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**A**T THE 14th Asean Summit in Thailand, which began yesterday and ends tomorrow, the members will belatedly commemorate the coming into force of the Asean Charter. The Charter was meant to be the crowning achievement of the organisation's so-called coming of age. Yet the burning question remains: Will the Charter improve Asean's performance or will it be more rhetoric and form than substance, and bereft of principle and purpose?

The Charter should not be seen merely as a legal instrument. By codifying the grouping's *raison d'être*, it seeks to reassert longstanding principles and norms in the light of new realities. Crucially, it also articulates Asean's community-building with a common purpose, and provides a platform to recalibrate the contested values associated with the Asean Way – that is, non-interference and consensual decision-making.

This tweaking requires persuasion, critical reasoning and reflexive learning, rather than rigid adherence or enforcement. The Charter's aspirations can then acquire effectiveness and legitimacy, increasing commitment by member states.

Whether the Charter can induce them

to let go of outmoded aspects of the Asean Way will determine the grouping's relevance. To make Asean a rules-based, effective and relevant inter-governmental organisation, the Charter must engender changes in attitude and behaviour and encourage conduct with actual regulative, practical effects.

Interdependence in today's world does not make cooperation a foregone conclusion. Indeed, Asean collaboration and comity have to be consciously worked upon and encouraged. With the growth of the organisation, disagreements and tensions have become more marked, and bilateral spats are still common.

The value of non-interference has evolved since Asean's early days. Further, the grouping's consensual decision-making ethos does not always mean unanimity. Rather, it strives to ensure that no member objects to a decision so strongly that it feels compelled to register its dissent. Thus, the Agreement on Transboundary Haze Pollution and the Treaty on South-east Asia Nuclear Weap-

on Free Zone require only six and seven ratifications respectively.

Likewise, the "Asean minus X" and "2 plus X" flexible participation formulae allow members to take part in regional economic projects at a pace with which they are comfortable. This two-track system has been applied to the abolishment of all import duties under the Asean Free Trade Area. The original six member states are to comply by 2010, the others by 2015. To completely do away with the non-interference norm is to make the Charter's signing, ratification and enforcement untenable. Nonetheless, the Charter has opened the door for a more robust interpretation of the policy even as Asean remains aware it cannot be applied rigidly.

Asean's "constructive engagement" with Myanmