaysia becoming a favourite holiday destination among Muslim countries. In 2001, Malaysia took advantage of the situation by launching a full-scale tourism promotion at the intra-OIC Summit in Kuala Lumpur²³². Many

²³² In 2001, Malaysia held an intra-OIC tourism conference aimed at promoting tourism among OIC members. As a result, an increase of 15% in the number of tourists from Arab countries to Malaysia between 2001 and 2002 alone shows that the step taken was a success. The 15 per cent increase in the

Muslim tourists, especially Arabs who used to go to the U.S. and Europe for their holidays, chose to go to other friendly destinations amid strict immigration regulations and the growing threat of Islamophobia²³³. The total numbers of tourists going to Malaysia jumped significantly from 12.7 million in 2007 to 20.9 million in 2007²³⁴. This upward trend is expected to grow in line with evidence of steady growth in OIC economies.

Mahathir's rhetoric against the Iraq war and his persistent attack on the Israeli occupation of Palestine won the hearts and minds of the Muslim world. Not many Muslim leaders, or any other leader for that matter, were brave or bold enough to criticise such acts. Nevertheless, Mahathir was always able to strike the balance between being rhetorical and being pragmatic. Malaysian foreign policy was always coloured by rhetorical claims, but at the same time it was practical and grounded²³⁵. However, in terms of trading with OIC members, significant growth was witnessed, suggesting that such a double-edged strategy bore fruit.

number of visitors from the Middle East between 2001 (114,776) and 2002 (131,779) shows that Malaysia had become a favourite holiday destination for many tourists from that part of the world.

²³³ The British Runnymede Trust defined Islamophobia as the "dread or hatred of Islam and, therefore, the fear and dislike of all Muslims," stating that it also refers to the practice of discriminating against Muslims by excluding them from the economic, social, and public life of the nation. In 1996, the Runnymede Trust established the Commission on British Muslims and Islamophobia, chaired by Professor Gordon Conway, the vice-chancellor of the University of Sussex. Their report, *Islamophobia: A Challenge for Us All*, was launched in November 1997 by the Home Secretary, Jack Straw.

²³⁴ Source: http://www.tourism.gov.my/corporate/research.asp?page=facts_figures

²³⁵ Please refer to Malaysian Foreign Ministry official website for basic information at <http://www.kln.gov.my>.

Table 7: Top Malaysia-OIC Trading Partners

MALAYSIA				
Top 10 OIC Trading Partners (by size- US millions)			Top 10 OIC Trade Partners (by Growth CAGR 03-07)	
Country	Total Trade 2007 (US Mil)	%age Growth 03-07	Country	%age Growth 03-07
Indonesia	\$11,158	17.10	Gabon	305%
UAE	\$4,248	24.59	Chad	69
Saudi Arabia	\$2,604	21.29	Guyana	63
Pakistan	\$1,319	12.99	Mali	63
Iran	\$1,061	19.89	Guinea- Bissau	59
Turkey	\$986	22.22	Tajikistan	58
Kuwait	\$699	37.20	Benin	55
Oman	\$579	2.23	Cameroon	52
Egypt	\$565	3.39	Uzbekistan	50
Brunei	\$485	6.78	Sierra Leone	48
Total World	\$325,412	11.63		
Data Source: International Monetary Fund's Direction of Trade Statistics and DinarStandard Research. Adapted from http://www.dinarstandard.com/intraoic/intraoic052708.html#malaysia				

Mahathir also utilised the Non-Aligned Movement (NAM) as a platform from which to preach his thoughts and ideas. Due to his strong, aggressive and charismatic leadership (Ganesan, 2004:71), his statements and ideas always provoked other people to either support him or condemn him, according to which side of the fence

they sat on. Mahathir briefly held the Secretary General post of NAM in 2003 before his retirement²³⁶.

In February 2003, Mahathir spoke to the Non-Aligned Movement in Kuala Lumpur, and as part of his speech, he said:

*“If innocent people who died in the attack on Afghanistan and those who have been dying from lack of food and medical care in Iraq are considered collaterals, are the 3,000 who died in New York, and the 200 in Bali also just collaterals whose deaths are necessary for operations to succeed?”*²³⁷.

Marie Huhtala, the American ambassador to Malaysia, responded with the statement:

*“These are not helpful statements by any standard, and I'm here to tell you that Washington does take note of them. They are bound to have a harmful effect on the relationship”*²³⁸.

Despite Mahathir's harsh criticism towards the U.S. and the West, trade relations and other significant ties remained strong and important between the two factions.

²³⁶ The post of NAM Secretary General coincided with the Chairmanship country of the time. Malaysia was the Chair between 2003 and 2006, preceded by South Africa and Mandela/Thabo Mbeki from 1998-2003, and succeeded by Cuba with Fidel and Raul Castro as its Secretary Generals from 2006 until now. Between summits, the Non-Aligned Movement is run by the *Secretary General* elected at the previous summit meeting. As a considerable part of the movement's work is undertaken at the United Nations in New York, the chair country's ambassador to the UN is expected to devote time and effort to matters concerning the Non-Aligned Movement. A Coordinating Bureau, also based at the UN, is the main instrument for directing the work of the movement's task forces, committees and working groups.

²³⁷ In Mahathir's last speech at the NAM Summit, he did not spare any of his disgruntlement towards the West and the Jews. He argued that the West was one-sided and operating double standards when they went into great length to condemn the 911 terrorist attack, but kept silent about other atrocities such as the Israeli occupation of the Palestinian lands and the massacre of women, men and children at the Shabra and Shatila camps. He also claimed that terrorism was first used by the Israelis in order to set up the Jewish state. He said, “If we care to think back, there was no systematic campaign of terror outside Europe until the Europeans and the Jews created a Jewish state out of Palestinian land. Incidentally, terrorism was first used by the Haganah and the Irgun Zvai Leumi to persuade the British to set up Israel. The Palestinians were actually ejected from their homes and their country and forced to live in miserable refugee camps for more than 50 years now”. Please refer to <http://www.nam.gov.za/media/030225na.htm> for his full speech at the NAM Summit at Putrajaya, Malaysia.

²³⁸ Brendan Pareira, ‘Malaysia's Criticism in Offensive-U.S. Envoy,’ Straits Times, May 29, 2003

Business continued as usual. The U.S. remained the largest export market for Malaysia, as it had done for so many years before and would do in the future. As an act to circumvent prejudices between Malaysia and the United States, Malaysia opened a new centre to coordinate the monitoring of terrorist activities in Southeast Asia, which was strongly endorsed by the latter²³⁹. This was being done despite several concerns aired by domestic parties, especially PAS, which did not want Malaysia to take any part in the American-led war against terrorism.

Despite Mahathir's vocal attitude towards the West and the Israelis, it was extremely seldom that he would complain or condemn the internal affairs of another country. His criticism and condemnation were always about what another country had done upon another, but not what happened internally within a country. For example, Mahathir started to criticise President George Bush's policy towards Iraq and terrorism, but he did not criticise Bush's policy on the economy or the welfare system in the United States. Nor did Mahathir ever complain about the rivalry between the Democrats and the Republicans in United States domestic politics and the dual party system there, except stating that Malaysia was not yet ready for such a political landscape. Malaysian politics, to Mahathir, would always be defined through racial lines rather than political ideologies and philosophies.

Despite Mahathir's 'Look East Policy' and the 'Buy British Last' policy towards Great Britain, he seldom criticised the internal bickering between the Conservative and the Labour Party or the political and welfare situation in the United Kingdom.

Despite his tough words towards the West, his government sent more than 50,000

²³⁹ "Malaysia Opens Anti-terror Centre," *BBC News World Edition*, <<http://news.bbc.co.uk/2/hi/asia-pacific/3034360.stm>>, accessed August 13, 2008.

Malaysians to study in the U.S. and the UK, compared to less than 1,000 to Japan and South Korea. Mahathir knew that Malaysian students faced more challenges studying in Japan due to the language prerequisite and the hard work ethic that the Japanese possess (Milne and Mauzy, 1999:55). The cultural differences between the two countries made it hard for Malaysia to adopt entirely some Japanese practices in Malaysia²⁴⁰.

5.2 Challenges to Malaysian Regional Policy during Mahathir's Era

Malaysia, like any other country, faces several challenges in maintaining relations with international and regional communities. Nevertheless, regional challenges have influenced greatly the formation of Malaysian foreign policy. Malaysia, under Mahathir, encountered several challenges as follows. These conflicts at times had spill-over effects to Malaysia for example in the form of cross border migration and sympathetic/moral ethnic support which would give effect towards Malaysia's bilateral relations.

5.2.1 Border Conflicts

Malaysia faced three main border conflicts. To the north, Malaysia faced border problems with Thailand, which went back to the early days of its independence. The thick jungle in bordering Thailand was a haven for the Communist Party of Malaya,

²⁴⁰ Japanese workers are incredibly attuned to long working hours, which is not suitable for the Malaysian culture as it still maintains close family ties, religious rituals and responsibility. The language barrier, which required the commitment to learn Japanese and Korean, was too big to overcome as English had been predominantly important in Malaysia and the most vital mode of interaction second only to the Malay language.

from which it launched its subversive activities in the 1960s up to the end of 1980s (Hanrahan, 1971), (Muller, 1975) (Thomson ,1966 and 1987).

Malaysia-Thailand Relations and the Patani Problems

Malaysia also was allegedly involved with the Southern Thailand Muslim insurgency, the Patani Liberation Organization (PULO), due to shared cultural and religious beliefs. Between 1993 and 2004, Malaysia played a vital role as a third party intervention force in this conflict²⁴¹. Malaysia held thirteen rounds of talks, engaging the insurgent PULO with the Thai government, but progress was slow (Möller, De Rouen, Berchovitch and Wallenstein, 2007).

Malaysia's response towards the Southern Thailand problem was always discreet due to the delicate position Malaysia found itself in. Despite a strong cultural and religious relationship between the two peoples of the countries, Mahathir knew that criticising the Thai government's approaches in the region would only exacerbate the situation and create tensions between the two countries. Malaysia suggested that the only way to resolve the situation in Southern Thailand was to create jobs and enhance economic activities so that the Muslim Thais were not left too far behind.

²⁴¹ Malaysia held several rounds of bilateral talks with the Thai government on issues of border security, border patrols and economic development for the Muslim areas in Southern Thailand. Malaysia also criticised heavy-handed government actions against the Muslim population.

Malaysia- Indonesia relations and the Aceh/ East Timor Conflict

Malaysia-Indonesia relations have always been overshadowed by the sentiments of a ‘big brother, little brother’ perception. Indonesia has always believed it is far bigger and greater than Malaysia due to its sheer geographical size, population and seniority in achieving independence. Indonesia’s population of more than 237 million people and its vast area of land and islets make it understandably feel more superior²⁴². However, Malaysia has been able to match these statistics by becoming more prosperous than Indonesia. Malaysia’s GDP per capita is \$14,500 compared to Indonesia’s \$3600, resulting in a great deal of legal – and illegal – migration between the two countries²⁴³.

Despite an ongoing immigration problem and territorial claims, Malaysia has been very restrained when it comes to the domestic politics of Indonesia. Mahathir never criticised Indonesia’s act of invasion upon East Timor and its treatment of the East Timorese. Despite international condemnation about the approaches used by the Indonesian government to curtail the East Timor insurgency, Mahathir perceived the matter as an internal Indonesian matter that should never be discussed openly²⁴⁴. Until the independence of East Timor, now known as Timor Leste, the Malaysian government’s position was visibly clear – it was an Indonesian matter. Despite

²⁴² Indonesia CIA World Factbook, estimation as of July 2008. Accessed on November 5th 2008.

²⁴³ Indonesia and Malaysia CIA World Factbook, estimation as of July 2008. Accessed on November 5th 2008. It has been estimated that Malaysia is housing more than one million illegal Indonesian migrants, who generally came to Malaysia to work in the manufacturing sectors, building and farming as low-skilled workers.

²⁴⁴ In late 1975, East Timor declared its independence but was invaded and occupied by Indonesia later that year, and declared that country's 27th province the following year. In 1999, following the United Nations-sponsored act of self-determination, Indonesia relinquished control of the territory and East Timor became the first new sovereign state of the twenty-first century on May 20, 2002. Please refer to Taylor, John G. (1999). *East Timor: The Price of Freedom*. Australia: Pluto Press and [http://www.timor-leste.gov.tl/About Timorleste/history.htm](http://www.timor-leste.gov.tl/About%20Timorleste/history.htm) for basic history on Timor Leste.

pressures from the international community, especially the United States and European countries, ASEAN as an organisation and ASEAN member states individually kept their silence.

Beside the East Timor conflict, Indonesia also faced an independence insurgency in the province of Aceh. Aceh is situated on the main Indonesian island of Sumatra, adjacent to Peninsular Malaysia and separated by the Straits of Malacca. The Achenese struggle to gain independence from Indonesia spilled over into Malaysia when thousands of them fled from Indonesia and sought refuge in Malaysia²⁴⁵. Despite having to house these illegal Aceh immigrants, Malaysia never complained to the Indonesian government about these refugees. Furthermore, Malaysia was seen as being sympathetic to the Aceh cause and in 2005, following the tsunami that hit Aceh, Malaysia granted a special two-year pass for all Achenese to stay on in Malaysia.

Malaysia-Philippines Relations and the Moro Problems

Malaysia's relationship with the Philippines has always been good, despite the ongoing claim by the latter upon Sabah, which has not subsided but has been temporarily suspended. The Philippines government had to focus its attention to the stiff paramilitary insurgency activities in the Southern Mindanao province of Moro, which had been ongoing since the early 1970s. In an effort to resolve the conflict peacefully, the Philippines government sought Malaysian help.

²⁴⁵ One of the most effective strategies employed by the Achenese refugees was to storm into international embassies in Kuala Lumpur while seeking UN refugee status. Among the most favourite embassies were the Dutch, American, Italian, Swiss, French and the British. For a detailed historical timeline of the Aceh struggle, please visit <http://www.achehtimes.com/timeline/>

Malaysia was more than willing to broker the peace process between the Philippines government and the Moro insurgents, which took place from 2007-2008. To Malaysia's disappointment, the peace process broke down due to the military actions taken by the Philippines government in the Moro land, despite the progress that they made. The negotiations halted when the Philippines High Court made a ruling claiming that such a treaty would be illegal²⁴⁶. Again, in this instance, Malaysia did not criticise the Philippines government's decision not to proceed with the peace deal, but hoped that both parties would resume negotiations as soon as possible in order to restore peace and security in the Moro land²⁴⁷. A visibly frustrated Abdullah Badawi stated during a press conference that it was the prerogative of the Filipino government not to pursue the peace deal further, but hoped that Malaysia would have the opportunity to help them in the future²⁴⁸.

Malaysia –Singapore relations

If one country was likely to strike a chord in Mahathir's heart, it was Malaysia's neighbouring country of Singapore. Mahathir and Lee Kuan Yew exchanged blows at every given chance. Mahathir would charge Lee Kuan Yew of being a Chinese chauvinist, while the latter would claim Mahathir was an 'ultra Malay', a leader who

²⁴⁶ The Government and the MILF were scheduled to sign the Agreement on 5 August 2008 in Putrajaya, Selangor, Malaysia, but on 4 August 2008 the Supreme Court of the Philippines issued an injunction against the ancestral domain agreement after local officials in Cotabato complained they had not been consulted. On 14 October 2008, the Supreme Court declared the MOA-AD-BJE "contrary to law and the Constitution". Please refer to Asian Centre for Human Rights at <http://achrweb.org/Review/2008/221-08.html>

²⁴⁷ For a detailed of Malaysian involvement as the third party facilitator in the Mindanao Moro conflict, please refer to a report written by Soliman M Santos Jr. for the Southeast Asia Conflict Studies Network (SEACSCN) at http://www.mindanaopeaceweavers.org/pdf/malaysia_role-santos.pdf

²⁴⁸ Chritine Avindano 'Stalled Peace Talks Upset Malaysian PM', The Inquirer.com, 15 September 2008 accessed on the 15 January 2009.

oppressed the minorities within his country. The political rivalries between these two leaders have been well documented and will not be discussed now.

Despite the roller coaster relationship between Malaysia and Singapore, both countries enjoyed trading with each other. In 1988, Malaysia was Singapore's largest ASEAN trading partner and the third largest overall trading partner after the United States and Japan. The Malaysian market was the single largest ASEAN destination for Singapore's exports and its second largest export market overall. In the late 1980s, Singapore established increasingly close economic and industrial ties with Malaysia's Johor state, which had served as Singapore's hinterland in colonial times (Lepoer, 1989). Singapore has remained Malaysia's largest export destination for the past twenty years, with about a 55 per cent export share²⁴⁹.

5.2.2- Mahathir and ASEAN Expansionism

Mahathir's attitude towards ASEAN expansionism was complimentary; the more, the better and the merrier. Mahathir personally pushed hard so that by the 30th anniversary of ASEAN, all ten countries in the Southeast Asia region would become one (Milne & Mauzy, 1999:225). However, with events unfolding in Cambodia with Hun Sen's coup against Ranaridh, only nine countries celebrated the event with Laos and Myanmar as the latest inductees into ASEAN. Cambodia followed more than a year later and became the tenth ASEAN member in 1999.

²⁴⁹ Please refer to the Malaysian Ministry of International Trade and Industry (MITI) at <http://www.miti.gov.my>.

Mahathir understood that taking the poorer countries into ASEAN would mean there would be disparity between the members of ASEAN. He also understood that some countries like Myanmar and Cambodia had a very bad record on human rights. Nevertheless, the economic long-term benefits overrode all other considerations. ASEAN would be better off if the membership were expanded. To Mahathir, it was better to engage these countries rather than isolate them, and, hopefully, after seeing how other ASEAN countries had developed, they would follow suit²⁵⁰. Mahathir argued that ASEAN countries should try to ‘work with them and try to persuade them’ rather than putting sanctions as being proposed by Western countries such as the United States, Britain and the Europeans²⁵¹.

Mahathir’s proposal of the East Asian Economic Grouping (EAEG), which tried to invite Japan, Taiwan, South Korea, Hong Kong and China, was aimed at giving strength to their voice in the GATT rounds of negotiations (Mahathir, 1991). In a speech he gave to the U.S. Council of Foreign Relations in New York, he argued that EAEG would not become a trading bloc like the European Community or NAFTA due to the competing nature of its economies. However, it would be a forceful and concerted voice representing a number of ‘small’ countries that would be too attractive for Europe and America to ignore.

However, with the new ASEAN members came new problems and new challenges, which ASEAN had to address very succinctly. Human rights and political competition between rival opponents were the two main problems that have overshadowed some of ASEAN’s successes to date. Myanmar’s record of accomplishment on human

²⁵⁰ An interview with Mahathir at his office in Putrajaya on April 9 2007.

²⁵¹ Ibid

rights and the suppression of democratic activities tainted ASEAN's good reputation as the main regional body in Southeast Asia. Nevertheless, ASEAN could not do anything significant due to the non-interference principle, which was guaranteed when the new members were enticed into joining the Association.

Mahathir and Myanmar

Mahathir has had a special relationship with Myanmar until the later proven to become too hard to handle²⁵². Malaysia under Mahathir has been the main sponsor in bringing Myanmar into ASEAN in 1997 (Simon, 2009:265). Mahathir and his ASEAN brothers understandably underestimated the junta's resilience and got caught up with the economic advantages that the junta offered. As well as the junta needing ASEAN for business, the same applied to ASEAN members, who had already invested a great deal in Myanmar²⁵³. ASEAN and Myanmar became interdependent, and the original idea of constructing engagement worked for both sides, Myanmar maybe more than ASEAN.

Myanmar and Malaysia agreed in February 2004 to set up a joint commission for bilateral cooperation to promote the two countries' interests in economic and trade cooperation. According to official statistics, Malaysia stood as Myanmar's fourth largest foreign investor in 2007 after Thailand, Singapore and the United Kingdom, with 660.75 million US dollars of contracted investment, mostly in the sectors of oil and gas, hotel and engineering services. Figures also indicate that bilateral trade

²⁵² Mahathir in an interview proposed that the military government in Myanmar did not try to consolidate its political power with the democratic movements in Myanmar for fear of persecution.

²⁵³ An interview with Tan Sri Razali Ismail, former UN special envoy to Myanmar, on April 5 2007 in Kuala Lumpur.

between Myanmar and Malaysia amounted to 233.3 million dollars in the fiscal year 2005- 06, with Myanmar's imports from Malaysia standing at 140 million dollars and its exports to Malaysia taking 93.3 million dollars²⁵⁴.

With such an amount at stake, Malaysia could not take the moral high ground by asking the Myanmar junta to better their human rights record. Furthermore, Myanmar acceded to the Treaty of Amity and Cooperation that includes the practice of non-interference principle in the internal affairs of another ASEAN member state.

Mahathir realised that nothing could be done forcefully to persuade Myanmar to change without a legitimate '*locus standi*'. *Change can only come from within the country, not by imposition from outside*²⁵⁵. What ASEAN could do was to make the channel of communication perpetually open in the hope that change would be considered in the near future. However, to impose change upon Myanmar would be contrary to the non-interference principle that ASEAN was so used to unless a significant step is being taken to amend the doctrine of non-interference.

Mahathir also admitted that '*non-interference has not worked and the constructive engagement exercise was not successful*' as far as changing the attitude of the military government is concerned. The military government was so worry of sharing their political power and giving democracy a chance to avoid prosecution from its own people.

²⁵⁴ People Daily Newsletter at http://english.peopledaily.com.cn/200705/02/eng20070502_371419.html accessed on 10 November 2008.

²⁵⁵ Interview with Mahathir op. cit.

Conclusion

Beside Mahathir's iconoclastic (Saravanamuttu, 2004:1) behaviour and rhetorical ways in performing his foreign relations, one word that describes him above all is 'pragmatism'. Mahathir's actions and policies were always grounded, which is seen not as a paradox but simply realistic and pragmatic²⁵⁶. Despite his sarcastic and critical attacks against the West, the United States of America and the European countries, they remain the largest trading partners to date. Singapore, despite intermittently being in diplomatic rows with Malaysia, has remained the largest ASEAN trading partner for the past two decades. Israel is the only country that Malaysia does not do business with.

The Malaysian economy and foreign relations were taken to greater heights under Mahathir's administration. Mahathir understood that in order for Malaysia to excel in trade, it must be more proactive, progressive and robust. Malaysia had to try to find new partners that could offer better business. Malaysia, under Mahathir, explored new avenues such as ASEAN countries, OIC members and the NAM organisation. Depending too much on traditional trading partners would not be sufficient and would miss the vast opportunity that lay in front. Malaysia gave its full support for the implementation of the ASEAN Free Trade Agreement (AFTA) so that intra-regional trade would face less obstacles and unnecessary impediments.

Mahathir was suspicious of the relationship between the East and the West. His early attempts to form the East Asia Economic Grouping proved that the East should try to

²⁵⁶ Excerpt from Malaysian Foreign Ministry Official website at http://www.kln.gov.my/?m_id=2

fight its own cause. His driving commitment and unwavering support, which resulted in all ten countries in Southeast Asia eventually joining ASEAN, came from his belief that a bigger and stronger ASEAN would mean a richer and more stabilised region. Mahathir also believed in the 'prosper thy neighbour' philosophy, which means a rich neighbour would inevitably result in positive spillover effects that would help its neighbouring states.

Learning from other regional economic blocs, Mahathir realised that if the small countries in Southeast Asia were to survive in international trade and economy, they must band together and act as one entity. Only then would ASEAN countries have any chance of competing with the Europeans and the Americans. However, his preference for EAEG more than the APEC cooperation is understandable for one simple reason; America was a part of APEC. Thus, APEC would be the vehicle for American economic hegemony, not as a platform to fight for small Eastern countries.

His 'anti-Western attitude', to some, was only rhetoric and playing to the audience. Malaysia sent more than 50,000 students to the Western countries annually and welcomed millions of Western tourists to her soil. Mahathir slammed the U.S. money speculators during the height of the Asian Economic Crisis, but needed Western trade and imports to help Malaysia out of the crisis. Despite launching his 'Look East Policy', it was pacified by the fact that, practically, it would be harder for Malaysians to adopt the Japanese and Korean work attitudes and commitment needed to emulate the two economic giants. Malaysia's already strong ties with the West would be easier to exploit rather than changing the whole structure and culture to follow Japan.

Mahathir understood that he should not get involved in the affairs of another country if he wanted to be treated the same. With the complex fabric of the Malaysian community and the special treatment that the indigenous people enjoyed, Malaysia had its own way of nation building and giving preferential treatment to one part of the community, without discriminating against the others. Mahathir proved to the world that despite giving special treatment to the Malays, Malaysia could remain a robust economy achieving more than 6 per cent economic growth in the 1990s. If it were not for the economic downturn, Malaysia's ambition of becoming a fully developed country by the year 2020 would now be in sight.

One notable drawback that Mahathir would never have envisaged is that of the willingness of others to change because of what other people say. In the case of Myanmar, Mahathir thought that by engaging them within the regional relations and offers of economic opportunities, the junta would be somehow more receptive to change. That was not the case. Myanmar remains to this day the major cause of embarrassment to ASEAN for its record on human rights and its discriminatory acts against democratic activities.

Therefore, ASEAN's formula of Constructive Engagement, in the case of Myanmar, has malfunctioned and needed a more robust approach when it comes to political and security issues. This is the paradox that ASEAN is facing. The need to preserve the principle of non-interference has bore fruit in some instances, but at the expense of neglecting other important issues, namely the oppression of democratic and human rights movements by some ASEAN governments.

Mahathir, as will be discussed in the coming chapters, at last agreed that some sort of interference is warranted in order to resolve some of the regional political problem. The question is not when but how and who would have the legitimacy and bravery to define in what situation does interference into the internal affairs of a member country is warranted and to what extent is the intervention.

In the next chapter, the discussion will revolve around Malaysia's understanding of the non-interference principle and its effects.

UNIVERSITY OF HULL

**The Effects of the ASEAN Non-interference Principle in Managing
Conflict: The Malaysian Experience (1981-2003)**

Chapter Six

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CHAPTER SIX

MALAYSIAN DOMESTIC POLITICS AND ITS INFLUENCE ON INTERNATIONAL AFFAIRS

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CHAPTER SIX

MALAYSIAN DOMESTIC POLITICS AND ITS INFLUENCE ON INTERNATIONAL AFFAIRS

6.0 Introduction

In Chapter Five, the discussion concentrated mainly on the orientation of Mahathir's government's foreign policy, which saw Malaysia transformed from an agriculturally-based nation to a trade and industrial player. This unprecedented development has been attributed to the extended peace and stability in the Malaysian government, which was as a consequence of a calm and secure region. Adherence to the non-interference principle meant every ASEAN member state had the chance to develop its nation without the threat of external interference in domestic politics. The challenges the Malaysian government faced in terms of regional politics and conflicts, and Mahathir's involvement in the ASEAN expansionism process, were also discussed. Mahathir was instrumental in recruiting new members into ASEAN with his concept of engagement rather than isolation. Myanmar's inclusion into ASEAN was a case in point.

In this chapter, discussions will mainly take place in determining whether there was a formal definition of non-interference on the part of the Malaysian government in guiding regional relationships, and why this principle was observed more in political and security issues compared to the others. The fact that Malaysian politics was based on ethnic and religious lines made it much harder for the country to shift away from this principle. Malaysia operated on the understanding that the creation of ASEAN would enhance and solidify the national sovereignty of its members and avoid the

surrender of national autonomy to a supranational organisation such as the European Union.

6.1 Malaysia's Understanding and Practice of the Non-interference Principle

Despite the significant effect that the non-interference principle had on the way ASEAN member states interacted with one another, there is no clear or official definition of what such a principle meant and how these countries went about implementing it. Malaysia, as a strong proponent of the principle, was no exception. Based on the interviews carried out with former and current government servants in the diplomatic corps, Malaysia did not have an official definition of what constituted the ASEAN non-interference principle. It was just an informal and well-understood policy that need not be interpreted and defined, as no country wanted their internal affairs being interfered with or influenced by another country.

6.1.1 Was there an official definition of Non-interference?

Based on the question “Does Malaysia has an official definition or interpretation of the Non-interference principle?” all correspondents agreed that Malaysia does not have a formal definition of what the non-interference principle means, and in one case asserted that “the principle would be better not to be defined so as to give flexibility in its interpretation and implementation, as stated by Jawhar²⁵⁷. Malaysia and other ASEAN nations have been using the ‘ASEAN Way’ model, which non-interference is a part of, as the *modus operandi* in intra-ASEAN communications and conflict

²⁵⁷ Tan Sri Jawhar Hassan is the Director of the ASEAN-ISIS in Kuala Lumpur, a non-governmental organisation and think-tank that gives recommendations and input to the Malaysian government on matters concerning foreign and regional affairs, especially within the ASEAN fold.

resolution processes. Jawhar further stated that “...they follow the international Law and the standard interpretation of non-interference”²⁵⁸, whereby they do not interfere with the domestic affairs of a member country. However, when asked to elaborate further on what non-interference would constitute, Jawhar stated that, in his understanding, operationally non-interference means “to refrain from making comments and interfering to the domestic affairs of a country... in the political and security sphere and... which is considered as sovereignty of a country and deemed as a sensitive issue”. If the issue is economic or social, it is not considered as interfering but more as ‘cooperation’, as ASEAN countries do make comments on other members’ economic and social policies. Jawhar further stated: “even if our neighbours comment on our ‘Bumiputera’ and economic policy, it is still acceptable... as this is still not considered as threatening the sovereignty of the country but just economic policies”²⁵⁹.

When the researcher asked Jawhar why there is a rejection of such interference, he elaborated that “this has always been the way in international relations as interfering in political and security matters would mean a challenge to the sovereignty of a country”. However, Jawhar added that, in actual fact, countries do make statements and interfere in another country’s internal affairs, especially when the problem is

²⁵⁸ Interview with Jawhar, please refer to Appendix A.

²⁵⁹ ‘Bumiputera’ or ‘Sons of the Soil’ are terms given to the Malays and the indigenous people of Malaysia. This segment of the Malaysian population enjoys special privileges despite being the majority of the citizenry due to the lacking position in economy which they inherited from the British colonial era. Some of the privileges include special quotas for government contracts, places in universities, scholarships and civil service appointments. These special preferences are protected under the Malaysian Constitution, namely Article 153 of the Federal Constitution. Questioning these rights had caused tremendous internal discontent and conflict, which saw the tragedy of 13th May Riot in 1969. For further reference, please look at Means, Gordon P. (1991). *Malaysian Politics: The Second Generation*, Oxford University Press. For reference to the Malay privileges, refer also to Musa, M. Bakri (1999). *The Malay Dilemma Revisited*, p. 3. Merantau Publishers. For an introduction to the Malaysian Constitution, please refer to Mohamed Suffian Hashim, *An Introduction to the Constitution of Malaysia*, second edition, Kuala Lumpur: Government Printers, 1976.

trans-boundary requires attention. Malaysia, for example, sometimes assumes that “*it is their right to interfere*” when trans-boundary issues affect Malaysia as a nation²⁶⁰.

Tun Mahathir also agreed that during his administration, there was no official definition of what constitutes a policy of non-interference. According to Mahathir, each ASEAN member “*understood that certain things are regarded as domestic or internal and other countries have no right to interfere*”; therefore, member countries should let the country concerned deal with it themselves. Mahathir also believes that the non-interference principle does not only apply to political and security matters, but also encompasses all domestic affairs including economic, social and political issues.

As a former prime minister and a political activist involved directly during Malaysia’s struggle for independence, Mahathir believes strongly in preserving the political sovereignty and sense of nationalism of a particular country. He further stated that such rights to govern and administer a country by its own accord carry the “*...meaning of independent, when you are independent, you have the right to run your country in your own way*”²⁶¹. Therefore, any kind of interference into the domestic affairs of a member country, as long as the problem does not affect another country, should not be permitted in upholding “*the meaning of independence and national sovereignty*”²⁶².

Professor Shamsul Amri of UKM, a well-known local scholar close to the ruling governing party UMNO, echoed such a statement and emphasised the importance of

²⁶⁰ Ibid.

²⁶¹ Interview with Mahathir; refer to Appendix A.

²⁶² Ibid.

sovereignty and the concept of nation state and national interest. According to Shamsul, “... *at the end of the day, it goes back to the concept of nation-state and national interest so as to give an independent country the autonomy to formulate and administer its own country as they see fit*”²⁶³. Shamsul further stated that although ASEAN is a grouping of nations that share similar historical backgrounds in terms of colonialism and Eastern values, every country will always “*put its national interest above anything*” and guard its national sovereignty fiercely.

Tan Sri²⁶⁴ Razali Ismail, Tan Sri Zainal Abidin Sulong, Tan Sri Ahmad Fuzi, Dato’ Seri Anwar Ibrahim, Tun²⁶⁵ Ghazalie Shafie and others also acknowledged that Malaysia has never had any official definition or interpretation of the principle, thus making them to fall back to what The United Nations Charter stated on the practice of the non-interference and non-intervention principles among member countries. A further check with Malaysia’s Foreign Ministry ASEAN desk officer confirms that there has not been any written definition or Standard Operating Procedure (SOP) that interprets what a non-interference or non-intervention policy is with regards to relations with ASEAN countries. The standard answer always reverts back to the concept of non-interference, which is embodied in the United Nations Charter and other relevant international law. The researcher also confirmed with Malaysia’s ASEAN-ISIS centre in Kuala Lumpur that there have been no documents or proposals from the think-tank body in defining the above policy, despite admitting that the non-

²⁶³ Interview with Professor Shamsul Amri of Universiti Kebangsaan Malaysia (UKM), refer to Appendix A.

²⁶⁴ The title of Tan Sri is the second highest honorific title that any Malaysian (usually government servants) can be given by the federal government of Malaysia. This title is bestowed by the Yang Di Pertuan Agong of Malaysia (The King) as recognition of the excellent service and contribution rendered to the citizens and the nation at large, especially to government servants and politicians. However, this title does not bring with it any monetary allowances.

²⁶⁵ The title ‘Tun’ is the highest federal honorific title in Malaysia.

interference principle is one of the most important policies among ASEAN nation-states²⁶⁶. The broad understanding of non-interference and non-intervention has sometimes led to a more traditional understanding of the term regularly associated with intervention vis-à-vis the use of military intervention, threat and the use of force²⁶⁷.

6.1.2 A Policy without a Policy

From the interviews conducted, it is obvious that the non-interference principle, as with the well-known 'ASEAN Way' practice, has never had any academic or scholastic definition in guiding intra-ASEAN relations and, in this case, Malaysia's foreign relations with its ASEAN partners. Therefore, it could be interpreted that Malaysia's reaction towards regional affairs in relation to the practice of non-interference has sometimes been more reactive than proactive, ad-hoc rather than institutionalised, and appeared to be inconsistent and dependent on various changeable variables. Maybe this is part of the dynamics of international relations that

²⁶⁶ ASEAN-ISIS (ASEAN Institute of Strategic and International Studies) is an association of non-governmental organisations registered with the Association of Southeast Asian Nations. Formed in 1988, its founding membership comprises the Centre for Strategic and International Studies (CSIS) of Indonesia, the Institute of Strategic and International Studies (ISIS) of Malaysia, the Institute of Strategic and Development Studies (ISDS) of the Philippines, the Singapore Institute of International Affairs (SIIA), and the Institute of Security and International Studies (ISIS) of Thailand. Its purpose is to encourage cooperation and coordination of activities among policy-oriented ASEAN scholars and analysts, and to promote policy-oriented studies and exchanges of information and viewpoints on various strategic and international issues affecting Southeast Asia's and ASEAN's peace, security and well-being.

ASEAN-ISIS now consists of 9 members: CSIS Indonesia, ISIS Malaysia, ISDS Philippines, SIIA Singapore, ISIS Thailand, Brunei Darussalam Institute of Policy and Strategic Studies (BDIPSS), Cambodian Institute for Cooperation & Peace (CICP), Institute for International Relations (IIR) Vietnam, and Institute of Foreign Affairs (IFA) Lao People's Democratic Republic. Please refer to ASEAN-ISIS Malaysia at http://www.isis.org.my/html/affils/affils_asean-isis.htm.

²⁶⁷ In most of the interviews, the interviewees' understanding of non-interference has been interference in terms of refraining from making statements, giving comments and debates rather than a more physical and military like actions.

give ample opportunity and prospects to deal with the reality on the ground rather than being too academic and rigid.

Kissinger (2004) pointed out that there are constraints in making foreign policy ranging from politics, power and the actions of other states to the public opinion back home²⁶⁸. In the case of Malaysia, the formulation of foreign policy and the interaction between her and other regional nations are significantly influence by domestic and inter border issues. Jawhar Hassan, Shamsul Amri, Razali Ismail, Mahathir, and Zainal stated that issues perceived as 'sensitive' for example ethnic-religious based issues which shares the domestic concerns (Malay and Islam are two intertwined issues) plays an important role in the process of policy making and its implementation, thus give an effect to the non-interference policy. In the words of Razali, people from the southern Thailand provinces are '*relatives with the Malays in Malaysia and at times have historical, economical and land ties*' with the Malaysian Malays. Inevitably, Malaysia has to take consideration and lend a hand when they are in trouble.

Therefore, from the interviews the researcher concludes among the variables that have influenced Malaysian foreign policy, when connected to the non-interference policy are:

a- Ethnicity and religion.

Whether the issue at hand involves the ethnic and religious sentiments, mainly of Malays and the religion of Islam. These issues can be seen in conflicts such as in

²⁶⁸ Cited in Russet, Star and Kinsella (2004) World Politics :The Menu For Choice, 7th edition, Thomson and Wodworth, Singapore.

the Southern Thailand province, South Mindanao in the Philippines and the Singaporean Malays.

b- Trans-border or domestic issues

Environmental and trans-border issues such as the reoccurring haze problem as a result of pit fires in Indonesia and the illegal migration of Southern Thai Muslims, the Indonesian workforce and Mindanao Muslims.

c- Politics and security

The issue at hand involves either the politics or security of a member state, and it affects the sovereignty of the governing party.

Not having a set of strict definitions of what constitutes the non-interference principle makes it vulnerable to various personal interpretations. As a result, when it comes to the implementation of the policy, there is always the possibility of maneuvering around it rather than rigidly adhering to the agreed definition. In every interview conducted, the respondents loosely referred to the Article in the United Nations Charter, (although not specifically) on the paramount protection given to member states to have the opportunity and legal rights to govern their own countries. All governments should be able to rule without the fear of foreign intervention or interference, as clearly stated in one of the UN's Articles.

The United Nation's Charter has been primarily identified as the source and origin of the non-interference principle in ASEAN (Razali Ismail, Zainal Abidin Sulong, Abu Hassan Omar, Jawhar Hassan and Ahmad Fuzi Abd Razak) but there is no such definition when it comes to Malaysia-ASEAN relations²⁶⁹. However, at the same

²⁶⁹ Interviewees as in Appendix A.

time, some have also argued that it goes back even to the 1648 Westphalia Treaty (Ghazalie Shafie, Jawhar Hassan)²⁷⁰.

Article 2 of the UN Charter explicitly deals with “*the principle of sovereign equality among members*” and in paragraph 7 of the article goes on to state that “*nothing contained in the present Charter shall authorize the United Nations to intervene in matters that are essentially within the domestic jurisdiction of any state*”²⁷¹. This segment clearly spells out the internationally recognised code of conduct between states, which prohibits foreign interference into the domestic affairs of a member country. On top of that, numerous international declarations are inserted into this principle as an integral part of the agreements. Among others are The Declaration on the Inadmissibility of Intervention in Domestic Affairs of a State 1965, the United Nation’s General Assembly Declaration on Principle of International Law Concerning Friendly Relations and Cooperation 1970²⁷² and The Helsinki Final Act, or the Helsinki Accord of 1975²⁷³.

Although the implementation and adherence to the above Article has been ignored and violated several times in the course of modern post-World War Two history,

²⁷⁰ Ibid.

²⁷¹ The United Nations signed important declarations and resolutions with regards to the non-interference/ non-intervention principle. Among them were the 1965 Declaration on the Principle of International Law Concerning Friendly Relations and Cooperation and the 1981 Resolution 36/103 on the inadmissibility of intervention and interference in the internal affairs of states. Please refer to Ozmanczyk’s (2003) ‘The Encyclopedia Of The United Nations and International Agreements’, Third Edition, Volume 3: N-S. Taylor and Francis for further elaboration.

²⁷² Please refer to Steven Wheatley’s article titled ‘The Non-intervention Doctrine and the Protection of the Basic Needs of a Human Person In Contemporary International Law’, The Liverpool Law Review, Vol. XV (2), 1993.

²⁷³ The Helsinki Final Act, or its full name The Final Act of the Conference on Security and Cooperation in Europe 1975, was signed by 35 countries, namely all European countries except Albania and Andorra with the inclusion of the United States of America and Canada. This declaration was signed at the height of the Cold War and was an attempt to install confidence and improve relations between the Western Democratic countries headed by the US and the communist bloc headed by the former Soviet Union. The full text of the Helsinki Accord that explicitly inserted the principle of non-intervention can be accessed at http://www.osce.org/documents/mcs/1975/08/4044_en.pdf.

nevertheless, the Article has been quoted and invoked in myriad instances when there is any interference – or the threat of interference – into a member state’s internal affairs. Cambodia and Myanmar have repeatedly used this Article to block any deliberate attempt to discuss their internal affairs during ASEAN summits or regional meetings, and have even threatened to walk away from any meeting if their affairs are discussed openly or officially²⁷⁴. However, closed-door briefing sessions do take place during ASEAN meetings that give ASEAN Foreign Ministers the chance to receive any updates or information on current issues.

This confirms what Tun Ghazalie Shafie meant when he said that “*the establishment of ASEAN and the inclusion of the non-interference principle in the Treaty of Amity and Cooperation- TAC do not mean that we cannot discuss the internal matters of member countries, but it must be done by the members themselves and not other superpowers*”²⁷⁵. Therefore, it can be understood that, in line with the concept of the ASEAN Way which promotes ‘*face saving diplomacy*’ and personal relationships rather than official and legal binding structures, that member states can ask questions about the internal affairs of another ASEAN member, as long as it is being done discreetly and behind closed doors²⁷⁶.

²⁷⁴ Myanmar had several times resisted ASEAN’s call to discuss its internal affairs during ASEAN Summits or the ASEAN Ministerial Meeting (AMM), and threatened to boycott the meeting if such an agenda was pursued. The military junta cited that discussing its internal affairs openly was a gross violation of the United Nation’s Charter and furthermore violated ASEAN’s own non-interference principle and the ASEAN Way. However, discussions do take place behind closed doors during these meetings, the details of which are never made public.

²⁷⁵ Interview with Tun Ghazalie Shafie. Please refer to appendix A.

²⁷⁶ In the wake of several internal conflicts in Thailand, Myanmar and Cambodia, many attempts by ASEAN members to discuss the conflicts as an official agenda during the ensuing meetings were fiercely rejected by the countries involved. For instance, Thailand rejected calls to discuss the deteriorating condition of the Muslims in Southern Thailand during Thaksin Shinawatra’s crackdown operation against the insurgency movement between 2001-2005 during the December 2005 ASEAN Summit in Kuala Lumpur. Two of the most notable operations that captured the intention of the regional and international community was the April 2004 Krue Se Mosque incident which killed 32 ‘militants’, and the October Ta’ Bai Mosque demonstration clampdown, which resulted in 84 fatalities

The United Nations Charter also clearly identifies the illegality of the use of force against any state, as this would defeat the purposes of its own establishment. Preceding the same Article 2, under paragraph 4, the United Nations Charter clearly states that member states should refrain from using force against another state, which would undermine the integrity and political independence of any state. The article outlines that any state should:

“... refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the Purposes of the United Nations”²⁷⁷.

This article clearly shows the importance of the non-interference principle in international relations among states. Non-interference does not only mean refraining from giving comments and statements, but also the use of force and the threat to use force. Therefore, any kind of interference or intervention is not allowed under international law unless in some extraordinary situation. Extraordinary circumstances that warrant the possibility of intervention, threat and the use of force can only be applied after all other diplomatic channels have been exhausted including the use of the Good Office of the United Nations Secretary General.

There are two circumstances where explicit permission is granted under the United Nations Charter to interfere or intervene in a member's country or use force in order to maintain international peace and order. The first exception is by way of the Security Council passing a Security Council Resolution (SCR) under Chapter 7 of the

under military confinement. A report written by the Asian Human Rights Commission can be referred to at <http://www.ahrchk.net/ua/mainfile.php/2004/838/>.

²⁷⁷ Please refer to <http://www.un.org/en/documents/charter/chapter1.shtml>

UN Charter. The Security Council, under Article 42, can authorise the use of force in order to restore and maintain international peace and security. Secondly, the member states of the United Nations can resort to the use of force in the act of self-defence, as stated under Article 51²⁷⁸. However, the incident must be reported immediately to the Security Council.

From the interviews conducted by the researcher, it was clear that Malaysia does not have its own interpretation and definition of the non-interference principle, and has been relying upon the general understanding of the principle as being stated under International Law and the United Nations Charter. The question that arises is how does the Malaysian government or its officials adhere to the non-interference principle?

6.1.3 How does Malaysia Operate Without a Definition?

With the absence of an official definition, Malaysia, specifically the officials of the Malaysian Foreign Ministry and Malaysian politicians or leaders, have been using their own understanding with regards to the implementation of the non-interference principle. As a consequence, the understanding of what constitutes non-interference could be wide or, conversely, very narrow. Non-interference in Malaysia-ASEAN relations can either:

²⁷⁸ The United Nations under Article 39 can authorise the Security Council to determine whether there is any threat to international peace and what recommendations should be taken in order to restore international peace, including the use of force. Article 41 explicitly recommends that the United Nations may decide what non-military measures can be taken to solve an issue including interruption of economic relations and the severing of diplomatic ties. In the event that such a threat towards international peace is established and all non-military measures have been exhausted, the Security Council can recommend under Article 42 any viable step including the formation of a Coalition of military forces among member countries, with the issuance of a Resolution to gain a formal mandate from the United Nations.

I - be understood as refraining from making comments, reacting and interfering in another member country's internal affairs. This usually does not include physical interference or intervention as the thought of engaging in physical intervention as more remotely compared to just making comments or giving reactions or statements,

II – be understood as whatever has been agreed under the United Nations Charter and other related International Law.

Therefore, it is up to the country's leadership to respond to any regional issues in their own individual way. Although this is not a surprising fact, but should Malaysia have a well framed and stated definition of what non-interference constitute of, Malaysia could have a more consistent approach in dealing with regional issues. Without the definition, it could be the idiosyncratic values of a leader that would guide him or her in dealing with regional issues.

i- Leadership style

To the question of 'whether the idiosyncratic leadership values of a particular leader' determine whether they prefer non-interference or not, the researchers had mixed responses. Leaders and their behaviour do play a role in foreign policy decision making; in fact, leaders are the 'shakers and movers' of world history (Kegley & Wittkoff, 2004:88). From the interviews, the researcher found that older leaders from a more traditional background tend to uphold the non-interference principle compared

to the younger generation of leaders²⁷⁹. Mahathir, who was about 20 years older than Anwar (61 years old), was seen as being more cautious in making policy decisions, especially when it concerned the well-being of the Malays, compared to Anwar who believed in a more liberal, democratic and open style of politics. Anwar was an ardent supporter of free speech and led several public demonstrations during his earlier days as a youth leader.

The former Malaysian Prime Minister, Mahathir Mohamad, and the batch of leaders from his time (President Suharto of Indonesia and Lee Kwan Yew of Singapore) can be perceived as being more cautious, more conventional, inward looking and always prioritising domestic politics compared to the younger generation of leaders such as Anwar Ibrahim, former Filipino President Estrada and former Thailand Foreign Minister Surin Pitsuwan²⁸⁰. The younger generation, or ‘Anwar batch’ of leaders, were more sensitive to universal and liberal values such as the importance of human rights and civil society, liberalism in the economic system and, in the case of Anwar Ibrahim, the need to forgo racial and discriminatory policies under existing Malaysian Law.

As delicately put by Jawhar, the difference between Anwar and Mahathir is that *“Anwar [was] being associated with the academics and more ideological compared to Mahathir”* that was more pragmatic and valued the old ways. Although Mahathir

²⁷⁹ This is what was referred to as the Second Generation of leaders in ASEAN by Anwar, which differentiated Mahathir, Suharto (Indonesia) and Lee Kwan Yew (Singapore) as the older generation and Anwar, Habibie (Indonesia), Estrada (the Philippines) and Surin Pitsuwan (Thailand) as the younger generation of leaders. The older generation of leaders were more orthodox, prejudiced and protectionist compared to the younger breed that were more popular worldwide, more liberal and would like to see ASEAN become a more decisive regional organisation with less of the trappings of non-interference and prejudicial politics.

²⁸⁰ Surin Pitsuwan is currently the Secretary General of ASEAN. He was nominated by the Royal Thai Government and endorsed by ASEAN Leaders to be ASEAN Secretary-General for the years 2008-2012.

lifted and revolutionised the Malaysian economy during his tenure as the prime minister of Malaysia, modernising the nation went hand in hand with prioritising the need of the majority of Malays through special privileges and selective government award contracts²⁸¹.

When the 1998 Asian Economic Crisis hit Malaysia, Mahathir resorted to attacking the Western currency speculators, and tried to spend the Malaysian economy out of the crisis with internal public money. Anwar, on the other hand, tried to adopt measures outlined by the International Monetary Fund (IMF), which included restructuring the local banking system and the tightening the Malaysian national budget²⁸². Anwar was at that time the Deputy Prime Minister cum Finance Minister of Malaysia and, coincidentally, the Chairman of the Development Committee of the World Bank and the IMF in 1998. This difference in managing the economic crisis created a rift between them and resulted in Anwar's sacking in September 1998. He was later jailed for corruption and a sex scandal, which he vehemently denied.

Mahathir did not agree with Anwar's plan of adopting the IMF's proposed plan, which included restructuring the banking and economic system and liberalising the Malaysian economy by abolishing the preferred treatment towards the Malays. If Anwar's plan were to be implemented, it would mean that many local businesses – which would include businesses owned by the Malays – would be either shut down or

²⁸¹ It is required under Malaysian Law or the national Constitution that the Malays be protected and privileged in economic and public institutions, as recommended by the Reid Commission. This commission was set up by the British as a groundwork exercise before giving Malaysia its independence in 1957. Although enshrining concepts such as federalism and a constitutional monarchy, the proposed Malayan constitution by the Reid Commission also contained provisions protecting special rights for the Malays such as quotas in admission to higher education and the civil service, and making Islam the official religion of the federation. It also made Malay the official language of the nation, although the right to vernacular education in Chinese and Tamil would be protected.

²⁸² For a brief understanding of what Mahathir Mohamad did during the Asian Economic Crisis, please refer to his book entitled 'The Malaysian Currency Crisis', Pelanduk Publications, Kuala Lumpur.

integrated. One of the notable steps taken was the merger of more than thirty local banks in Malaysia to only six or seven big banks, which was in line with the IMF's recommendations. He also advocated for greater accountability and refused to offer government bailouts to companies facing bankruptcy²⁸³. These actions did not augur well with Mahathir, and contributed to his sacking in September 1998.

The differing leadership styles between Anwar and Mahathir would, in the end, result in different approaches towards the non-interference principle vis-à-vis Malaysia-ASEAN relations. Mahathir saw the importance of preserving the status quo of not interfering in another country's 'backyard', as Malaysia also had its own complex internal political landscape. Almost every interviewee acknowledged that due to the sensitivity of domestic issues, especially regarding Malay special rights and Islam as the official religion of the nation, Malaysia does not want other countries to interfere with its domestic policies. Consequently, Malaysia also should refrain from commenting on other countries, especially ASEAN countries (Zainal, Jawhar, Shamsul, Mahathir, Abu Hassan and Fauzi).

Anwar, on the other hand, promoted greater interaction and engagement in regional politics. He realised that a problem in one country would affect the others as well. Anwar, in his interview with the researcher, argued that ASEAN countries have the “...*moral responsibility to address issues of human rights, democracy and human integrity*” and should not be hypocritical and selective in choosing which issues should be discussed. He argued that Malaysia was fully committed to human rights

²⁸³ <http://www.crisisgroup.org/home/index.cfm?id=4238>

issues in Bosnia, but was silent when it came to regional issues such as conflicts with the Muslim Mindanao, Southern Thailand, Myanmar and the Aceh political turmoil.

There was also a slightly different approach taken by Abdullah Badawi, who succeeded Mahathir as the Malaysian Prime Minister in 2003. Although Abdullah himself did not make any official statement signalling a slight departure from the non-interference principle, his Foreign Minister, Syed Hamid Albar, did outline the need for ASEAN to become more inclusive and to reconsider reviewing the non-interference principle²⁸⁴. During the April 2006 ASEAN Ministerial Meeting (AMM), Hamid expressed that he sensed the “frustration and disillusionment” of ASEAN Foreign Ministers, in order to find common ground to resolve Myanmar’s political impasse²⁸⁵.

However, these criticisms and personal outbursts were just individual criticisms rather than official ASEAN lines. The Myanmar political conflict was an ‘ASEAN Dilemma’²⁸⁶ and considered a ‘thorny issue’ that put ASEAN as an organisation in a bad light, and at times strained its relationship with extra-regional organisations such as the European Union²⁸⁷.

²⁸⁴ The outspoken Malaysian Foreign Minister delicately criticised the non-interference principle and urged Myanmar to give up the ASEAN chair. Syed Hamid was quoted by the press as saying "I am sure Myanmar, being a member of ASEAN, would not like to see ASEAN in any way being given a very negative view...as if we are not adhering to the norms of today, in terms of democracy, rules of law, human rights".

²⁸⁵ “ASEAN Ministers Fail to Reach Consensus on Changes in Burma.” Thai Press Reports. 25 April 2006

²⁸⁶ Chong, T. and K. B. Ooi. “Myanmar Question: ASEAN Dilemma.” *The Straits Times*. 16 April 2005

²⁸⁷ George Yeo, the Singapore Foreign Minister expressed his relieve with Myanmar’s decision to give ASEAN chairmanship and described it as been able to ‘remove the thorny issue’ between ASEAN and extra-regional actors such as the EU.

The question remains as to when, or if, there will be a time when ASEAN will one day be open to public criticism and be able to hold frank discussions between member countries, rather than viewing such open debates as taboo in ASEAN politics.

ii- Why Should ASEAN Interfere?

In his interview, Anwar advocated strongly the need for Malaysia to pursue a more progressive and inclusive role within ASEAN in dealing with regional issues, rather than outrightly “...restrict[ing] us from even talking, which then results in unresolved problems”. Anwar claimed that issues such as the detention of Aung San Suu Kyi were not even allowed to be discussed behind closed doors, let alone in public. When he had the opportunity to discuss the conflict with Myanmar former Prime Minister General Khin Nyunt, who he claims as a close associate, the discussion was done so discreetly that “...the General had to ask all of his officers to vacate the room before we could discuss about Suu Kyi”. This high level of secrecy shows how the military junta in Myanmar is very protective and has a certain amount of prejudice against external actors.

From the interviews, the researcher can sum up four possible reasons why ASEAN should be more open in giving members at the very least the opportunity to discuss issues that concern them. There are:

- i- Being more flexible regarding the subject matter of discussions would be a start towards finding mutual ways to discover options for resolving outstanding regional and domestic issues. Without even giving ASEAN members the opportunity to express their thoughts and opinions freely, the

possibility of spillover effects cannot be discounted. Furthermore, such a spillover has occurred, for example the over-influx of illegal migrants from South Mindanao and Southern Thailand to Malaysian the states of Sabah and Kedah. Anwar argued that by abiding by the non-interference principle to the letter would mean that affected countries would not contribute towards finding solutions to the problems mutually affecting them.

- ii- ASEAN should recognise the moral and humanitarian obligation at least to express dissatisfaction when basic human rights are being neglected. Furthermore, mass killings and detention without trial have resurfaced in some ASEAN member countries, which have been acknowledged by the international community at large. Anwar and Mahathir cited the case of Myanmar's democracy movements and the Cambodian political conflict, where although everyone knew about what was going on, nobody could do anything about it.
- iii- The revolution of the mass media and the internet means that information on virtually any subject is readily available anywhere in the world. Razali Ismail argued that this phenomenon would mean no country could hide their mismanagement of its citizens, particularly when it involved the loss of human lives or the oppression of democratic movements and the neglect of basic human rights.

- iv- Razali furthermore stated that as the world community at large embraces universal movements such as civil liberty and human rights, ASEAN could one day be humbled to adopt these values including democratic values such as freedom of expression and freedom of information.

Anwar strengthened his argument by stating that if ASEAN countries refer back to the declarations of the ASEAN Treaty (Bangkok Declaration) of 1967, the forefathers of ASEAN had wanted the Association of ASEAN and the region as a whole to uphold basic human rights which include the right to freedom of expression without being '*combative in nature*' but as a friendly discussion among friends.

Anwar's stand on amending the non-interference principle was in line with several ASEAN leaders especially from Thailand and the Philippines. In an interview with the AFP, Thailand's former Foreign Minister Sukhumban Pribatra acknowledge that ASEAN should modify this doctrine if the organization would want to remain relevant and be seen by the international community as going forward rather than backward. He said that;

*'...ASEAN won't be able to hold on to the notion that non-interference will always be sacred' and risk isolation as 'no one can live in isolation. Otherwise regional integration will not move forward'*²⁸⁸.

Even Mahathir agreed that in some circumstances, for example when it involves the loss of human lives or in the event ethnic cleansing, there can be interference but the

²⁸⁸ ASEAN must dump non-intervention policy and work out its problems' AFP 22 June 2000.

question remained ` *to what extent can we interfere and who can define it*²⁸⁹. On another note, Thayer (1999:67) argued that with the expansion of ASEAN membership, ASEAN is facing new challenges and these challenges would mean ASEAN has to make adjustments and modifications including re-evaluating the strict adherence to the principle of non-interference.

6.1.4 What were the Effects of such a Position?

The absence of a clear interpretation of what constitutes non-interference in ASEAN politics has resulted in two most obvious effects. These are:

i- Inconsistency in policy

Despite generally abiding by the non-interference principle among ASEAN countries, leaders and politicians from member countries still make comments on and give their reactions to events that occur in member countries. Jawhar put it correctly when he stated that “...*countries will assume that they have the right to comment on others but reject when they themselves are being criticised*”. He cited the case of Thailand, which was vocal on the issue of Aung San Suu Kyi of Myanmar, but reacted fiercely when efforts were being made by some ASEAN countries to discuss Southern Thailand’s political problems. The conflict in the Muslim majority provinces of Yala, Narathiwat and Pattani against the Buddhist federal government saw a lot of political tribulation including incidents that led to the loss of human lives, especially when

²⁸⁹ Interview with Mahathir.

Thaksin was in office. This attracted a lot of attention, especially from ASEAN's Muslim majority members such as neighbouring Malaysia and Indonesia.

Anwar in his interview highlighted the 'hypocritical' nature of the Malaysian government in responding to international conflicts. Malaysia was very vocal on the Bosnian conflict, but kept a close lid on regional issues such as the Southern Thailand, Southern Mindanao and the East Timor conflict, which arguably also cost human lives. He claimed that the Malaysian government reacted strongly to the Bosnian conflict²⁹⁰ as it was already an international affair, maybe an act of jumping on the bandwagon, and the conflict had occurred away from the region of Southeast Asia. Should the conflict have been nearer to Malaysia's border or within the Southeast Asian region, Malaysia's response would probably have been different.

Malaysia and ASEAN as a whole were also not consistent in dealing with regional conflicts when they admitted Myanmar along with Laos as new members in 1997, but at the same time deferred Cambodia's admission for almost two years. Despite heavy criticism from inside and outside ASEAN, Malaysia, headed by Mahathir, highly recommended the inclusion of Myanmar but remained silent towards Cambodia's admission. ASEAN also went to great lengths to persuade Myanmar not to take the

²⁹⁰ The Bosnian War, also known as the War in Bosnia and Herzegovina, was an international armed conflict that took place between March 1992 and November 1995. In March 1994, a peace agreement mediated by the USA between the warring Croats (represented by the Republic of Croatia) and the Republic of Bosnia and Herzegovina was signed in Washington and Vienna, which is known as the Washington Agreement. The war with the Serbs ended with the Dayton Peace Agreement signed on November 21, 1995. The final version of the peace agreement was signed December 14, 1995 in Paris. Malaysia was involved actively during the conflict including sending humanitarian aid to Bosnia as a sign of Muslim brotherhood and on the basis of humanitarian grounds. In 1993, Malaysia, along with several international armed forces, were sent to Bosnia as part of the UNPROFOR aimed at protecting and securing Muslim safe havens. Malaysia also was able to raise more than \$3 million Malaysian Ringgit to support the Bosnian War humanitarian fund. For a general understanding of the war, please refer to R. Craig Nation. (2002) "War in the Balkans 1991-2002." Strategic Studies Institute.

ASEAN rotational Chair in 2006, but stopped short of asserting its influence on Myanmar to resolve its domestic politics amicably²⁹¹.

ii- Inability to resolve conflicts

The other obvious effect that resulted from adhering to the non-interference principle was the inability on the part of Malaysia as a member, and ASEAN as the regional organisation, to resolve conflicts in the region. Some conflicts such as Southern Mindanao, Southern Thailand (which both share borders with Malaysia) and the Suu Kyi detention remain unresolved to this day, and have even escalated to new heights. The inability of ASEAN to find solutions to bilateral conflicts between member countries saw Malaysia, Indonesia and Singapore present their cases to the International Court of Justice (ICJ) to find amicable solutions, rather than referring to mechanisms that existed in ASEAN such as the ASEAN High Council²⁹².

Mahathir, in his interview, stated that ASEAN has no ability to resolve regional issues, and instead depends on external parties. He argued that ASEAN and its members could not do anything towards “...*the brutal government in Cambodia...and the Cambodian people could not defend themselves... and non-interference has resulted to the death of almost two million people in Cambodia*”. Other domestic conflicts such as the Aceh Insurgency²⁹³ and the East Timor struggle²⁹⁴ for

²⁹¹ Prior to the 38th ASEAN AMM meeting, representatives of several ASEAN countries tried to persuade Myanmar to voluntarily give up the chair and give way to the Philippines to take over from Malaysia in 2006. Adhering to the ASEAN Way of informal diplomacy, they attempted to persuade Burma to accept a ‘face-saving’ solution, sparing it from further international criticism.

²⁹² Malaysia and Indonesia fought the co-claimant case of Pulau Sipadan and Ligitan at The Hague while Malaysia and Singapore sought the help of the ICJ on the co-claim to Pulau Batu Putih.

²⁹³ The insurgency in Aceh was waged by the Free Aceh Movement (GAM) between 1976 and 2005 in order to obtain independence from Indonesia. The destruction caused by the 2004 Indian Ocean

independence have also required the help of external parties including the United Nations and some Western countries.

The Aceh conflict was only resolved after the active involvement of the Finland-based Non-governmental Organization, the Crisis Management Initiative (CMI) and the personal intervention of former Finnish President Martti Ahtisaari. The signing of the Helsinki Peace Deal on 15th August 2005 saw the end of thirty years of uprising. The conflict in East Timor was resolved through a referendum for independence, conducted under the watchful eye of the UN. This referendum, which overwhelmingly voted in favour of independence by more than 75%, consequently resulted in the 2002 independence declaration and recognition by the world community at large.

Razali and Jawhar concurred Mahathir's view in stating the inability of ASEAN and member countries to find solutions to regional conflicts. In Razali's assessment about the political conflict in Myanmar, he argued that other major regional powers including China would be more suitable and probable candidates for finding any chance of a political solution. He argued that not only was ASEAN not in a position to influence Myanmar, especially with the self-imposed non-interference principle, but also ASEAN countries were not strong enough economically, militarily or politically compared to countries like China and the United States of America.

earthquake brought a peace deal and an end to the insurgency. The Helsinki Peace Treaty that ended the hostility can be accessed at <http://www.aceh-mm.org/download/english/Helsinki%20MoU.pdf>. For a brief history of the movement, please refer to an article report by Aguswandi and Zunzer from the Berghof Research Center in Berlin at http://www.berghof-center.org/uploads/download/transitions_gam.pdf.

²⁹⁴ The breakaway of East Timor to form the Democratic Republic of Timor Leste needed the help of the UN and several Western countries. On 20 September 1999, the International Force for East Timor (INTERFET) was deployed to the country and brought the violence to an end. Following a United Nations-administer transition period, East Timor was internationally recognised as an independent state in 2002.

Furthermore, Myanmar has used every economic gain and mode of business with ASEAN countries as bargaining chips, and convinced them to allow the status quo to remain in order to safeguard their own interests and investments. He said that the constructive engagement strategy used by ASEAN “...*failed to influence the junta and [was] used back against them*”.

iii- The challenging of Malaysian credibility

Myanmar’s failure to respond to calls from regional and international actors to resolve its domestic politics has stained the image of ASEAN as its regional organisation and Malaysia as the country responsible for sponsoring its admission. No other ASEAN leader has been more disappointed with the military junta than Mahathir. In an interview reported by *AFP*, Mahathir said:

“We are thinking about ourselves as ASEAN, we are not criticising Myanmar for doing what is not related to us, but what they have done has affected us, our credibility. Because of that, we have voiced our views”²⁹⁵.

Mahathir’s frustration towards the Myanmar junta was reflected when he also admitted that Myanmar might have to be expelled from the ASEAN grouping if its military rulers continued defying world pressure to release democracy activist Aung San Suu Kyi, but this may only be done as a last resort²⁹⁶. According to Jawhar, Mahathir has been seen as personally frustrated, as he played a major role behind Myanmar’s admission into ASEAN. Mahathir, through his envoys, persuaded and

²⁹⁵ ‘Myanmar might have to be expelled from ASEAN: Mahathir’, *AFP*, 20 July 2003.

²⁹⁶ *Ibid*

lobbied the military government to reform Myanmar's political system and hold free and fair elections.

In the interview with the researcher, Mahathir said that his government had tried to convince the Myanmar junta that if they could provide security and prosperity for the Myanmar people, they would support them: "*The Military junta does not have to be an authoritarian government, but they could form their own political party and the people will support them*"²⁹⁷. He also outlined the example of Malaysia to the Myanmar envoys, whereby the same party (UMNO and Barisan Nasional) had been governing the country since independence as long as they provided for and protected the citizens. However, despite all his personal attention and diplomatic efforts, Myanmar's political situation did not arrive at a favourable conclusion.

iv- Cooperation and not Interference

Despite the inability of ASEAN as a regional actor to resolve some issues amicably, other matters, which can be considered as 'non-political and non-security' issues, have been given due attention and steps have been taken to resolve them in one way or the other. These issues are mainly:

a- The haze problem, which has continued to reoccur as a result of open burning or pit fires, usually in Indonesia. Following the regular haze problem affecting the region, ASEAN countries signed the ASEAN Haze Agreement of 2003, which basically allowed them to cooperate in developing and implementing measures to prevent and

²⁹⁷ The Malaysian government invited the military junta to Malaysia to see and learn how Malaysia has developed her economy and political institutions. Mahathir said that 'The military junta should not be afraid of empowering the people but should instead join them a form their own political parties'.

monitor trans-boundary haze pollution and control sources of fires by developing early warning systems, exchanging information and technology, and providing mutual assistance²⁹⁸. Although this was originally an Indonesian problem, due to the adverse effects in terms of environmental health and the disruption of economic activities such as tourism and agricultural products, Indonesia willingly accepted the steps taken by ASEAN to ‘interfere’ into the management of these fires.

b- As a result of the 1997-1998 Asian Economic Crisis, ASEAN countries agreed to set up a regional effort to tackle any further potential crisis in the future. As a result of the crisis, ASEAN agreed to form the ASEAN Surveillance²⁹⁹ Process in October 1998, a framework for closer consultations on regional economic matters. Two major elements of this process are:

- i- The monitoring of global, regional and national economic and financial developments. This cooperation helps to keep an eye on the well-being of the economy at all levels and acts as an early detection centre for any future economic crises.
- ii- The Peer Review sessions that provide a forum at which ASEAN Finance Ministers exchange views and information on developments in their domestic economies, including policy measures carried out and the progress of structural reforms.

²⁹⁸ Please refer to <http://www.disasterdiplomacy.org/aseanhaze.pdf> and <http://www.aseansec.org/15129.htm> for a copy of the agreement and the press release.

²⁹⁹ An ASEAN Surveillance Process (ASP) was first mooted at the Second ASEAN Finance Ministers Meeting (AFMM) on 28 February 1998 in Jakarta. In October 1998, ASEAN Finance Ministers signed a Terms of Understanding that established the ASEAN Surveillance Process and a request for the Asian Development Bank to support it. Based on the principles of peer review and mutual interest among ASEAN member countries, the overall purpose of the ASEAN Surveillance Process is to strengthen policy making capacity within the ASEAN grouping. In addition to the usual monitoring of exchange rates and macroeconomic aggregates, the ASEAN Surveillance Process monitors sectoral and social policies. It also includes provisions for capacity building, institutional strengthening, and the sharing of information. ASEAN Finance Ministers meet twice a year for policy coordination under the ASEAN Surveillance Process.

Although ASP remains a semi-formal structure (this is another area of scepticism on the part of ASEAN's structural cooperation, as being mentioned by Leifer (1989)), it is a marked departure from ASEAN's longstanding non-interference principle. The ASP produces semi-annual and annual reports known as the ASEAN Surveillance Reports (ASRs), which are then scrutinised and discussed first among ASEAN senior finance and central bank officials (during the ASEAN Finance and Central Bank Deputies Meeting, or AFDM), when they consider the ASEAN Surveillance Report prepared by the ASEAN Surveillance Co-ordinating Unit (ASCU). The peer review sessions are considered a departure from the "ASEAN Way" of non-interference in other member countries' domestic affairs (Manupipatpong, 2002:10). Jawhar also stated that 'interference' in economic and financial sectors is not considered a breach of the non-interference principle; rather, it is accepted as "economic cooperation". However, the same attitude in accepting peer pressure or comments does not exist when it comes to political and security issues.

6.2 Non-interference principle in ASEAN political-security matters

As discussed earlier in this research, adherence to the non-interference principle in ASEAN becomes stricter when issues concerning traditional political and security matters come to the forefront. This was concurred by Anwar, Shamsul, Abu Hassan, Jawhar, Razali and, to some extent, Mahathir himself during the interview sessions. Although Mahathir also stated that there is no clear demarcation between what is political and what is not, he however acknowledged that what had happened in Myanmar and Cambodia could be considered as political events that led to humanitarian and human rights issues. Mahathir argued that everything is intertwined

in the web of international relations, but consolidated the concept of politics and security as being near to the struggle in achieving power and governance. Therefore, anything seen as a challenge to the 'powers that be' or the governing party is considered as political in nature, and ASEAN countries should act in accordance with the non-interference principle.

ASEAN members have long understood the agreement to avoid interfering in the internal matters of another member. However, what is more precise is the interference in the politics, government and security of a member state rather than in other fields such as the economic, financial or social sectors. This equation can be understood by asking several questions that would need to be answered in the event that such issues arise. The questions are:

- a- Does the issue at hand challenge the political sovereignty of the government?
- b- Does the issue at hand question the legality of actions taken by the government?
- c- Does the issue at hand concern the peace and security of the nation?

If all these questions can be answered in the affirmative, this could be considered as crossing the line of politics and security. Jawhar, in his interview, clearly stated that if the issue challenged the political power of the government and involved the peace and security of a nation, ASEAN countries should adhere to the non-interference principle.

6.2.1 Internal security and political affairs

In all the interviews undertaken by the researcher, each correspondent, except Anwar and Razali, concurred that:

a- The non-interference principle has been generally observed by Malaysia in terms of intra-ASEAN relations, and it should be upheld

b- Malaysia is a multicultural society, but by having a Malay/Islam dominated population, it cannot afford to allow external interference into the governance and policy making of the country. Despite the Malays being the majority in Malaysia, its economy has been lagging significantly behind the Malaysian Chinese as a result of the colonial administration

c- Malaysia is not ready to abandon this principle, or even to amend it, as there is no authoritative body to define to what extent a country can interfere in the domestic affairs of a country. Mahathir distinctively argued that there needs to be some formal clarity set out as to the yardsticks that can be used to determine what is permissible and what is not and '*what are the demarcation lines*' for ASEAN countries to give comments or to criticise

d- Malaysia and ASEAN do not have the political will to amend this principle, as every country has its own political baggage. Malaysia and the other countries established ASEAN in 1967 with the explicit assurance that there would be no interference into the domestic affairs of the members.

Mahathir, in his interview, said that one of the most contentious issues that Malaysia would not want any external interference in is the implementation of its 'draconian'

law, namely the Internal Security Act of 1960³⁰⁰. This law gives ultimate power to the Home Minister to detain any person without charge or trial for the maximum of an extendable two-year term, i.e. the detention can be extended for two-year terms indefinitely, if the person is deemed as a danger to national security. The authorities may initially detain a suspect for sixty days in solitary confinement, during which period the authorities may deny the suspect access to lawyers or relatives. This act was inherited from the British era when the colonials used such Acts to fight against the communist insurgency from 1948-1960. However, it has been alleged that the government has also been using it to detain and pacify political dissent in the country³⁰¹.

Anwar, who was himself detained twice under the ISA, believes that the non-interference principle has been a hindrance towards taking the initial steps in

³⁰⁰ The Internal Security Act of 1960 (ISA) (Malay: *Akta Keselamatan Dalam Negeri*) is a Malaysian preventive detention law to maintain and restore public security and order. The legislation was enacted by Malaysian politicians after the country gained independence from Britain in 1957. In essence, it allows for the arrest of any person without the need for trial in certain defined circumstances. Malaysia is one of the few countries in the world whose Constitution allows for preventive detention during peacetime without safeguards that elsewhere are understood to be basic requirements for protecting fundamental human rights. Preventive detention first became a feature of the then Malaya in 1948, primarily to combat the armed insurgency of the Malayan Communist Party during the Malayan Emergency. The *Emergency Regulations Ordinance 1948* was made, following the proclamation of an emergency, by the British High Commissioner Sir Edward Gent. It allowed for the detention of persons for any period not exceeding one year. The 1948 ordinance was primarily made to counter acts of violence and, conceivably, preventive detention was meant to be temporary in application. Due to the alleged draconian nature of the ISA, several human rights organisations and opposition political parties have strongly criticised the act and called for its repeal. As of 13th May 2009, 10,662 people have been arrested under the ISA in the past 44 years, 4,139 of whom were issued with formal detention orders and 2,066 served with restriction orders governing their activities and where they live. In addition, 12 people were executed for offences under the ISA between 1984 and 1993. Source Aliran Online at <http://www.aliran.com/oldsite/monthly/2001/3e.htm>.

³⁰¹ A report prepared by Professor Johan Saravanamuttu of USM appearing on the *Aliran Magazine* website mentioned the usage of ISA during Mahathir's premiership and its adverse effects on the treatment of basic human rights, especially towards political rivals. The report entitled 'Human Rights Practice - Regression rather than Progression' summed up the adverse effect from the implementation of ISA and its impact towards human liberties and freedom, which are vital parts of a democracy. The report can be accessed at <http://www.aliran.com/oldsite/hr/js1.html>.

resolving certain regional or national conflicts³⁰². He said that ASEAN should give at least “*the permission to start talking*” about political events in member countries. He argued that even if the conflict is of a domestic nature, if the problem is not resolved amicably it should have “the spillover effects such as the Muslim Mindanao illegal immigrants who have migrating to Sabah by the thousands”³⁰³.

Razali also admitted that the non-interference principle must be reviewed in order to give diplomacy a chance rather than ‘turning a blind eye’ to the domestic issues of member countries that contravene international convention. He semi-jokingly admitted that as now he “is no longer with the government, [he] would like to see that this principle be loosened up”. He was also hopeful that the current Prime Minister would be more supportive of such a move³⁰⁴. Although Razali acknowledged that Malaysia does not have any form of political dominance in international relations, he was hopeful that eventually Malaysia too would start to promote amendments in the regional longstanding ASEAN Way and the non-interference principle among member countries.

³⁰² Anwar Ibrahim has been detained twice under the Internal Security Act, once in 1974 when he was a student leader demonstrating towards the poor treatment of rural Malays, and the second time after he was fired from the government post of Deputy Prime Minister and Deputy President of UMNO in 1998.

³⁰³ The presence of the illegal Filipino immigrants in the Malaysian Borneo state of Sabah has been increasing for the past 30 years. However, due to the same ethnic and religious background that these immigrants have with the Malays (there are usually Muslims from Mindanao), the federal government has been sympathetic to their plight and even alleged phantom voters during Malaysia’s General Elections. This claim by the opposition parties was fiercely denied by the government. In 2008, Lim Kit Siang, the former Opposition Leader in the Malaysian Parliament, tried to put a motion to deliberately increase problem in Sabah, but was denied by the Parliament Deputy Speaker. Malaysian Parliament Hansard for 22 May 2008.

³⁰⁴ The interviews were being done in 2007, during Tun Abdullah Badawi’s premiership.

6.2.2 When does internal become regional/ trans-border?

From the interviews, the researcher detected several of the elements or characteristics involved when an internal issue becomes regional or escalates to a trans-border conflict. ASEAN should relax the non-interference principle in the following circumstances:

- i- **When the problem becomes uncontainable and crosses the national border**, for example in the haze problem in Indonesia and the Asian Economic Crisis of 1998. Mahathir termed such events as ‘trans-border issues’, which were originally domestic problems. However, as the crises grew and started to have notable effects in its members, ‘we had the right to be involved... or interfere’. Mahathir’s view on the possibility of Myanmar being expelled from ASEAN also came from the embarrassment that Myanmar had caused to ASEAN after failing to conclude problems in its domestic politics. Therefore, ASEAN has to respond to the call from the regional international community in pressuring Myanmar to resolve the problem expediently and effectively. Jawhar put it as ‘a face saving effort’ on behalf of Mahathir when he recommended Myanmar’s expulsion from ASEAN.

- ii- **When there is a clear sign that there is a massive risk to human life in such cases as ethnic cleansing or political assassinations.** Mahathir, Anwar and Razali all agreed that such cases – as witnessed in Cambodia or Myanmar –warranted a move by the ASEAN community to start discussing and finding resolutions to such

catastrophes. Anwar was very emotional when he questioned the passive stand that ASEAN countries took in the wake of the Myanmar conflict. Mahathir, on the other hand, believed that the United Nations could play an important role in resolving regional problems rather than depending on the ASEAN community. Although Mahathir believed that intervention should take place in such cases, it must, however, be referred by the world body, as ASEAN itself does not have the power to undertake such a huge task.

iii- **When the issue touches the sensitive Malay and Islam subject in Malaysia.** Zainal believes that due to the close relations between the Malay Muslims in Malaysia and those with the same ethnic background in places such as Southern Thailand, South Mindanao and, to some extent, the Malays in Singapore, a problem occurring in these places will invite a strong response from the local Malays. Mahathir has always been critical of the alleged ‘mistreatment’ of Malays in Singapore, especially in the lack of economic opportunities and government appointments³⁰⁵. Although this strong sentiment has never been acknowledged by the Malaysian government publicly, behind closed doors and at the grass roots level such sentiment has always been obvious and unrestricted³⁰⁶. Even the UMNO Youth Wing

³⁰⁵ In a recent war of words between Mahathir and Lee Kwan Yew, when the latter came to visit several politicians and government leaders of Malaysia but not him, he posted in his blog his dissatisfaction about how the Malays in Singapore were being treated. He stated: “Maybe someone should make a study of the Malays of Singapore just to know what it is like to be a Malay minority in their own country”. This statement reflects the deep animosity and rivalry between him and Lee Kwan Yew rather than purely Muslim comradeship with Malays in Singapore. His posting can be accessed at Chedet.com.

³⁰⁶ Demonstrations and memorandums were always organised and conveyed when Muslim minorities from these three countries (Singapore, Thailand and the Philippines) were allegedly mistreated by their

(Pemuda) has held several demonstrations in front of the Thai Embassy in Kuala Lumpur.

Although some of the interviewees were very clear on the conditions necessary to relax the practice of non-interference in ASEAN, they also admitted that the complex political baggage that Malaysia has in its domestic politics is a barrier. Because of these domestic considerations, Malaysia may well prefer the status quo to remain (Mahathir, Jawhar, Razali, Shamsul, Zainal)³⁰⁷.

6.3 Malaysian internal political baggage

From the interviews, it is clear to the researcher that the government of Malaysia has been insisting in upholding the non-interference principle in ASEAN due to its own domestic politics. This has been shown not only during the tenure of Mahathir Mohamad from 1981-2003, but also before and after his premiership; Mahathir was only extending what the policy had been before his time (Zainal)³⁰⁸. However, due to the longevity of Mahathir's premiership, from 16 July 1981 – 31 October 2003 (twenty-two years and two months, to be precise), such a policy of protectionism against foreign interference could hardly go unnoticed³⁰⁹.

respected governments. For example, demonstrations have been held denouncing Thailand's mishandling of the conflict in Tak Bai and Kru Seap mosque, which led to many fatalities and injuries. Protests outside the Thai embassy and consulate - *The Malaysia Star*, October 30, 2004.

³⁰⁷ Interviews from Appendix A.

³⁰⁸ Refer to Appendix A.

³⁰⁹ Mahathir was the longest serving Prime Minister of Malaysia, surviving four deputies and five Malaysian General elections (1982, 1986, 1990, 1995, and 1999). Under his leadership, Barisan Nasional – the coalition government – won landslide elections except for in the 1999 general election, when Mahathir sacked and shamed Anwar, which sparked the formation of the Reformasi movement.

As discussed earlier in this research, Malaysia is a multiracial country, with the Malays and the Bumiputera making up the majority of residents and forming the backbone of its inter-racial affiliation. Despite being in the majority, the Malays and the Bumiputera remain the least successful group of citizens compared to the Chinese. The Indians fared the worst. These imbalances in the economic and social spheres of Malaysia were inherited from the British colonialists, and successive governments have tried to redress this imbalance, but with little success; the target of achieving at least a 30% equity in ownership within the national economy has never materialised³¹⁰.

The closest that the Malays achieved was 19.3% during the boom days of the 1990s; however, by 2000 this figure shrank back to about 18% due to the knock-on effect of the Asian Economic Crisis³¹¹. Despite the thirty-year affirmative action policy (from 1971-1990) and all the criticism that the government has endured, Malaysians are still divided by economic disparities (Jomo ,2004: 3). Allegations of cronyism and favouritism have not only ensured that resentment between ethnic groups persists, but intra-ethnic rivalry has come to the fore³¹².

In addition, the Malaysian politics of ethnicity and religion have always formed the basis of Malaysia's international relations and foreign policy. As the government is led by a dominant Malay political party (UMNO) and supported by a majority Malay

³¹⁰ This was to be done by redistributing the national wealth to increase the ownership of enterprise by the Bumiputras from the then 2.4% in 1971 to 30% of the share of national wealth. The 30% target for Bumiputera equity was proposed by Ismail Abdul Rahman after the government was unable to come to a consensus on an appropriate policy goal.

³¹¹ Please refer to Jomo K.S. (2004), 'The new Economic Policy and the Interethnic Relations in Malaysia', Geneva, United Nations Research Institute for Social Development' for brief information on the New Economic Policy (NEP), which has been a point of contention in Malaysian politics.

³¹² Ibid

government servant, it is only natural that most of its domestic and foreign policies should resemble the sentiment of the majority.

6.3.1 The domestic politics of ethnicity and religion

Each correspondent agreed that in the case of every country, domestic politics plays an important role and influences significantly the formation of foreign relations policy. The foreign policy of a country will also be influenced by the type of society, its mass public opinion, the majority public sentiment and the polity of its residents (Russett, Starr and Kinsella 2004). Furthermore, foreign policy making will also be influenced by the type of government and the type of leaders within that government (Kegley and Wittkoff 2004). Whether or not a government will embrace the non-interference principle or interfere in another country's politics are also part of the foreign policy of a country.

The intertwined nature of ethnicity and religion in the Malaysian context has contributed significantly towards any formulation of policy by the Malaysian government (Nair, 1997:37). Malays, as stated earlier in this research, are automatically defined as Muslims by the Malaysian Federal Constitution; therefore, they share all the sentiments, comradeship and history of Muslims worldwide. A famous Malay proverb sums up this psychological way of thinking as:

Pinching the right lap, the other will also feel the pinch (*Cubit paha kanan, yang sebelah lagi juga akan terasa*).

For example, Mahathir and Zainal showed their frustration towards the Myanmar junta about its ill treatment towards the Muslim Rohingyas. Mahathir said that, regrettably, ASEAN countries “*could not do anything due to the non-interference principle*”³¹³. This, from his perspective, also caused a lot of suffering, not to mention fatalities, to the people of Myanmar, especially the Muslim Rohingyas. Mahathir was also involved as the mediator in the effort in the South of Mindanao, but only after he was invited by the Philippines authorities. This was being done, as Zainal delicately put it, “*as we are all Muslim... therefore we have to help them*”.

This policy of engaging Muslims in trouble around the world was then extended during Abdullah Badawi’s tenure as the Prime Minister, when he tried to broker a peace deal between the Muslim insurgency and the Philippines government in 2006. The United States was reportedly setting aside around \$30 million to help the region rebuild its vast area, which had been neglected by the Philippines government since the insurgency started in 1981³¹⁴. The effort, however, fell short when the ceasefire ended on the eve of the signing ceremony in Kuala Lumpur, following the Philippines Supreme Court’s rejection of the provisional agreement.

The Malaysian government has also been sympathetic to the ‘struggle’ of Muslim people in Southern Thailand, known collectively as the Pattani people. Historically,

³¹³ The Rohingya is a Muslim ethnic group of the Northern Arakan State of Western Myanmar. The Rohingya population is mostly concentrated in two bordering townships from Burma to Bangladesh, namely Maungdaw and Buthidaung, and spread in the three townships of Akyab, Rathedaung and Kyauktaw. The Rohingyas are also referred to as the ‘Arakanese’ as they primarily reside in the mountainous western state of Arakan that borders Bangladesh. There have been significant migrations by group members both within Myanmar and into neighbouring Bangladesh and Thailand due to threats or actual attacks by state authorities. There were allegations that the Thai Authorities were pushing them into the sea in the hope that they would end up on other countries’ shores, which have been acknowledge by the Thai PM Abhisit in an interview in February 2009.

³¹⁴ ‘US Offers \$30m for Mindanao Peace Pact’ November 10 2006, *Mindanao Magazine* at <http://mindanao.com/blog/2006/11> accessed on 20 April 2009.

Pattani was part of the Pattani Malay Kingdom, spanning from the provinces of Pattani, Yala and Narathiwat (Thailand side) and the modern states of Kedah, Perlis and Kelantan and Terengganu (Malaysian side)³¹⁵. In 1909, the British government negotiated with the Thai government, splitting the Pattani Malay Kingdom into two, which consequently inducted the Malay states Kedah, Perlis, Kelantan and Terengganu into the British Malay Empire³¹⁶.

Mahathir, who is from the state of Kedah, has been very sympathetic to the cause of the Pattani people. However, not until his retirement in 2003 did he play a more direct role in finding ways to resolve the conflict. In 2006, Mahathir became involved seriously by proposing a road map to the Thai government to resolve the tension in the region, and proposed to build a mosque called the 'Peace Mosque', symbolising the effort to bring peace to the province³¹⁷. This act may explain why during his administration, Mahathir turned a blind eye to the issue of illegal Pattani immigrants coming into Kedah and Perlis³¹⁸.

Razali, who is also from Kedah, described Malaysia's sensitivity towards the Pattani conflict as "high" due to the historical relationship between the Malays in Kedah and the Malays in Pattani. He stated that "*traditionally, Malays have been roaming freely in the region and have estates in the Pattani provinces... which inevitably would lend*

³¹⁵ For a history of the Pattani people, refer to Ibrahim Syukri (1985) 'History of the Malay Kingdom of Pattani', Ohio University Press, Ohio.

³¹⁶ This agreement is popularly known as the English-Siam Treaty of 1909. As a result of this treaty, the Pattani Malay Kingdom was split in two. However, the free movement of the peoples between the two empires (British and Siam) still occurred until Malaysia gained independence in 1957.

³¹⁷ Mahathir to Build Pattani 'Peace Mosque', 20th December 2006, *Bangkok Post*.

³¹⁸ The spillover effects from the conflict in Pattani resulted in many fleeing their villagers in Yala, Pattani and Narathiwat and taking refuge in Kedah and Perlis. The event escalated especially during Thaksin's government between 2003 until 2005. The researcher had the experience of coming across these immigrants and being asked to give shelter to some of them, but could not extend the courtesy due to the security hazards involved.

support to the relatives there should they get into trouble". However, due to ASEAN's non-interference principle, the Malaysian government has always distanced itself from making any official comments that could be construed as interfering in the domestic affairs of its neighbours.

6.3.2 The sensitive issues of royalty, special privilege and language

Among one of the most important policies that the Malaysian government would not want to be criticised for is the special consideration that has been given when it comes to the question of preserving the Malay rulers, Malay special privileges and the Malay language (Bahasa Melayu) as the national language. This trinity of interlinked issues is summed up under the concept of Malay Supremacy (Ketuanan Melayu), or, to be precise, Malay Political Supremacy, which has caused a lot of consternation locally and abroad³¹⁹.

International and national NGOs have condemned the policy as racism and discrimination against the non-Malay citizens. Among them are Amnesty International (London) and Human Rights Watch (New York). Zainal, Fuzi, Razali, Jawhar, Mahathir and Abu Hassan agreed that if ASEAN allows public criticism and abandons the non-interference principle, Malaysia would be criticised by its neighbours that do not have the equivalent policy in their own countries. This will

³¹⁹ UMNO has been describing the concept of Malay Supremacy as different to the concept of White Supremacy in the US or Apartheid in South Africa. It is more to the meaning of Malay sovereignty which does not at the same time discriminate other ethnic groups in Malaysia, as the rights of the other ethnic groups are also preserved under the Malaysian Federal Constitution. The Malaysian Chinese and Indian-Malaysians who form a significant minority in Malaysia, are considered beholden to the Malays for granting them citizenship in return for special privileges as set out in Article 153 of the Constitution of Malaysia. This quid pro quo arrangement is usually referred to as the 'Malaysian Social Contract'. For more information, please refer to Goh, Cheng Teik (1994). *Malaysia: Beyond Communal Politics*. Pelanduk Publications and Roff, W.R. (1974). *The Origins of Malay Nationalism*. Penerbit Universiti Malaya.

then create “...*chaos and open the door to all sorts of criticisms*” (Zainal)³²⁰. Countries that have traditionally had problems with their neighbours in the past would be entangled in the web of mutual prejudicial criticism and therefore create instability in the region. Malaysia and Singapore, for example, have had neighbourly conflicts in the past, especially during Tun Mahathir’s premiership.

Relations between Malaysia and Singapore have always had their ‘ups-and-downs’, as both countries inherited totally opposing ethnographic situations from the British. In terms of ethnic population breakdown, Malaysia has the Malays and the Bumiputeras as the largest ethnic group, while the Chinese and the Indians come second and third. Conversely, Singapore has a majority of Chinese, with the Malays and the Indians coming second and third. Inevitably, the majority of the government officers in Malaysia are Malays, while in Singapore they are Chinese. Mahathir and Lee Kwan Yew have exchanged many insults – the former branded the latter a “Chinese Chauvinist”, while this was reciprocated with the retort from Lee Kwan Yew that Mahathir was a “Malay Ultra”³²¹. This war of words occurred even though the non-interference principle was in place, and one can only imagine what would have happened if such code of conduct was not installed.

Malaysians in general, and specifically the Malays, are very protective of the Malay rulers, which were given a special status by the federal government (Basri & Sakdan,

³²⁰ Interview with Zainal. Refer to Appendix A.

³²¹ Lee Kuan Yew first used the phrase "ultras" in 1964, when he publicly demanded that UMNO's leadership "Smack down their ultras." Some of the perceived Malay "ultras" were Syed Jaafar Albar, once the UMNO Secretary-General, Syed Nasir Ismail, a strong advocate of expanding the scope of the Malay language in Malaysian society, Mahathir bin Mohamad, Prime Minister of Malaysia, and Musa Hitam, another former UMNO Member of Parliament who also served as Mahathir's deputy.

2005). As the Malay rulers (the Sultans, Raja and Yam Tuan Besar³²²) are also the guardians of the religion of Islam and Malay special rights, a challenge to the Malay rulers is invariably seen as a challenge to Islam and to the Malays at large. Furthermore, ethnic Malays do not only exist in Malaysia, but also dominate large parts of the Malay Archipelago, which stretches across the Southern provinces of Thailand, Malaysia, Indonesia, Singapore, Brunei and the Mindanao Islands of the Philippines³²³.

Despite being a multicultural society, Malaysia as a whole has been successful in building up a nation and society tolerant and accommodative of different religions and ethnic origins. There has been no racial tension since independence, except for the May 13 1969 racial riot. The riot, despite leaving a black mark in Malaysian history, would also serve as a reminder to the generations to come. The younger generation has always been reminded not to become a fanatic or be overzealous in forwarding individual ethnic claims. Due to this sensitive nature, Malaysia definitely does not welcome any external interference into its domestic politics, making the ASEAN non-interference policy more important than ever. This also means that the implementation

³²² Out of the 14 states in Malaysia, nine of them are headed by the Malay Rulers which carry the titles of Sultan (six in the states of Johor, Perak, Kedah, Selangor, Terengganu, Kelantan and Pahang), Yam Tuan Besar (Negeri Sembilan) and Raja (Perlis). They accumulatively form the Council of the Malay Rulers (Durbar or Majlis Raja-Raja Melayu), which meets thrice a year to discuss all matters pertaining the politics, economy and the social conditions of the Malays and the country in general. Their vast power includes giving consent to the appointment of the Malaysia Attorney general, Federal Chief Judge and all issues pertaining to the welfare of the Malays and the sanctity of the religion of Islam. The Conference of Rulers (also Council of Rulers or Durbar, Malay: Majlis Raja-Raja) in Malaysia is a council comprising the nine rulers of the Malay states and the governors or *Yang di-Pertua Negeri* of the other four states. It was officially established by Article 38 of the Constitution of Malaysia, and is the "only such institution in the world" according to the Malaysian National Library.

³²³ The Encyclopedia Britannica defines the area as 'The principal islands and groups of the Republic of Indonesia include the Greater Sundas (Sumatra, Java, Borneo, and the Celebes), the Lesser Sundas, the Moluccas, and Irian Jaya (West New Guinea). The Philippines includes Luzon (north), Mindanao (south), and the Visayan Islands in between. Other political units in the archipelago are East Malaysia (Sabah and Sarawak), Brunei, and Papua New Guinea'.

of the non-interference principle is in “*the national interest of Malaysia*” if it is to avoid civil unrest and inter-ethnic tensions (Shamsul)³²⁴.

6.3.3 Domestic politics and its influences on international/ regional affairs

Based on the interviews conducted, domestic politics, especially when related to the Malays, the Malay special privileges, the religion of Islam, the Malay rulers and the Internal Security Act (ISA), plays an important role in the formation of Malaysian foreign policies. Among these issues, Islam and the fate of the Muslims has been given priority, especially when the event occurs outside the region of Southeast Asia. Malaysia has been vocal in expressing its concerns about issues in Palestine and Bosnia. However, the same cannot be said when the events are closer to home such as the conflicts in Southern Thailand, Southern Mindanao, Aceh and the Rohingyas in Myanmar.

Mahathir, Razali, Zainal and Fuzi agreed that despite the intensity of the conflicts in the above places, Malaysia has observed the non-interference principle due to two main reasons:

- i- These issues are considered as domestic politics; therefore, the relative government should be given the chance to resolve the situation without external interference
- ii- If Malaysia were facing the same problem, Malaysia also would not want any external interference.

³²⁴ Interview, refer to Appendix A.

This quid pro quo treatment was successful in the past, and saw ASEAN and the Southeast Asian region evolve into one of the most peaceful and prosperous areas in the world, especially during the late 1980s to the 1990s. The successful policy of non-involvement and resisting the temptation to criticise publicly the domestic politics of ASEAN member countries, also known generally as the ‘ASEAN Way’, resulted in relatively peaceful conditions in the region (Severino, 2006).

However, when these issues become a trans-border issue, for example the fleeing of Muslim Thais and the Filipino Moros to Malaysian borders and the adjoining Malaysian states due to persecution by their own governments, Malaysian should have act decisively and have the legal right to speak against those governments. This spillover effect, similarly compared to the regional Haze and the Asian financial crisis of 1998, should also be elaborated extensively and publicly by ASEAN leaders. However, due to the non-interference principle and its politico-security nature, this issue has been ‘swept under the carpet’ so to speak.

6.4 Was Anwar acting alone?

Anwar Ibrahim was the deputy Prime Minister of Malaysia, cum Finance Minister, when he proposed the concept of Constructive Intervention in ASEAN back in 1997. Anwar was adamant that the established ‘ASEAN Way’, of which the non-interference principle was a part, was not proactive or bold enough to resolve regional conflicts. The Cambodian coup d’état on the eve of its admission into ASEAN saw the organisation as powerless in the face of a serious political conflict that could escalate into a humanitarian conflict.

Anwar wrote in his article titled 'Crisis Prevention' that ASEAN "*must now move from being a largely reactive organization to one that is proactive*". He also concluded that ASEAN inaction during the Cambodian conflict "*actually contributed to the deterioration and final collapse of national reconciliation*"³²⁵. Anwar's article has been referred to countless times, either in other magazines such as *Asiaweek* or in a number of other academic writings. In his capacity as the then deputy Prime Minister of Malaysia, one can believe that perhaps it was the official statement of a high-ranking government representative.

On the contrary, the researcher found during the interviews that Anwar was actually acting alone, without the blessing and backing of the government of Malaysia. Mahathir, who was then the Malaysian Prime Minister, recalled that "*Anwar had never brought the issue into the cabinet meetings*", nor did he ever have the approval to become the spokesperson for the Malaysian government on this particular issue. Anwar also did not discuss the matter with Abdullah Badawi, who was the Foreign Minister at that time, nor did he ever confide with any member of the foreign ministry³²⁶. In short, Anwar's article on constructive intervention was his personal view that did not reflect the Malaysian government's official stand.

Zainal Abidin Sulong, who was serving as the Secretary General of the Malaysian Foreign Ministry, rebuked Anwar's article and said that Anwar's views on non-interference were just "*making sound without real meaning*" and was not official

³²⁵ Ibrahim, Anwar, 'Crisis Prevention' *Newsweek*, 21 July 1997, pp. 38-9.

³²⁶ Not only did Malaysia not support Anwar's concept of Constructive Intervention, but also Abdullah Badawi, who was the Malaysian Foreign Minister, rejected bluntly the concept a year later when it was reintroduced by Surin Pitsuwan with the milder name of 'Flexible Engagement'. Badawi in short stressed the need to uphold the non-interference policy in order to maintain regional security.

government policy. He said Anwar was just a politician who was trying to impress the world³²⁷. Nevertheless, his statement was rebutted by Jawhar when the latter said that what Anwar wrote in *Newsweek* could be construed as official government policy because being a “*deputy Prime Minister, Anwar does not have the luxury of wanting to say anything without reflecting the views*” of the government of Malaysia.

Discussions with each the other interviewees confirmed the claim by Mahathir and Zainal that Anwar had acted alone and did not have the ‘green light’ from the cabinet. It appears that the only ‘support’ Anwar had was from Surin Pitsuwan, the former Thai Foreign Minister and the current ASEAN Secretary General, whom revived the idea a year later under the new name ‘Flexible Engagement’. When the researcher interviewed Anwar, he acknowledged that the concept of Constructive Intervention was his personal view and that although he did discuss it personally with Mahathir, the discussion ended up without any solid conclusion.

6.5 Conclusion

The non-interference principle, which was adopted by Malaysia in its relations with ASEAN countries, has been mutually beneficial, and continues to work to the advantage of the Malaysian government to this day; it is in Malaysia’s interest that such a policy is prolonged. Malaysia, from the onset of the ASEAN organisation, supported the non-involvement policy, as Malaysia herself did not want any external interference. The complexity of Malaysian domestic politics, especially on the issues of Malay special rights, the preservation of the Malay rulers and the ‘draconian’

³²⁷ Interview with Zainal, refer to Appendix A.

policy of the Internal Security Act makes the non-interference principle the best excuse available for avoiding criticism.

However, the implementation of the non-interference principle is not without any flaws. Due to the absence of any definition of what non-interference constitutes, the implementation of the policy has been inconsistent academically and needs to be addressed. From the general understanding, the concept of non-interference into the domestic affairs of ASEAN countries primarily 'kicks in' when the issue at hand concerns more political-security spheres and issues that challenge the ruling government of a country. The same could not be said when it comes to issues such as environmental and economic-financial problems. ASEAN countries are more relaxed when discussing economic and environmental predicaments rather than politics, government and security issues.

Nevertheless, it is not unusual that ASEAN should choose to embrace what has been the accepted norm in international relations. The concept of non-interference is not an ASEAN creation. ASEAN took stock from the internationally recognised and acceptable code of conduct that goes back to the 1648 Treaty of Westphalia (Severino, 2006). What Malaysia and ASEAN have done is to refine the code of conduct with some added Eastern flavour, which in turn has produced the ASEAN Way. The ASEAN Way could be seen as a refinement of the Western non-interference concept, but with that extra mile of the concept of face saving and the avoidance of public criticism.

Notwithstanding what has been stated above, Malaysia and ASEAN cannot ignore that the world is changing, and in order for ASEAN to be relevant, it must also make some adjustments. ASEAN cannot fail to understand that the world that we live in currently is an interconnected global village. Globalism and the explosion of the information age mean whatever happens in our backyard is just one click away from being public knowledge (Razali). The values of morality and humanity simply cannot be ignored (Anwar). ASEAN must try to strike a balance between preserving the old ways and accommodating new needs.

In the next chapter, the researcher will try to determine the best way for ASEAN to continue upholding the non-interference principle, but at the same time putting in place exclusions or special circumstances so that the organisation can remain relevant.

UNIVERSITY OF HULL

**The Effects of the ASEAN Non-interference Principle in Managing
Conflict: The Malaysian Experience (1981-2003)**

Chapter Seven

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CHAPTER SEVEN

MALAYSIA AND THE NON-INTERFERENCE PRINCIPLE

REVISITED: MAKING ASEAN RELEVANT

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CHAPTER SEVEN

MALAYSIA AND THE NON-INTERFERENCE PRINCIPLE REVISITED: MAKING ASEAN RELEVANT

7.0 Introduction

In the previous chapter, the discussions revolved around Malaysia's interpretation of the non-interference principle, which evidently draws direct understanding from international law and what is stated in the United Nations Charter. Malaysia does not have its own definition of the doctrine, which ultimately results in inconsistencies in its implementation. The effects of adhering to the principle and why the non-interference principle has been invoked, especially when it comes to the issues of politics and security rather than any other issues, were also discussed. Chapter Six also discussed Malaysian domestic politics and its effects towards regional relationships and how it has shaped Malaysia's unbreakable commitment towards the non-interference principle. Lastly, it was also discussed how Anwar Ibrahim was alone in his proposal to amend the much protected non-interference principle, without the backing of the government of Malaysia.

Chapter Seven will discuss Malaysia's role as a regional player and the possibility of its leading the way towards amending the age-old non-interference principle. The chapter will also discuss the report card of the principle on its contribution or hindrance towards regional conflict resolution, and some proposals towards ASEAN constitutional reform on the part of the non-interference principle.

7.1 Malaysia as a Regional Player

Malaysia has played major roles in establishing and shaping regional bodies which have spanned from the formation of pre-ASEAN organisations such as the 1961 Association of Southeast Asia (the ASA consists of Malaysia, Thailand and the Philippines) to the 1963 MAPHILINDO (Association of Malaysia, the Philippines and Indonesia) and lastly ASEAN in 1967 (Hagiwara, 2003). Malaysia has been the key player behind several regional initiatives such as the Treaty of Zone of Peace, Freedom and Neutrality (ZOPFAN)³²⁸ with the signing of the 1971 Kuala Lumpur Declarations and the Treaty of Southeast Asia Nuclear Weapon Free Zone (SEANWFZ). Malaysia was also the driving force behind the ASEAN expansionism process, which saw the regional organisation enlarged from just five member states in 1967 to ten in 1999. This fact was clearly illustrated by Mahathir when, in his speech in 1993 in Tokyo, he said:

*“I am a Malaysian nationalist. For this I offer no apologies. I am also an ASEANist. I am deeply committed to ASEAN, which has played such a critical role in turning an area of turmoil, antagonism, conflict – sometimes violent conflicts – an area with no history of cooperation whatsoever, into a zone of cooperative peace and prosperity”.*³²⁹

Malaysia, through Mahathir on numerous occasions, proposed the idea of the East Asian Economic Grouping (EAEG) which was substituted with the establishment of the Asean Free Trade Agreement (AFTA) in 1992.

³²⁸ Refer to Appendix D for ZOPFAN.

³²⁹ Mahathir Mohamad at the Asia Society Conference on Asia and the Changing World, Tokyo, Japan.

Malaysia and the U.S.A., for example, established the Regional Counter-terrorism Center in November 2002 in Kuala Lumpur following the 2001 ASEAN Declaration on Joint Action to Counter-Terrorism³³⁰. This cooperation in fighting terrorism sees ASEAN countries exchanging vital information, cooperating in legal matters, regional law enforcement, training and institutional building capacity.

In short, Malaysia has played its role as a regional leader when it has so wished. The question remains, however, whether Malaysia will be the driving force behind efforts to amend the age-old principles of the ‘ASEAN Way’, ‘quiet diplomacy’ and adherence to the non-interference principle.

7.1.1 Can Malaysia Lead the Way?

Malaysia has the ability, reputation and political leadership to make ASEAN a more open, responsive and proactive organisation, even on questions concerning political and security matters. Malaysia was the first ASEAN member country to moot the idea of region-wide anti-terrorism cooperation, which led to information sharing and the setting up of a counter-terrorism centre in Kuala Lumpur. In May 2002, Malaysia along with Indonesia and the Philippines signed the Agreement on Information Exchange and Establishment of Communication Procedures to cooperate in combating transnational crime, including terrorism. Thailand and Cambodia also acceded to the Agreement³³¹. This type of cooperation – exchanging security secrets

³³⁰ For information on ASEAN anti-terrorism efforts, please refer to to <http://www.aseansec.org/14396.htm>

³³¹ Ibid.

and sensitive information among member states on a large scale – had never been attempted prior to the above agreement.

Malaysia, through Mahathir, was the *de facto* spokesman for ASEAN and Third World countries during his premiership, challenging the superpowers on many occasions (Ajit Singh, 2004 & Karminder Singh, 2009). During the 1997 Asian Economic Crisis, Mahathir's move to impose capital control and avoid taking assistance from the International Monetary Fund (IMF) was admired later on when it was evidenced that Malaysia was able to recover from the crisis speedily on its own.

This successful 'Krugman-Mahathir Strategy', as it was coined by critics from Washington D.C., gave credit to Malaysia and to Mahathir personally, who had defied international detractors³³²; even the IMF and the World Bank acknowledged that Malaysia's approach had worked³³³. Malaysia showed that a small country could find itself a way out from the verge of economic catastrophe and challenge the formula prescribed by the IMF and World Bank (Anwar & Gupta, 2004).

During one interview, Anwar Ibrahim was positive enough to suggest that despite Malaysia's long-term support for a non-intervention policy in ASEAN, Malaysia could lead the way in amending the policy of non-interference³³⁴. If for no other reason, it was judged that Malaysia should have the 'moral responsibility' not to be

³³² Mahathir's capital control move was termed a 'Krugman-Mahathir Strategy' by some due to the unintentional support that Professor Paul Krugman had given in an article in *Fortune* on the eve of Mahathir's announcement to implement the control. Without a doubt, supporters of Mahathir tried to use Krugman's 'endorsement' to silence their critics, which Krugman himself was not really aware of until he was invited by the government of Malaysia a year after the controls were implemented and after the move bore some fruit.

³³³ Landler, Mark. "INTERNATIONAL BUSINESS: The Ostrich That Roared; Did Malaysia, Its Head in the Sand, Duck the Asian Crisis?" 4th September 1999, *The New York Times*.

³³⁴ Interview with Anwar, refer to Appendix A.

mute when gross human rights were being abused by neighbouring countries. However, his optimism in amending the principle of non-interference and to have Malaysia as the lead country supporting the move did not get enough support from other interviewees.

7.1.2 Will Malaysia Change and Lead the Way?

Despite the major role that Malaysia plays in ASEAN, most of the people that the researcher interviewed were sceptical about the possibility of Malaysia changing its attitude towards the non-interference principle, making the leader facing the huge task of altering the principle more remote. Three reasons were indentified for such pessimistic views:

- i. Malaysia is not strong enough economically or militarily. Although Malaysia is ranked third in terms of Gross Domestic Product (GDP) among ASEAN countries, it is ranked twenty-eighth in the world³³⁵. In terms of military expenditure, Malaysia only spends around 2.03% of its annual national budget, which ranks it number seventy-eighth in the world trailing Singapore, Brunei, Indonesia, Vietnam and even Myanmar (seventy-seventh)³³⁶. Jawhar argued that with such a small-scale economy and military service, unlike the Americans or even the Vietnamese, Malaysia does not have the strength to influence regional events, never mind dwelling into the domestic affairs of neighbouring countries³³⁷.

³³⁵ Data from World Bank at http://siteresources.worldbank.org/DATASTATISTICS/Resources/GDP_PPP.pdf. Accessed on 20th June 2009.

³³⁶ CIA World Factbook.

³³⁷ Interview with Jawhar, refer to Appendix A.

ii. Malaysia's complex domestic politics of multiculturalism, anchored by a single majority race – the Malays. Malaysian politics is drawn on racial lines and not on ideologies, mainly concentrating on the Malays, Chinese and Indians who belong to race-based political parties, whether in the ruling government parties or the opposition front. They are identified as Malays - UMNO/ PAS, the Chinese - MCA/DAP/GERAKAN and the Indians - MIC/PPP³³⁸. The existence of certain laws under the Federal Constitution that do not always impress outsiders – the Malay special privileges, the preservation of Islam as the official religion of the state, the special status of the Malay rulers and the Malay language as the official language of the nation – make Malaysia even more sensitive towards external criticism. Moreover, certain preventive laws such as detention without trial under the Internal Security Act (ISA) have always been criticised by the international community. Mahathir explicitly stated in his interview that if the non-interference principle in ASEAN were abolished, outsiders would criticise the law, although it is a legitimate law under Malaysian jurisdiction.

iii. The lack of political will on behalf of the Malaysian government. In comparison to other regional issues that do not involve political and security matters, Malaysia has always been at the forefront. Jawhar and Razali delicately put the question of 'What for?' which means what is so important that Malaysia

³³⁸ UMNO's nationalist party main rival is Parti Islam SeMalaysia (The Pan Malaysia Islamic Party-PAS), the one and only political party that bases its struggle on religion – Islam. Malaysian Chinese usually support the ruling coalition party the Malaysian Chinese Association (MCA) or Parti GERAKAN, while those who support the opposition are with the Democratic Action Party (DAP). The Indians usually support the Malaysian Indian Association (MIC) or the People's Progressive Party (PPP). Please refer to Appendix B for the main political parties in Malaysia.

has to be involved in the domestic affairs of another country and the fact that Malaysia is already complacent with its own state of affairs? By refraining from getting involved in the domestic affairs of ASEAN member countries, Malaysia has consistently employed its famous foreign policy slogan of ‘Friends with All’ and ‘Prosper Thy Neighbour’, which started during the Tun Abdul Razak era – the third Malaysian Prime Minister who was the father of the current Prime Minister, Dato’ Seri Mohd Najib.

Based on these three main reasons, Malaysia is unlikely in the near future to play a leading role in amending the non-interference principle, unless the current government is changed in the next general election. Anwar is at the helm of the Pakatan Rakyat (The Citizen Alliance- PR) opposition front, anchored by a new brand of politics that transcends ethnic lines with his own Parti Keadilan Rakyat (People’s Justice Party- PKR) as the main political opposition party³³⁹. Other opposition parties in the fold are the Democratic Action Party (DAP) and the Parti Islam SeMalaysia (PAS).

7.1.3 Malaysia post Mahathir Era

Since Mahathir’s resignation in 2003, he was succeeded by two Prime Ministers which have shown a slight departure in the approach of Malaysia-ASEAN relations. Principles of democracy have also been given more place in Malaysian politics. Abdullah Badawi, the fifth Malaysian Prime Minister has been more engaging in regional politics. Not only that he released Anwar Ibrahim from incarceration, but he

³³⁹ After the 2008 Malaysian General Elections, Anwar Parti Keadilan Rakyat won 31 parliamentary seats, with DAP and PAS winning 28 and 23 seats respectively. For the first in the history of Malaysian politics, the opposition succeeded in denying the ruling Barisan Nasional government the two-thirds majority, an advantage they had enjoyed since independence in 1957.

also acted as a mediator to the Mindanao conflict which almost sealed a peace agreement between the Moros and the Philippines government. Although it has been done with the blessing of the Philippines government, Malaysia showed that constructive engagement can contribute to diffusing tensions rather than sitting idle not doing anything.

Najib Abd Razak, the sixth Malaysian Prime Minister took office in April 2009. It is still early to evaluate his administration however initial signs are encouraging. In terms of domestic politics, Najib has been rebranding the Barisan Nasional coalition so that it could be seen as a more inclusive government and away from the too Malay centric image seen before. His transformation programs ranging from social, economic and also political reformation. His *1Malaysia* concept struck to the core of Malaysian society which put emphasis on delivering performance rather than too much politicking³⁴⁰.

In the foreign policy front, Najib has mended ties with the Western countries especially the United States and have been more engaging with ASEAN countries even in issues of conflict and security. His government through the Foreign Ministry issued a statement urging the Myanmar government to handle the Aung San Suu Kyi in accordance with international sentiments and universal laws and values. This has not been done by previous administrations especially during Mahathir Mohamad's premiership.

³⁴⁰ 1Malaysia is a new political and social commitment by Najib's government to transform Malaysia from a nation that is divided through race lines and become a more inclusive society. It is anchored with the Government Transformation Plan (GTP) which included also sectors of the government and would involve all walks of life. It is a policy of performance driven and its ultimate goal is to become a high income earner country by the year 2020.

7.2 The Non-interference principle Report Card

Proponents of the non-interference principle would argue that the region has been successful and peaceful for the past forty-two years due to its adherence to the said doctrine and the policy of the ‘ASEAN Way’ (Jawhar, Zainal, Fuzi, Shamsul, Abu Hassan, Mahathir and Ghazalie)³⁴¹. Rudolfo Severino, a former ASEAN Secretary General, stated that “...*ASEAN has been a force for peace and stability in East Asia*”³⁴², and that this success is partly the ‘fruits of the ASEAN Way’. Mahathir also agreed that Malaysia too has benefited from the principle, as it has given Malaysia the opportunity to build the nation without any interference or foreign influence on the country’s policy making. This he attributed to being “*independent*” and “*free to do what it wants*”, which are signs of a preserved national sovereignty.

The countries of Southeast Asia have achieved an unprecedented, relatively peaceful and secure region since the inception of ASEAN in 1967. ASEAN has succeeded in avoiding any intra-regional escalations of conflict and tension, especially between member states. Despite being an association with great variety within its membership – democracies, communists and a ruling monarch – these differences have been harmonised to become a force for testing times and events. ASEAN has become stronger by the day with new kinds of cooperation including the acclaimed success of the Asean Free Trade Agreement (AFTA) and other regional collaborations.

³⁴¹ Interviewees from Appendix A.

³⁴² Severino credited the long peace and security in the Southeast Asia region as the ‘fruits of the ASEAN Way’, which includes the practice of non-interference in the domestic affairs of member countries beside than informality and consensus in decision making. Refer Rudolfo Severino’s 2006 book titled ‘Southeast Asia in Search of ASEAN Community: Insights from a Former ASEAN Secretary General’, ISEAS, Singapore.

On the other hand, the opponents of the non-interference principle and the ASEAN Way have argued that informal diplomacy and a policy of exclusion hamper ASEAN performance, especially when things really matter. The non-interference principle has not only failed to address challenges to traditional security issues, but also non-traditional security issues such as the Asian Financial Crisis and the haze problems (Emmers, 2008). The continued political turmoil that Myanmar is facing with the detention of Aung San Suu Kyi and the continuing failure of regional conflict management due to the non-interference policy among member states is an embarrassment to ASEAN³⁴³. Therefore, the need to modify or amend the ‘closed door diplomacy’ and the ‘face saving diplomacy’ is warranted now more than ever.

7.2.1 Contribution to National Peace and Security

Malaysia has endured several bouts of political and security unrest, which have been resolved through national resilience and without regional interference. With the non-interference principle well in place between ASEAN countries, the Malaysian government could give its full focus to combating local subversive movements and political rivalry. Therefore, the non-interference principle has in a way become the tool for ensuring regime security among the governing parties in ASEAN countries (Collins, 2003:128), and as a result created stability for the government to resolve any domestic conflict. Among the most notable domestic conflicts are:

³⁴³ At the time of writing this thesis, Myanmar has gone through their first General Election with the ruling government winning a landslide victory. The NLD had boycotted the elections giving a clear way for the junta backed Union Solidarity and Development Party to win handsomely. The United Nations and the Western countries condemned the elections as fraudulent.

- a- The communist insurgency from 1948 to 1989. Although the government received help from the Commonwealth armed forces during the early days of the 'Emergency' from 1948-1960, the foreign forces withdrew soon after the Emergency was declared over in 1969. Since then, and until the end of 1989, Malaysian armed forces including the Malaysian Royal Police fought the communists on their own and won. The communist insurgency was not localised at this particular time, as other ASEAN members – notably Thailand, Indonesia and the Philippines – were also involved in their own struggles against communist subversion. By the late 1980s, all communist insurgencies within the five original ASEAN members' national boundaries had been thwarted.

- b- The May 13 1969 racial riot, which cost hundreds of lives and thousands of lost of homes and properties. The clash between the Malays and the Chinese was contained on the third day of rioting using heavy-handed tactics, but the Malaysian government was not in any way criticised by fellow ASEAN members in the way it dealt with the conflict. Even Singapore, which is a Chinese majority country, refrained from making unnecessary comments. By the same token, Malaysia did not criticise Singapore when the Island government invoked the same ISA law in order to arrest twenty-two people in 1987 – a group of Christian activists – and again in 1998 (eight people) for alleged espionage (Mauzy, 2002:128).

- c- The Ops Lalang (Lalang Operation or Weeding Operation) was carried out on October 27 1987 by the Malaysian police to crack down on 106 opposition leaders, civil rights leaders and social activists. Despite the huge amount of

political arrests, ASEAN leaders remained tight-lipped and left Malaysia to sort its internal problem independently.

- d- The 1998 Reformasi Movement, piloted by Anwar Ibrahim, which led to street demonstrations and civil disobedience. Following Anwar's sacking from the government and UMNO, he held major demonstrations against the government, which consequently led to his arrest under ISA in the middle of September 1998. His arrest subsequently killed off the Reformasi movement. Although there were concerns voiced by some regional leaders, namely Joseph Estrada, the then Philippines President, and Habibie of Indonesia, other leaders refrained from making any official comments.

On top of the above domestic political conflicts, Malaysia has also gone through bilateral conflicts with its neighbours. Most of these conflicts involved overlapping territorial claims, which have been partly resolved. However, Malaysia and the other parties concerned have had to turn to other international bodies such as the International Court of Justice (ICJ) to find appropriate and amicable solutions.

Conflicts stated previously in this research are:

- i- Sipadan-Ligitan islands between Malaysia and Indonesia. This dispute was settled when the ICJ declared on 17 December 2002 that the islands belonged to Malaysia³⁴⁴.

³⁴⁴ The ICJ press release number 2002/39 can be accessed at <http://www.icj-cij.org/presscom/index.php?pr=343&pt=1&p1=6&p2=1>

- ii- Pulau Batu Putih and the Middle Rocks claims between Malaysia and Singapore. The ICJ declared that Singapore owned the Pulau Batu Putih (Pedra Blanca island) while Malaysia owned the Middle Rocks³⁴⁵.

Throughout both trials, each country remained patient and never brought the issue to any of ASEAN forums. This was done in order to respect the wishes of the Association that bilateral conflicts should not be discussed during its meetings³⁴⁶. Nevertheless, all ASEAN countries refrained from making any comments in lieu the non-interference principle.

7.2.2 Hindrance to Finding Conflict Resolution

The non-interference principle has also become a hindrance to finding solutions to some of the conflicts in the region, from not only the point of view that problems continue to persist, but also the damage caused to the reputation of the organisation. The following conflicts currently involve Malaysia, directly or indirectly:

- i- The ethnic conflict of Malay Muslims in Southern Thailand. This conflict, which has been discussed earlier in this research, is still ongoing and affects the livelihood of Malaysians whom are residing along the national boundaries. This conflict affects four Malaysian

³⁴⁵ The ICJ press release number 2008/10 can be accessed at <http://www.icj-cij.org/presscom/index.php?pr=2026&pt=1&p1=6&p2=1>

³⁴⁶ It has been a standard norm within ASEAN that no bilateral conflicts between member states shall be discussed during ASEAN meetings, as this would interrupt the harmonious and cordial condition during the meetings. Therefore, any bilateral conflicts would be referred to other international bodies such as the International Court of Justice or the United Nations rather than to invoke the High Council body which is provided under ASEAN agreements. This approach has served the organisation well, avoids unnecessary tension between member countries and steers clear of any possible block or divisionism with the organisation.

states – Perlis, Kedah, Kelantan and Pahang – where they share the national boundary with Thailand and receive illegal immigrants who cross the border every now and then. The number of immigrants soars as and when the conflict escalates³⁴⁷.

ii- The ethnic conflict of Muslims in Southern Mindanao in the Philippines. Despite the efforts made by the previous Prime Minister Abdullah to mediate the conflict, fighting still continues to this day. The conflict in Southern Mindanao has resulted in the influx of Mindanao immigrants into the Malaysian state of Sabah and created several problems related to crime and security for the state and the country as a whole³⁴⁸.

iii- The ethnic conflict of Muslim Rohingyas from the Northern Rakhine state of Myanmar. Rohingya refugees have been settling illegally and without proper documentation in large cities like Kuala Lumpur, Penang and Johor Bahru, where there are more job opportunities.

However, as Malaysia does not have any specific policy or law that

³⁴⁷ The conflict cost more than 1700 lives in 2004 alone and caused a spillover to other Malaysian states (AFP). The flight of 131 ethnic-Malay Thais from the conflict zones of southern Thailand into neighbouring Kelantan state in Malaysia in August 2005 led to a war of words between Bangkok and Kuala Lumpur. Thailand insisted that each one be repatriated, but Malaysia maintained that it would do so only after a rights guarantee. The demise of Tengku Bira Kotonila in exile in Damascus, Syria in June 2008, who formed the Patani United Liberation Organisation (PULO) in 1968, hampered efforts by both sides to achieve some sort of peace agreement. The PULO was suffering infighting and splinter groups, which made it harder for any effort to find a workable and acceptable solution. Some of the main insurgent groups were: Pattani United Liberation Organisation (Pulo), New Pattani United Liberation Organisation, Barisan Revolusi Nasional (BRN), Gerakan Mujahideen Islam Pattani (GMIP), United Front for the Independence of Pattani (Bersatu or Barisan Bersatu Kemerdekaan Pattani), Mujahideen Pattani Movement (BNP), Barisan Nasional Pember-Basab Pattani (BNPP), and Mujahideen Islam Pattani.

³⁴⁸ Reports from Malaysiakini.com, a famous Malaysian independent news portal, claimed that the number of illegal Filipino immigrants was in the thousands, which resulted in the over-population of the state capital city of Kota Kinabalu and the rise of the state crime rate. There is even a famous 'Filipina Market' in the town centre, which reflects how vast the immigrant population. This has been witnessed by the researcher himself.

deals with refugees, the Rohingyas in Malaysia do not have any legal rights and are open to harassment and deportation³⁴⁹.

- iv- The suppression of the democratic movement led by Daung Aung San Suu Kyi. This, by far, has dominated discussion about the ASEAN non-interference principle by political pundits and practitioners. Malaysia, by virtue of the office of the Secretary General of the UN, has sent Tan Sri Razali as the Special Envoy to Myanmar, but to no avail³⁵⁰.

The inability on the part of the Malaysian government to partake in a more active role to share and find solutions to the above problem is a clear symptom of how the non-interference principle has been a major roadblock to the management of regional conflict in the region. If given the chance, Malaysia could well give their expertise, networking and goodwill to find solutions to the problems³⁵¹. Malaysia could also avoid the influx of foreign migration from conflict areas such as the Southern Thailand and the Southern Filipino Moro into Malaysian soil.

³⁴⁹ In a report made by an international NGO based in New York and Washington D.C., Refugees International stated that Rohingya refugees in Malaysia live in fear and without basic support such as health and education services. They are also being harassed by the locals and always threatened with deportation to the Malaysia-Thai border. Although most of them agreed that the best solution to the problem is to go back, the hostile situation back home means their wishes will not materialise in the near future. For access to the report, visit <http://www.refugeesinternational.org/blog/burma-rohingya-stranded-malaysia>.

³⁵⁰ At the time of writing this research, Suu Kyi is being tried by the Myanmar government for breaching her house arrest sentence when she gave refuge to an American who swam across the river adjacent to her house to meet her. This latest move by the junta is perceived as a calculated move to deny Suu Kyi the opportunity to enter the coming general elections in a few months' time in 2010. Her house arrest is supposedly to end in a few weeks, which means she can get back to active politics.

³⁵¹ Malaysia has maintained that it will not interfere in the internal affairs of Thailand, and yet its leaders make comments over the situation in Thailand's restive south. At times, Kuala Lumpur is perceived to be cooperating well with the Thai authorities, but at other times it appears to be making things difficult for Bangkok. This rather incongruous position has led some to allege that Malaysia may be supporting the insurgency in the southern Thai provinces.

For example, Tun Mahathir once prescribed that the problems in the Southern Thailand provinces were not about race and religion but about resources, jobs and the economy³⁵². He tried to broker talks between the Thai government and the Muslim groups, only after being given consent by the Thai ruler, King Bhumipol Adulyadej, in August 2005 (*The Sydney Morning Herald* - SMH, 9 October 2006). All this effort was made in his personal capacity and not as an official representative from the government of Malaysia. However, the conflict still persists with no meaningful end in sight³⁵³.

7.3 Circumstances for Possible Interference

Throughout this research, especially during the interviews, the researcher has come across prevailing grounds which warrant some sort of intervention by ASEAN countries as a whole and or Malaysia individually. This seems to be the case when a conflict in one of the ASEAN countries seems to protract and have a spillover effect to the others. Doing nothing and blaming it on the doctrine of non-interference has resulted, in some instances, in an escalation of the conflict, which at the extreme has cost human dignity and lives. Similarly, the inaction of neighbouring countries has sent the wrong signal to the perpetrators and solidified their actions, as they are

³⁵² Malaysia's strategy is to help with the economic development of Thailand's southern provinces. In this respect, the two countries signed a Joint Development Strategy (JDS) in 2004 that covers areas such as trade, tourism, agriculture, energy, education, human resources, and disaster relief.

³⁵³ The Thai king has yet to endorse Dr Mahathir's proposal, the Joint Development and Peace Plan for Southern Thailand, which was also handed over to the Thai and Malaysian government officials in August 2006. The plan emerged from 14 months of secret discussions between the leaders of insurgent groups in southern Thailand and the Thai military.

inadvertently condoning such acts. Therefore, there are some circumstances whereby interference and intervention would do more good than harm³⁵⁴.

7.3.1 Gross Negligence on Basic Human Rights

Article 1 of the 1948 United Nations Universal Declaration of Human Rights (UNDHR) states:

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”.³⁵⁵

When there is gross negligence by any government on its citizens’ basic human rights, the international community has the legal and moral obligation to interfere. Certain human rights violations are so serious that the responsibility to remedy the problem not only lies on that particular state, but also upon the international community as a whole – the obligation is *ergo omnes* (Wheatley, 1993). In the context of ASEAN, some intrastate conflicts have reached that stage of seriousness, which means inaction by the neighbouring countries will result in gross negligence on basic human rights³⁵⁶.

³⁵⁴ Rodolfo Severino wrote in his article: ‘Will there be a new ASEAN in 21st Century?’ that unacceptable norms such as barbarisms as torture, the worst forms of child labour, the abuse of women and children, the use of rape as an instrument of warfare or of state power, the overthrow of legitimate governments by military force, discrimination on the grounds of gender, ethnicity, language, culture or religion. These atrocities would need ASEAN to reconfigure and redefine the non-interference principle.

³⁵⁵ The Universal Declaration of Human Rights (UNDHR) is a declaration adopted by the United Nations General Assembly (10 December 1948 at the Palais de Chaillot, Paris) after witnessing the calamity upon human lives during the Second World War. The UNDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights, form the so - called International Bill of Human Rights.

³⁵⁶ The UNDHR has extensively identified the basic rights of every person in 30 of its articles. These rights include the right to life, liberty and security of a person and the protection against torture or cruel, inhuman or degrading treatment or punishment. While article 18 states that everyone has the

Losing a single human life is bad enough, but losing thousands to a conflict is beyond comprehension and humanity. For example, the conflict in the Southern Thai provinces resulted in the loss of more than 1700 lives in 2004 alone, and the number continues to rise (Reuters, 10 October 2006). More extremely, the conflict between the Filipino government and the Mindanao insurgency has cost more than 120,000 lives since the Philippines gained independence (ABS CBN News, 17 August 2008).

7.3.2 Conflict Containment

Countries in the region must start interfering in a conflict as a pre-emptive measure to avoid spillover to other member states. This pre-emption strategy is important if and when there is an imminent threat of conflict contagion in the region. Professor Anthony Clark of Georgetown University stated:

“Under the regime of customary international law that developed long before the UN Charter was adopted, it was generally accepted that pre-emptive force was permissible in self-defence. There was, in other words, an accepted doctrine of anticipatory self-defence”.

As stated earlier in this chapter, as a result of neighbouring intrastate conflicts, Malaysia has had to play host to migrants from Thailand, the Philippines, Myanmar and Indonesia (from Aceh), as these people have deserted their homelands to avoid persecution and war. As a consequence, those who have come illegally to Malaysia have had to live in the ‘shadows’, without any form of public assistance from the government of Malaysia; they do not even have access to health and education services. There is also the question of national security when some of them manage to

right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

‘buy’ a Malaysian national identity card by bribing National Registration Department officers and other relevant parties³⁵⁷. Currently, allegations have been made by various quarters from the government and opposition parties concerning the involvement of these illegal migrants, who obtained Malaysian identity cards and registered as voters during the last general elections (Malaysiakini.com).

If ASEAN countries can cooperate effectively in tackling the annually recurring haze problem, then there is obviously the possibility of member states cooperating and finding solutions to ethnic conflicts within other member states, especially conflicts that have cross-border interests.

7.3.3 To Uphold the Principle of Democracy

Two of the fundamental human rights enshrined under UNDHR are the freedom of expression and the freedom to choose one’s own government, which are stated under Article 19 and Article 21 of the declaration. What has happened in Myanmar, for example, with regards to the military junta’s rejection of its 1990 general election results, is a breach of UNDHR Article 21. The article states:

³⁵⁷ For example, the Malaysian government estimates that there are between 130,000 to 150,000 illegal immigrants in Sabah alone, which has dramatically changed its demography. Other independent estimations are as high as 400,000 migrants and counting. According to a BERNAMA report (the Malaysian government official news department), more than 300,000 illegal migrants had been deported back to the Philippines up to 2008. Most of the illegal migrants are Filipino, some of whom are already the second or even third generation to be born in Sabah, and have never visited the Philippines. The problem started immediately after the late Tun Mustapha Harun (a former Sabah Chief Minister) opened the floodgates to Filipino migrants, offering them citizenship and residency status as part of the state’s Islamisation strategy. This was continued by Harris Salleh after he overthrew the Mustapha regime. Sabah leaders had always claimed that the Federal government was behind this. They are now demanding that the Federal government resolve this crisis urgently (Sin Chew Jit Poh, 25 June 2008).

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this 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.

Myanmar is a signatory of the declaration, one of the earlier ones in fact³⁵⁸. The continued defiance of the military junta to recognise the NLD as the legally elected government has been a thorn in the relationship between ASEAN and the European and the Western world. Reports of the detention of ‘prisoners of conscience’ and political prisoners in Myanmar prisons have been highlighted by several international bodies such as Amnesty International³⁵⁹.

On the basis of these three circumstances, the Malaysian government, or the ASEAN organisation for that matter, should relax the non-interference principle and try to move meaningfully towards finding solutions to regional conflicts and tensions. ASEAN has shown to its critics that it can play an important role in promoting economic, financial and social cooperation among member states with the establishment of so many regional forms of cooperation, notably the ASEAN Free

³⁵⁸ The International Bill of Rights consists of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and its two optional protocols and the International Covenant on Economic, Social and Cultural Rights (ICESCER). UDHR is a Declaration adopted by the General Assembly and hence requires no ratification; ICCPR has been ratified by 144 countries and ICESCER by 142 countries.

³⁵⁹ Most political prisoners in Myanmar are held at the infamous Yangon Insein Prison. Among the former detainees was U Win Tin, a NLD leader with Suu Kyi, who spent 19 years in the prison from 1989. He was only released recently amidst mounting international pressures along with six of his inmates. It is not clear how many in total there are in this prison, but a conservative figure by Amnesty International puts it at around 2100 people.

Trade Area (AFTA). Its continued existence for the past forty years has already surpassed its critics' expectations from as far back as its inception in 1967. A step towards its involvement in urgent political and security conflicts in the region would make the Association more relevant and possibly duplicated in other areas of the world.

7.4 ASEAN Constitutional Reform

In order for Malaysia and ASEAN to be able to react actively towards existing and future regional conflicts, whether they are intrastate or inter-state tensions, each actor in the region should be brave enough to change the way in which they perceive and respond towards political conflicts in the area. Conflicts that could become a major problem to a particular country should be given appropriate attention before the crisis reaches the level of catastrophe and spills over to neighbouring countries. Early detection and response could avoid or at least minimise the calamity from spreading in the region, as happened during the 1997/98 Asian financial crisis. If ASEAN can find a way to monitor global and regional financial and economic activity through the Peer Review Committee under the ASEAN Surveillance Process (ASP), the same initiative could be taken in respect to political and security events in the region.

7.4.1 The African Union Model

In February 2003, the African Union (AU) adopted the Protocol Amendments to its Constitutive Act of the Union (the Act) to include interventionist actions such as

political and economic sanctions towards its members that flout universal and international human rights³⁶⁰. Article 23 (2) of the Constitutive Act provides that:

“... any Member State that fails to comply with the decisions and policies of the Union may be subjected to (...) sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly”.

These amendments to the Constitutive Act have yet to take effect, as the number of ratified countries has not reached two-thirds of the Union’s membership³⁶¹. The African Union has fifty-three memberships, of which forty-five have already signed the protocol, but only twenty-five have deposited the instrument of ratification³⁶². The AU, a successor to the previously known organisation, the Organization of African Unity (OAU), was formed in 2002³⁶³. The reincarnation of the OAS into the AU was the result of a concerted effort by all leaders of the African states against a tainted background, a region plagued with intrastate wars which included conflicts within Angola, Liberia, Sierra Leon, Democratic Republic of Congo, Sudan and Rwanda.

³⁶⁰ The amendments were adopted during the 1st Extra-Ordinary Session of the Assembly of the African Union, Addis Ababa (Ethiopia), 3 February 2003.

³⁶¹ Please refer to Appendix E for the list of countries which have signed, ratified, and accede to the amendment.

³⁶² This protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification by a two-thirds majority of the Member States. Among the countries which have yet to sign the amendments are Angola, Botswana, Cape Verde, Eritrea, Ethiopia, Malai and Senegal. Among the countries which have signed but have not ratified are Algeria, Cameroon, Guinea, Congo, Djibouti, Mauritius, Somalia and Zimbabwe.

³⁶³ The African Union (AU) was formed on July 9, 2002 as a successor to the Organisation of African Unity (OAU). The AU is an intergovernmental organisation consisting of 53 African states. The most important decisions of the AU are made by the Assembly of the African Union, a semi-annual meeting of the heads of state and government of its member states. The AU's secretariat, the African Union Commission, is based in Addis Ababa, Ethiopia. The African Union is made up of both political and administrative bodies. The highest decision making organ of the African Union is the Assembly, made up of all the heads of state or government of member states of the AU. There are several official bodies under the AU, some of which are the Pan-African Parliament, Assembly of the African Union, African Union Authority, African Court of Justice, the Executive Council, the Peace and Security Council and Economic, Social and Cultural Council.

This amendment marked the departure from a non-interference principle to one of ‘non-indifference’³⁶⁴. The AU is learning from the lessons and failures of the OAU and has adopted a much more interventionist stance through its legal frameworks and institutions (Murithi, 2009:92). The establishment of the Peace and Security Council in 2004, a body quite similar to the UN Security Council, has the mandate to conduct peacemaking, peacekeeping and peace-building. This fifteen-member council will be a vital tool in combating intrastate and inter-state conflict within the African region. The AU is the only regional organisation that has provisions defying the UN Charter on non-interference.

The power to intervene into the domestic affairs of AU member states lays in Articles 4 (h) and (j), which state:

“[The] right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity... and the right of Member States to request intervention from the Union in order to restore peace and security”.³⁶⁵

This concerted intention to intervene was famously termed as the ‘Responsibility to Protect’ (R2P), and early fruits of this commitment have been witnessed since 2005. The AU has already implemented its concept of non-indifference in two regional conflicts – the Zimbabwe conflict and the Kenya conflict. In both instances, the AU played an important role in bringing the warring parties to the negotiation table by

³⁶⁴ The former Chair of the African Union Commission, President Alpha Oumar Konare of Mali, advocated a move from a culture of non-intervention to a culture of non-indifference. The culture of non-indifference according to Konare means “... the courteous and united interference in member states”. Konare also denounced the “usual silence” that greets conflicts in Africa, and added: “We cannot be content with observing and issuing communiqués. We should resolve security problems to stop the mess and waste”.

³⁶⁵ AU (2000): Constitutive Act of the African Union; Lomé, Togo.

sending AU special envoys to the warring countries³⁶⁶. Although some critics say that the AU took considerable time in engaging these parties, nevertheless, the two instances show that the AU is committed to the doctrine of non-indifference and are steering along the right path (Ibid: 97). The AU showed that they have the political will to change from the very indecisive and ‘rhetorical’ organisation of the OAS to an organisation that takes care not only of the governments of Africa, also the African people.

7.4.2 ASEAN’s Lost Opportunities

ASEAN has lost two excellent opportunities to amend the non-interference principle in recent years. In spite of moving towards abolishing or relaxing the age-old doctrine, the organization ended up solidifying the policy in two of the most recent major agreements, namely through the 2007 ASEAN Charter³⁶⁷ and the just concluded 2009 ASEAN Intergovernmental Commission on Human Rights (AICHR)³⁶⁸.

³⁶⁶ In 2005, the AU sent former Mozambican President Joaquim Chissano as its representative to Zimbabwe but was rejected by Mugabe. Without losing hope, the AU then send former South African President Thabo Mbeki (a representative for the Southern Africa Development Community) in January 2008 to mediate the situation which led to the signing of the Peace Deal between Mugabe ZANU-PF and Morgan Tsvangirai MDF and the setting up of the Zimbabwe Unity government. During the Kenya episode, the AU jointly ventured with the United Nations by sending former UN Secretary General Kofi Anan to mediate between the two rival political parties, the Party of National Unity (the incumbent administration) and the Orange Democratic Movement to form the national unity government in February 2008.

³⁶⁷ For a copy of the ASEAN Charter, please visit <http://www.aseansec.org/ASEAN-Charter.pdf>

³⁶⁸ The AICHR Terms of Reference (ToRs) have been agreed during the just concluded ASEAN meeting at Phuket, Thailand on 20 July 2009 chaired by Surin Pitsuwan, the ASEAN Secretary General. To refer to the ToRs, please visit <http://www.asean.org/DOC-TOR-AHRB.pdf>

Under the ASEAN Charter, the non-interference principle has been emboldened under Article 2 -2(e), which states that ASEAN and its member states shall act in accordance with:

(e) non-interference in the internal affairs of Member States.

Again, under the AICHR Terms of Reference agreed in the July 2009, the same reference is made to the unparalleled emphasis given to protect the doctrine of non-interference under the subheadings of the Principles of the AICHR, no. 2.1 (b). Furthermore, one of the main objectives of the AICHR is only to promote human rights within the regional context, bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds, and taking into account the balance between rights and responsibilities. This statement by itself is a reflection of *vintage* ASEAN, putting governments ahead of its peoples.

7.4.3 Some Proposals - What kind of interference and who determines this?

ASEAN must adjust its modus operandi when dealing with intrastate conflict if it wants to remain relevant in the future. Larger regional organisations such as the African Union have changed their attitude of non-interference towards promoting and protecting the basic human rights of their peoples. The AU recognises that protecting the lives, dignity and property of its peoples is the collective responsibility of the union and should not be left exclusively to the individual member states.

Based on the modifications that the AU has made to its Constitutive Act, ASEAN could replicate some, if not all, that is relevant to its own ASEAN Charter or the Treaty of Amity and Co-operations (TAC). Provisions could also be added to the ASEAN Intergovernmental Commission of Human Rights by adding certain exemptions in the event of a serious breach of human rights. This addition, of course, would not conflict with the non-interference principle, as in the Terms of Reference of the AICHR it also stated that ASEAN would:

“...uphold international human rights standards as prescribed by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and international human rights instruments to which ASEAN Member States are parties”.

For the first time in the history of ASEAN, the organisation has shifted its decision making process from solely depending on the consultation and consensus mode to the possibility of taking a vote during the ASEAN Summit. This clause is written under the ASEAN Charter in Chapter VII, article 20 as follows:

- 1. As a basic principle, decision making in ASEAN shall be based on consultation and consensus;*
- 2. Where consensus cannot be achieved, the ASEAN Summit can decide how a specific decision can be made.*

This slight departure from the traditional decision making requirements of getting consensus proves that ASEAN could change its habits, but it will be done delicately and gradually. Therefore, the researcher feels that ASEAN can amend the non-interference principle if it wants to, possibly in two stages.

i- Stage one

The introduction of amendments to the 1967 Treaty of Amity and Cooperation under Article 2 (c) which states:

“Non-interference in the internal affairs of one another; unless pursuant to a decision by the ASEAN Head of Government Summit, the Association has the right to intervene in respect of grave circumstances namely: war crimes, genocide and crimes against humanity. The Contracting Party involved will be referred to the ASEAN Ministerial Meeting (AMM) for consultation and finding solution. In the event that no solution could be found, the aforementioned crisis will be referred to the ASEAN High Council for further deliberation”.

With this amendment, at least ASEAN countries could start the process of open and public discussion concerning grave human rights violations by member states, without violating the non-interference principle. The issue can be legally discussed during the biannual AMM meeting, even if it has to be done in a closed-door session. However, the decision made must be binding and submitted to the ASEAN Summit meeting for recognition and implementation.

The role of the High Council must be expanded. It not only deals with bilateral conflicts among member states, but also intrastate conflicts. An amendment therefore must be made under Article 13 of the TAC, which reads:

“The High Contracting Parties shall have the determination and good faith to prevent disputes from arising. In case disputes on matters directly affecting them should arise, especially disputes likely to disturb regional peace and harmony, they shall refrain from the threat or use of force and shall at all times settle such disputes among themselves through friendly negotiations. **In addition to the above, intrastate conflict will also be deliberated in the name of avoiding grave circumstances namely war crimes, genocide and crimes against humanity**”.

ii- Stage two

If the conflict escalates and the recommendation of the High Council or the ASEAN Summit is ignored, ASEAN could take the next course of action, which involves political and economic sanctions. In this respect, ASEAN does not have to amend its constitution, as political and economic sanctions do not constitute the threat or the use of force. What is only needed is a resolution during the ASEAN Summit, which could be taken consensually or by vote of the majority as permitted by the ASEAN Charter.

ASEAN has a history of taking tough political decisions. The postponement of Cambodia’s induction into ASEAN in 1997 due to the political coup by Hun Sen shows that ASEAN could take hard decisions while defending the non-interference principle. One could argue that Cambodia was not a member at that time, but the consensus achieved to postpone the admission in itself was a commendable decision.

ASEAN also worked hard to dissuade Myanmar from taking the ASEAN Chair in 2006. The fact that ASEAN sent representatives to meet the military junta is the sign of a shifting paradigm among ASEAN leaders. The Association will do what is necessary to uphold its good name and avoid confrontation with its external partners. If Myanmar had not agreed to forego the chairmanship, ASEAN would have faced difficulties in its relations with the Western world, especially the United States and the European Union.

7.5 Conclusion

There is no doubt that the non-interference principle has played an important role and contributed significantly to the stability of the region in the past. ASEAN countries needed the space to build their nations and fight internal battles freely and without interference. The region as a whole has been relatively safe and secured. However, upon close inspection at the intrastate level, some member states have faced internal political conflicts that have also affected their neighbouring countries.

Some of the current conflicts, which were originally considered as internal affairs, have the potential to spillover, which if not attended to properly will affect bilateral and regional relationships. Malaysia is one of the countries caught between these internal conflicts, but it does not have the right to express any viewpoint due to the doctrine of non-interference. The ‘explosion’ of the information age and the embracement of universal values such as a respect for human rights have amplified these conflicts and made them impossible to be ignored.

Changes to the traditional principles of non-interference and the ASEAN Way are vital if ASEAN is to remain relevant in today's world. However, the Association has to modify and adjust the ways in which it applies its policies in the twenty-first century (Severino, 2004:184).

CHAPTER EIGHT

CONCLUSION

The Effects of the ASEAN Non-interference Principle in Managing Conflict: The Malaysian Experience (1981-2003)

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CHAPTER EIGHT

CONCLUSION

The Effects of the ASEAN Non-interference Principle in Managing Conflict: The Malaysian Experience (1981-2003)

This research revealed that Malaysian domestic political interplay and the social context of the citizenry have contributed immensely to the formulation of Malaysia-ASEAN relationship *vis a vie* the non-interference principle. This perspective is seldom explored and appreciated in order to understand Malaysia's behavior in international relations and strategic relations especially among ASEAN states. Malaysia adhered to the principle of non-interference not only due to the need of the time, which is peaceful environment for nation building process but also as a tool to ensure political survival and to some extent regime security. Fifty three years of uninterrupted rule by the Barisan Nasional has placed Malaysia among the more developed nation among the third world countries. However, global change and the embracement of a more democratic style of government meant that not only Malaysia, but all countries in ASEAN should realigned themselves to be more open and frank in discussing regional and national politics. This research will at least add to the literature of how a developing country strike a balance between adhering to the international political system through the lenses of its domestic environment.

This research also revealed the challenges faced by Malaysia with reference to the implementation of the non-interference principle in the regional policy of ASEAN.

This principle, also known as the ‘doctrine’ or the ‘policy’, has contributed notably to the stability and security of the region. However, with the extended number of ASEAN members and new challenges facing the region, it was revealed that the policy should be amended if ASEAN wants to remain relevant in the future. It was also noted that the non-interference principle has been invoked especially when the conflict is related to political and security matters rather than the others. Special reference was given to the Mahathir Mohamad premiership, which spanned from 1981-2003. Five objectives of this study were set in the introductory chapter to address the challenges of the implementation of the ASEAN non-interference principle.

Research Objectives

8.1 To examine why ASEAN member states readily accepted the non-interference policy as a norm of relations between member states.

As explained in Chapter Three, the non-interference principle embodied in ASEAN’s Treaty of Amity and Cooperation (TAC) has been the main guideline as to how ASEAN countries should relate to each other. The inclusion of the adherence to the policy of non-interference acted as the guarantee that the members needed to assure them that joining ASEAN would not lead to them surrendering their national sovereignty; rather, it would be strengthened. Member states would have the space to rebuild their individual nations, without the need to worry about any external interference, especially in combating domestic insurgencies and generating national economies.

Each original member of ASEAN faced domestic problems in one way or another. Malaysia was only ten years into its independence and struggling with building up its economy and fighting communist insurgencies. Malaysia's unique citizen composition of mainly Malays, Chinese and Indians would mean that policy making in the country would need special planning. Furthermore, despite the Malays making up the majority of the population, they are among the poorest of the Malaysians compared to the Chinese. Therefore, certain national policies that preferred the Malays, for example the Affirmative Actions and the New Economic Policy, were implemented to remedy the disparity. Malay supremacy, the Malay special rights, the Malay rulers and the Malay language, with Islam as the official religion in Malaysia were, at times, a hot bed of discussion. Therefore, Malaysia benefitted considerably from the policy of non-interference, which gave the country the space it needed to develop the nation with a free hand.

Although Thailand has never been colonised, it also suffered from communist insurgency in the shared border with Malaysia. Thailand also was, and still is, facing ethnic and religious conflict within the Southern provinces of Pattani, Yala and Narathiwat. The same problem also occurred in the Philippines, which still persists to this day. The Filipino government is fighting the Moro insurgency in the Southern Mindanao region, and used to engage with communists in the area. Therefore, both Thailand and the Philippines needed the guarantee from their ASEAN neighbours that they would not interfere into the domestic affairs of their countries.

Other countries such as Singapore, Indonesia and Brunei were also facing internal political and military conflicts. Besides the subversive movements, they were also

trying to build national economies. The later memberships of Vietnam, Laos, Myanmar and Cambodia also benefitted from the non-interference principle, as they were also trying to build or rebuild their nations (Vietnam, for example, was devastated during the US-Vietnam war). Joining ASEAN in a way guaranteed that no regional influence or interference would occur and that would contribute towards the peace, stability and security that the region needed.

8.2 To identify the challenges posed to Malaysia and ASEAN in their roles as regional actors managing conflicts.

As discussed in Chapters Three and Five, there have been many challenges to the ASEAN practice of non-interference. Most of the time, the challenges have been intertwined between national and regional levels, as the nature of the conflicts has also been interrelated. Regional events such as the Asian Financial Crisis of 1997, Indonesian haze pollution, SARS and the political quagmire in Myanmar have presented notable challenges to the implementation of the non-interference policy.

The Asian Financial Crisis taught the ASEAN leaders that they need to share vital economic and financial information to avoid or minimise such a crisis from occurring in the future. Following the 1997 Crisis, ASEAN members started sharing their financial databases, and set up what is now known as the ASEAN Surveillance Process (ASP). The overall purpose of the ASEAN Surveillance Process is to strengthen policy making capacity within the ASEAN grouping. The ASP is envisioned to provide a monitoring and early warning system for the ASEAN members. Under the ASP, the Peer Review committee has been established to

recommend strategic financial steps to national economies to avoid economic crises from reoccurring.

The Indonesian haze problem also challenged the non-interference principle among member states. Due to the pollution, neighbouring countries suffered economically and socially as the haze created problems to the business sector, especially the tourism industry. Furthermore, it also created a health hazard and affected certain agricultural economies. In response, ASEAN members – in agreement with the Indonesian government – established the ASEAN Coordinating Centre for Trans-boundary Haze Pollution Control to facilitate cooperation and coordination managing the impact of land and forest fires. This cooperation is believed to be the first in the world and can be a model to be emulated in other parts of the globe. ASEAN also launched the ASEAN haze online service, which updates any development and new fires in the region.

The Myanmar political problem has been one of the main challenges to question the effectiveness of the ASEAN non-interference principle. Although political dissent is a common feature in any sovereign state, the conflict in Myanmar has been highlighted by the international media and stained the track record of ASEAN politics. ASEAN has not been able to resolve this problem, as it involves the domestic affairs of a member state that does not want to be interfered with. This is contrary to the willingness of the Indonesian government to allow member states to share the burden and effort to settle the haze problem on Sumatera.

At the national level, Malaysia has been affected by the non-interference principle, as conflicts in neighbouring states tend to spill over Malaysian borders. With the non-interference policy in force, Malaysia cannot get involved actively to share and contribute towards the betterment of the situation. Insurgencies in the provinces of Southern Thailand and Southern Mindanao Moro land pose a considerable level of threat to Malaysian bilateral relationships. At the time of writing, both of these conflicts have not been resolved.

8.3 To identify Malaysia's understanding and the implementation of the principle of ASEAN non-interference and its effects in managing regional conflicts.

As discussed in Chapter Six, there is no official definition of what constitutes 'non-interference'. As a result, the implementation of the policy has been inconsistent. Non-interference has been used as an excuse by a ruling government when it does not want intervention into its domestic conflicts by others. These conflicts usually are related to political and security matters such as can be seen in Myanmar, Thailand and the Philippines. Malaysia, to some extent, also uses the same tool to rebuke any external interference, especially when in relation to Malay special rights, the ISA and political dissidents. At the same time, interference has been welcome when it involves a financial or environmental crisis such as the Asian Financial Crisis or the Indonesian haze problem.

The second notable effect of the policy is the inability to resolve inter-state and intrastate conflicts. ASEAN countries turn to third party or external organisations

rather than resorting to ASEAN itself. The overlapping claims between Malaysia and Indonesia and between Malaysia and Singapore were referred to the International Court of Justice. The Aceh insurgency against the Indonesian government was mediated by European bodies and the Timor Timor (Timor Leste) breakaway from Indonesia was overlooked by the United Nations and several Western countries.

Intrastate conflicts such the conflict in Myanmar, the Southern Thailand uprising and the Southern Mindanao insurgency are still ongoing. Among the three, the Myanmar conflict has been the major source of embarrassment to ASEAN, as it has received the most publicity in the international media. The organisation was unable to persuade Myanmar to resolve the crisis amicably and only narrowly escaped further embarrassment when Myanmar agreed to forgo the ASEAN Chairmanship in 2006.

At the national level, the Myanmar conflict has also tainted Malaysia's and, to some extent, Mahathir's credibility. Malaysia was the main lobbyist for the induction of Myanmar into the ASEAN fold in the name of constructive engagement. When it was realised that Myanmar would not change its stance towards the democratic movement of the NLD under Aung San Suu Kyi and was still clinging on to power with an 'iron fist', ASEAN contemplated the idea of expelling Myanmar from the organisation. However, there is no provision for expulsion from ASEAN, as stated by George Yeoh, the former Singapore Foreign Minister. Therefore, Myanmar remains the 'thorn' in ASEAN's image as the only regional organisation in Southeast Asia.

8.4 To evaluate Malaysia's role as a regional player and leader in amending the non-interference principle.

It was discussed in Chapter Seven that Malaysia has played an important role in shaping and formulating policy for ASEAN. The Treaty of Zone of Peace, Freedom and Neutrality (ZOPFAN) and the establishment of the East Asian Economic Grouping (EAEG), which was changed to the ASEAN + Three economic cooperation (ASEAN plus Japan, Korea and China), were the brainchildren of Malaysia. The process of expansionism and the inclusion of new members such as Myanmar, Laos and Cambodia were accelerated due to the strong support of Malaysia, whilst the country subscribes to the concept of constructive engagement, which means that it is better to engage regional countries to become members rather than alienating them.

In the case of Myanmar, Mahathir believed that engaging Myanmar and taking it into the ASEAN fold would eventually influence the military government to become more responsible and approachable. This argument was also used by Domingo Siazon, the Filipino Ambassador to Japan, in convincing the audience during a conference in Paris in 2004. Myanmar should learn from its ASEAN partners how to manage economic and political affairs in tandem with the spirit of 'ASEANhood'. Mahathir invited Myanmar officials to witness and learn from Malaysia regarding its economic and political policies. However, in this instance, Mahathir was wrong and Myanmar did not change its stance towards the democratic movements in its country.

From the interviews, it was revealed that Malaysia could be the leader in championing many of ASEAN's causes, but the same cannot be said when it involves the non-

interference principle. Malaysia is too complacent with its own situation and has a lot of internal ‘political baggage’. Although Malaysia has been affected by the non-interventionist policy, in the case of Myanmar, Southern Thailand and Southern Mindanao, it has remained a staunch supporter of the non-interference principle. This paradoxical position is no surprise considering Malaysia was the founding member of ASEAN, which since its early years has benefitted from this policy. However, a change in the administration could see a change in its approach.

8.5 To make proposals towards relaxing the non-interference principle

It was discussed in Chapter Seven that in order for Malaysia to become consistent and relevant in regional politics, it should amend its stance on the non-interference principle. The policy should be upheld as a basic guideline for inter-state relations. However, extraordinary circumstances need extraordinary actions. It is proposed that Malaysia should interfere when:

- i- There is gross negligence on human rights issues
- ii- There is the requirement to make an effort towards conflict containment
- iii- It is necessary to uphold the principle of democracy

Malaysia could propose amendments to the Treaty of Amity and Cooperation and modify the non-interference principle. The principle should not be an obstacle if there are acts of gross negligence to human rights including war crimes, genocide and other crimes against humanity. ASEAN could adopt some of the amendments introduced by the African Union as part of their own non-interference principle. The amendment

could be done in stages in order to give significant time for adjustment. The important thing is that ASEAN should remain relevant with all the changes of its environment.

The adoption of the ASEAN Human Rights Commission is a step in the right direction. What it needs now is the political will to move towards a more interventionist ASEAN. Globalisation, the Information Technology age and the proliferation of civil and human rights groups means that news spreads fast and basic standards have to be observed. The region must move forward, embrace changes and not go backward. ASEAN must remain relevant in all sectors, not just in financial and economic cooperation. Citizens are becoming more educated and expect more from their government.

8.6 Research contribution and direction for future research

8.6.1 Research Contribution

This thesis represents the very first non-interference principle study from a Malaysian perspective. Furthermore, special reference was given to Tun Mahathir Mohamad's premiership due to his longevity in holding the office and the many occurrence of regional incidents which questioned the practice of non-interference principle in ASEAN. The researcher also took Anwar Ibrahim's article in *Newsweek International* as the starting point as this is the first time that an ASEAN leader publicly stated the need for ASEAN to amend the long overdue doctrine. Therefore, the contributions of this research are as follows:

- i- The revelation of the lack of understanding and the absence of the definition of what constitutes non-interference could become the basis of a policy proposal for the government of Malaysia. The government would also benefit from understanding the extraordinary circumstances that need intervention. The disadvantage outweighs the advantage if Malaysia remains ignorant to the plight of its neighbors.

- ii- The documentation of the elite experience in dealing with regional affairs would be beneficial to readjust Malaysia's regional policy and its policy towards the non-interference principle. The study has revealed that even Mahathir, a staunch supporter of the non-interference principle, agreed that there must be some sort of amendment to the doctrine that will allow certain measures to be taken if there is a political or human rights violation occurrence in the region. It has also revealed that the 'constructive engagement' strategy taken by the ASEAN countries against its members which are in trouble would not necessary yield fruition. In fact, in the case of Myanmar, it has been used to the advantage of the government without giving back any significant changes in its political quandary. It took at least almost twenty years for the Myanmar government to hold a new general elections and even when they have held them, it was touted by allegations of impropriety and suppression against the democratic movements.

- iii- Upon the documentation of the interviews and research facts, current and future generations shall understand why Malaysia has been a strong

supporter of the non-interference principle and why Malaysia should change it in tandem with the changes of the times. Malaysia under the helm of Dato' Seri Najib Razak, the sixth Prime Minister of Malaysia, is undergoing a significant change in terms of inter racial relations and the relaxing of race base affirmative policy towards the Malays and the Bumiputera. The newly announced the New Economic Model (NEM) by the Premier recently is a step towards a more inclusive community based on merit and not on race or creed. Although the initial information on the NEM is still sketchy, at least the government is moving to the right way.

This policy will be reflected in later years in Malaysian foreign relations and transform Malaysia from being too protective of certain domestic issues. When Malaysia is not too sensitive to the criticism from others, it will also start rethinking of the more plausible ways to go around the non-interference principle. Anifah Aman, the current Malaysian Foreign Minister was more vocal towards Myanmar when the junta government put Aung San Suu Kyi on trial early last year and urged that she should have a fair trial. This was indeed something new in Malaysian-ASEAN foreign relations.

- iv- To establish a greater understanding of Malaysian politics and how it influences foreign policy making. This research, in its small but significant way, has revealed that Malaysia as a country entangled with many domestic issues, still can play a real role in influencing regional politics. Malaysia and its counterparts in ASEAN should be more open in discussing issues that affects each other even when it is related to regime

security in member states. Human rights and the advancement of democratic principle has been the universal agenda.

8.6.2 Future Avenues of Research

This research was being undertaken with the intention of understanding the debate behind the ASEAN non-interference principle, and whether it should be upheld or modified. The researcher has focused on the experience of the Malaysian government, its officials and diplomats with regards to the implementation of the principle. Thus, further study must be done on different scope and focus.

Future research should try to explore in detail other individual states' experiences and the experience of the ASEAN organisation as a whole. By understanding these experiences, a new model of conflict management can be developed for the betterment of ASEAN and for the accumulation of knowledge. ASEAN has vast and varied actors, many of which would be a very interesting subject to be studied.

The ASEAN non-interference principle has served the Association and region well, and should remain as a basic guideline for inter-state relations. Without this policy, ASEAN as an organisation would now be defunct, like its predecessor, and the region of Southeast Asia would have been in prolonged turmoil. However, an amendment should be made to the principle to exclude extraordinary circumstances.

APPENDIX A

Brief profile of the interviewees

Interviewee	Interview date	Profile
Tun Dr Mahathir Bin Mohamad	9 April 2007	The Prime Minister of Malaysia from 1981-2003. He was the longest-serving premier, outdating four deputies and the engineer for Malaysia's industrialization and corporatization process. He was also the Chairman of the Barisan Nasional Coalition, by virtue of being the Prime Minister and president of United Malay Nationalist Party (UMNO). He went through five general elections with thumping victories (1982, 1986, 1990, 1995 and 1999). Before being the PM, he served as the deputy Prime Minister and Education Minister.
Dato' Seri Anwar Bin Ibrahim	16 April 2007	The Deputy Prime Minister to Tun Mahathir (1993-1998- the third deputy under him). Currently, he is the member of parliament for Permatang Pauh and the leader of the opposition. Anwar was the Vice President of UMNO under Mahathir until his sacking in 1998. He served as Finance Minister, Education


		Minister, and Youth and Sports Minister. He was jailed for six years by Mahathir on corruption and sexual charges which he claimed being trumped up. He initiated the debate on non-interference with his article title 'Crisis Prevention' in Newsweek International in July 1997.
Tan Sri Ambassador Razali bin Ismail	5 April 2007	Razali was a distinguished Malaysian former diplomat with a degree in Arts from Universiti Malays, Malaysia's oldest higher institute of learning. He served as Malaysian diplomat in Madras, Paris, London, Vientiane, and Poland before heading the Malaysian delegation at the United Nations. He was once the Chairman of the UN's Security Council and later on became the first and only Malaysia President of the UN's General Assembly in 1996-1997. He was the UN's Secretary General Special Envoy to Myanmar in 2005 to oversee the Aung San Suu Kyi's detention that led to her temporarily release after that
Tun Ghazali Shafie	20 April 2007	Served as government servant and diplomat from the first Malaysian Prime Minister Tunku Abdul Rahman, Tun Abdul Razak (second PM), Tun Hussein Onn (third PM)

		and Mahathir Mohamad spanning from 1955-1984. His last government post was the Foreign Affairs Minister from 1980-1984 and quit due to misunderstanding with Mahathir. He played an important behind the scene role in the formation of ASEAN, as the chief negotiator with his counterparts from Indonesia, Singapore, Thailand and the Philippines.
Tan Sri Dr Abu Hassan Bim Omar	18 April 2007	Former Minister of Foreign Affairs from 1987-1991. He also served as the Minister of Federal Territory (1986-1987), Minister of Trade and Consumerism (1991-1997) and the Chief Minister of the State of Selangor (1997-2000)
Dato' Seri Mohamed Jawhar Hassan	27 April 2007	The Chairman and CEO of the Institute of Strategic and International Studies of Malaysia (ISIS), a non governmental policy research organization. ISIS is a think tank close to the government, giving proposals on policies especially related to defense, security, foreign affairs and nation building. He served as counselor at Malaysian embassies in Thailand and Indonesia and used to served the government as Director General of the Department of National

		Unity.
Tan Seri Ahmad Fuzi Abd. Razak	7 May 2007	Ambassador Ahmad Fuzi served with the Malaysian diplomatic missions to Moscow, the Hague, Canberra, Washington and Dhaka. Subsequently he served as the Director General of the Institute of Diplomacy and Foreign Relations and the Secretary General of the Foreign Minister. His last diplomatic appointment was the Ambassador at-Large Ministry of Foreign Affairs.
Tan Sri Ambassador Zainal Abidin Bin Sulong	17 April 2007	He served the Malaysian diplomatic corp and was Malaysia's Permanent Representative to the UN from 1980-1984. After that, he served as the Secretary General for the Malaysian Foreign Ministry under Mahathir from 1984-1988.
Dato Professor Shamsul Amri Baharuddin	10 May 2007	Currently the Director of the Malay World and Civilization (ATMA) and Institute of Occidental Studies, Universiti Kebangsaan Malaysia. He is a famous Malaysian political and security critics and have been doing several works advising the United Malay National Organization.

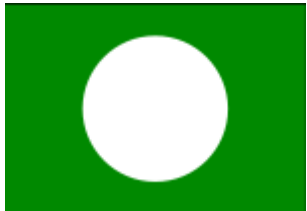
Appendix B


Main political parties in Malaysia

Party	Date formed	Description
<p data-bbox="236 416 592 510">United Malay National Organization (UMNO)</p>  <p data-bbox="236 763 312 797">Logo</p>  <p data-bbox="236 999 304 1032">Flag</p> <p data-bbox="236 1106 592 1193">(Government Ruling Coalition)</p>	<p data-bbox="619 416 799 450">11 May 1946</p>	<p data-bbox="858 416 1359 1659">UMNO or its Malay name Pertubuhan Kebangsaan Melayu Bersatu (PKMB) was formed in the wake of the Malays rejection towards the proposed Malayan Union by the British government after the World War Two ended. The formation of UMNO was a result from the historical meeting of 41 Malay organizations during the national Malay Congress which took place at the Sultan Sulaiman Club, in Kuala Lumpur (Basri, Salleh & Saad, 1991). It's former presidents were Dato' Onn Jaafar, Tunku Abdul Rahman Putra Al Haj (Malaysia's first Prime Minister), Tun Abdul Razak (Second PM), Tun Hussein Onn (Third PM), Tun Mahathir Mohamad (Fourth PM), and Tun Abdullah Badawi (Fifth PM). The current president is Dato' Seri Najib Razak, who is also the current Malaysian Prime Minister.</p> <p data-bbox="858 1682 1359 2002">UMNO is considered as a 'right wing' nationalist party with membership of almost 3 million bumiputeras (majority of them are Malays). It has been and currently is the largest political party in Malaysia with the</p>

		<p>largest elected representatives in the Malaysian parliament. In 1998, following a complaint made by some of its members, UMNO was being deregistered by the Malaysian Registrar of Society upon revelation that some of its branches did not register officially with the body. However, the problem was remedied by Mahathir, who was the president at that time and being reregistered as the UMNO Baru (New UMNO) which is being considered largely as the party which inherited the original UMNO party.</p>
<p>Malaysian Chinese Association (MCA)</p>  <p>Flag and logo</p> <p>(Government Ruling Coalition)</p>	<p>27 February 1949</p>	<p>MCA was formed as an alternative and in opposition to the Malayan Communist Party (MCP), with the backing of the British government. Most of its founding members were from the Kuomintang (KMT) Army in Malaya who has the historical affiliation with the Kuomintang in Hong Kong. Its former presidents include Tun Tan Cheng Lock, Lim Chong Eu, Tan Siew Sin, Tun Ling Liong Sik, Ong Ka Ting and currently headed by Dato' Seri Ong Tee Kiat. MCA has been the main political partner within Barisan Nasional, the ruling coalition since 1952. MCA, like UMNO is a race base political party which caters to the political and</p>

		<p>communal needs of the Malaysian Chinese. MCA has been criticized lately by the Chinese community of failing to influence the UMNO into relaxing its Malay Supremacy ideology however still is considered as the largest Chinese political party in Malaysia.</p>
<p>Malaysia India Congress (MIC)</p>  <p>Logo/ Flag (Government Ruling Coalition)</p>	<p>August 1946</p>	<p>MIC was formed originally as an anti-British political organization under John A. Thivy. It is the largest Indian base political party which joined the Barisan Nasional in 1954. Its former presidents include K.L. Devaser, V.T. Sambanthan, V. Manikavasagam and currently under Dato' Seri S. Samy Vellu. Its main objective is obviously to serve the political needs of the Malaysian Indian community and has more than 540,000 members (Rahmat, 2001).</p>
<p>Parti Gerakan Rakyat Malaysia (GERAKAN)</p>  <p>Logo/Flag (Government Ruling Coalition)</p>	<p>24 March 1968</p>	<p>GERAKAN was formed originally as a multi race opposition political party. Its first president was Syed Hussein Al-Alatas but further down the line, he was succeeded by Chinese Malaysians, thus, it has been seen as an alternative Chinese political party in the Barisan Nasional to MCA. It joined the ruling coalition in 1972 (Mauzy, 1983). Its former presidents include Lim Chong Eu, Lim Keng Yeik, and currently under the</p>

		<p>leadership of Tan Sri Koh Tsu Koon. GERAKAN is generally strong in Pulau Pinang, one of the states which is currently under the DAP party.</p>
<p>Parti Islam Se-Malaysia (PAS)</p>  <p>Logo/Flag</p> <p>(Opposition Party)</p>	<p>4 April 1956</p>	<p>PAS or the Pan Malaysian Islamic Party is by and large known as an alternative to UMNO. Its members generally are Malays although according to its constitution, there is no mention of it as a prerequisite to membership. However, PAS is the only political party which puts religion that is Islam, as the prerequisite for membership. Non-Muslims are only permitted to be members of the PAS Supporters Club (Kelab Penyokong PAS) which is gaining membership currently. Its former presidents include Dato' Asri Muda, Abbas Alias, Ahmad Fuad Hassan, Dato' Nik Aziz Nik Mat, Dato Fadhil Noor and the current Dato' Hadi Awang. PAS currently is ruling two states, Kelantan and Kedah, which are predominantly Malay inhabitant.</p>
<p>Democratic Action Party (DAP)</p>	<p>18 March 1966</p>	<p>DAP is a predominantly Chinese political party (although there are Malays and Indians members), a party that take stock from Singapore's ruling government party, the Peoples' Action Party (PAP). It is the main rival for MCA and currently is ruling</p>

 <p>Logo/Flag (Opposition Party)</p>		<p>the island state of Pulau Pinang.</p> <p>Among the presidents include Chen Man Hin and currently headed by Lim Kit Siang. DAP also continues with PAP's concept of a Malaysian Malaysia which according to the party promotes meritocracy and against the Ketuanan Melayu (Malays Supremacy) doctrine.</p>
<p>Party Keadilan Rakyat (PKR)</p>	<p>4 April 1999</p>	<p>PKR or Peoples' Justice Party is the youngest major opposition political party in Malaysia. However, it is currently the largest opposition party which transcends race and religion. Initially, PKR was a civil and democratic movement which was formed by Datin Seri Wan Azizah Wan Ismail, the wife of Anwar Ibrahim, during his detention in solitary confinement. However, in order to contest in the general election, it was formally registered and has Wan Azizah as the president until now.</p> <p>When Anwar Ibrahim was released from prison in 2004, he was officially elected as the party's Ketua Umum (the de facto leader) while his wife still remain the president. PKR is seen as an alternative to the other much older political party although the group behind its genesis was from Malay ethnic. Currently, it has 31</p>

		members of parliament out of 222 Anwar Ibrahim is the current Opposition Leader in the Malaysian parliament.
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Appendix C

Treaty of Amity and Cooperation (TAC)

Treaty of Amity and Cooperation in Southeast Asia Indonesia, 24 February 1976

The High Contracting Parties :

CONSCIOUS of the existing ties of history, geography and culture, which have bound their peoples together;

ANXIOUS to promote regional peace and stability through abiding respect for justice and the rule of law and enhancing regional resilience in their relations;

DESIRING to enhance peace, friendship and mutual cooperation on matters affecting Southeast Asia consistent with the spirit and principles of the Charter of the United Nations, the Ten Principles adopted by the Asian-African Conference in Bandung on 25 April 1955, the Declaration of the Association of Southeast Asian Nations signed in Bangkok on 8 August 1967, and the Declaration signed in Kuala Lumpur on 27 November 1971;

CONVINCED that the settlement of differences or disputes between their countries should be regulated by rational, effective and sufficiently flexible procedures, avoiding negative attitudes which might endanger or hinder cooperation;

BELIEVING in the need for cooperation with all peace-loving nations, both within and outside Southeast Asia, in the furtherance of world peace, stability and harmony;

SOLEMNLY AGREE to enter into a Treaty of Amity and Cooperation as follows:

CHAPTER I : PURPOSE AND PRINCIPLES

Article 1

The purpose of this Treaty is to promote perpetual peace, everlasting amity and cooperation among their peoples which would contribute to their strength, solidarity and closer relationship,

Article 2

In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles :

- a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
- b. The right of every State to lead its national existence free from external interference, subversion or coercion;
- c. Non-interference in the internal affairs of one another;
- d. Settlement of differences or disputes by peaceful means;
- e. Renunciation of the threat or use of force;
- f. Effective cooperation among themselves.

CHAPTER II : AMITY

Article 3

In pursuance of the purpose of this Treaty the High Contracting Parties shall endeavour to develop and strengthen the traditional, cultural and historical ties of friendship, good neighbourliness and cooperation which bind them together and shall fulfill in good faith the obligations assumed under this Treaty. In order to promote closer understanding among them, the High Contracting Parties shall encourage and facilitate contact and intercourse among their peoples.

CHAPTER III : COOPERATION

Article 4

The High Contracting Parties shall promote active cooperation in the economic, social, technical, scientific and administrative fields as well as in matters of common ideals and aspirations of international peace and stability in the region and all other matters of common interest.

Article 5

Pursuant to Article 4 the High Contracting Parties shall exert their maximum efforts multilaterally as well as bilaterally on the basis of equality, non-discrimination and mutual benefit.

Article 6

The High Contracting Parties shall collaborate for the acceleration of the economic growth in the region in order to strengthen the foundation for a prosperous and peaceful community of nations in Southeast Asia. To this end, they shall promote the greater utilization of their agriculture and industries, the expansion of their trade and

the improvement of their economic infrastructure for the mutual benefit of their peoples. In this regard, they shall continue to explore all avenues for close and beneficial cooperation with other States as well as international and regional ~organisations outside the region.

Article 7

The High Contracting Parties, in order to achieve social justice and to raise the standards of living of the peoples of the region, shall intensify economic cooperation. For this purpose, they shall adopt appropriate regional strategies for economic development and mutual assistance.

Article 8

The High Contracting Parties shall strive to achieve the closest cooperation on the widest scale and shall seek to provide assistance to one another in the form of training and research facilities in the social, cultural, technical, scientific and administrative fields.

Article 9

The High Contracting Parties shall endeavour to foster cooperation in the furtherance of the cause of peace, harmony, and stability in the region. To this end, the High Contracting Parties shall maintain regular contacts and consultations with one another on international and regional matters with a view to coordinating their views actions and policies.

Article 10

Each High Contracting Party shall not in any manner or form participate in any activity which shall constitute a threat to the political and economic stability, sovereignty, or territorial integrity of another High Contracting Party.

Article 11

The High Contracting Parties shall endeavour to strengthen their respective national resilience in their political, economic, socio-cultural as well as security fields in conformity with their respective ideals and aspirations, free from external interference as well as internal subversive activities in order to preserve their respective national identities.

Article 12

The High Contracting Parties in their efforts to achieve regional prosperity and security, shall endeavour to cooperate in all fields for the promotion of regional resilience, based on the principles of self-confidence, self-reliance, mutual respect, cooperation and solidarity which will constitute the foundation for a strong and viable community of nations in Southeast Asia.

CHAPTER IV : PACIFIC SETTLEMENT OF DISPUTES

Article 13

The High Contracting Parties shall have the determination and good faith to prevent disputes from arising. In case disputes on matters directly affecting them should arise, especially disputes likely to disturb regional peace and harmony, they shall refrain from the threat or use of force and shall at all times settle such disputes among themselves through friendly negotiations.

Article 14

To settle disputes through regional processes, the High Contracting Parties shall constitute, as a continuing body, a High Council comprising a Representative at ministerial level from each of the High Contracting Parties to take cognizance of the existence of disputes or situations likely to disturb regional peace and harmony.

Article 15

In the event no solution is reached through direct negotiations, the High Council shall take cognizance of the dispute or the situation and shall recommend to the parties in dispute appropriate means of settlement such as good offices, mediation, inquiry or conciliation. The High Council may however offer its good offices, or upon agreement of the parties in dispute, constitute itself into a committee of mediation, inquiry or conciliation. When deemed necessary, the High Council shall recommend appropriate measures for the prevention of a deterioration of the dispute or the situation.

Article 16

The foregoing provision of this Chapter shall not apply to a dispute unless all the parties to the dispute agree to their application to that dispute. However, this shall not preclude the other High Contracting Parties not party to the dispute from offering all possible assistance to settle the said dispute. Parties to the dispute should be well

disposed towards such offers of assistance.

Article 17

Nothing in this Treaty shall preclude recourse to the modes of peaceful settlement contained in Article 33(1) of the Charter of the United Nations. The High Contracting Parties which are parties to a dispute should be encouraged to take initiatives to solve it by friendly negotiations before resorting to the other procedures provided for in the Charter of the United Nations.

CHAPTER V : General Provision

Article 18

This Treaty shall be signed by the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand. It shall be ratified in accordance with the constitutional procedures of each signatory State. It shall be open for accession by other States in Southeast Asia.

Article 19

This Treaty shall enter into force on the date of the deposit of the fifth instrument of ratification with the Governments of the signatory States which are designated Depositories of this Treaty and the instruments of ratification or accession.

Article 20

This Treaty is drawn up in the official languages of the High Contracting Parties, all of which are equally authoritative. There shall be an agreed common translation of the texts in the English language. Any divergent interpretation of the common text shall be settled by negotiation.

IN FAITH THEREOF the High Contracting Parties have signed the Treaty and have hereto affixed their Seals.

DONE at Denpasar, Bali, this twenty-fourth day of February in the year one thousand nine hundred and seventy-six.

**For the Republic
of Indonesia:**



SOEHARTO
President

**For the Republic
of Singapore:**



LEE KUAN YEW
Prime Minister

For Malaysia:



DATUK HUSEIN ONN
Prime Minister

**For the Kingdom
of Thailand:**



KUKRIT PRAMOJ
Prime Minister

**For the Republic
of the Philippines:**



FERDINAND E. MARCOS

Referred from ASEANWEB

Appendix D

The Treaty of Zone of Peace Freedom and Neutrality

Zone of Peace, Freedom and Neutrality Declaration Malaysia, 27 November 1971

We, the Foreign Ministers of Indonesia, Malaysia, the Philippines, Singapore and the Special Envoy of the National Executive Council of Thailand:

FIRMLY believing the merits of regional cooperation which has drawn our countries to cooperate together in the economic, social and cultural fields in the Association of South East Asian Nations;

DESIROUS of bringing about a relaxation of international tension and of achieving a lasting peace in South East Asian Nations;

INSPIRED by the worthy aims and objectives of the United Nations, in particular by the principles of respect for the sovereignty and territorial integrity of all states, abstention from threat or use of force, peaceful settlement of international disputes, equal rights and self-determination and non-interference in affairs of States;

BELIEVING in the continuing validity of the "Declaration on the Promotion of World Peace and Cooperation" of the Bandung Conference of 1955 which, among others, enunciates the principles by which states may coexist peacefully;

RECOGNISING the right of every state, large or small, to lead its national existence free from outside interference in its internal affairs as this interference will adversely affect is freedom, independence and integrity;

DEDICATED to the maintenance of peace, freedom and independence unimpaired;

BELIEVING in the need to meet present challenges and new developments by cooperating with all peace and freedom loving nations, both within and outside the region, in the furtherance of world peace, stability and harmony;

COGNIZANT of the significant trend towards establishing nuclear-free zones, as in the "Treaty for the Prohibition of Nuclear Weapons in Latin America" and the Lusaka Declaration proclaiming Africa as a nuclear-free zone, for the purpose of promoting world peace and security by reducing the areas of international conflicts and tension;

REITERATING our commitment to the principle in the Bangkok Declaration which established ASEAN in 1967, "that the countries of South East Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and that they are determined to ensure stability and security from external interference in any form or

manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their peoples";

AGREEING that the neutralization of South East Asia is a desirable objective and that we should explore ways and means of bringing about its realization;and

CONVINCED that the time is propitious for joint action to give effective expression to the deeply felt desire of the peoples of South East Asia to ensure the conditions of peace and stability indispensable to their independence and their economic and social well-being;

DO HEREBY STATE:

1. That Indonesia, Malaysia, the Philippines, Singapore and Thailand are determined to exert initially necessary efforts to secure the recognition of, and respect for, South East Asia as a Zone of Peace, Freedom and Neutrality, free from any form or manner of interference by outside Powers;
 2. That South East Asian countries should make concerted efforts to broaden the areas of cooperation which would contribute to their strength, solidarity and closer relationship.
-
2. DONE at Kuala Lumpur on Saturday, the 27th of November 1971.

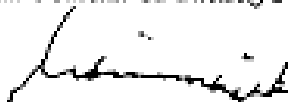
On behalf of the Republic of Indonesia :



ADAM MALIK

Minister for Foreign Affairs

On behalf of Malaysia :



TUN ABDUL RAZAK BIN HUSSEIN

Prime Minister and Minister for Foreign Affairs

On behalf of the Republic of the Philippines :



CARLOS P. ROMULO

Secretary of Foreign Affairs

On behalf of the Republic of Singapore :



S. RAJARATNAM

Minister for Foreign Affairs

On behalf of the Kingdom of Thailand :



THANAT KHOMAN

Special Envoy of the National Executive Council

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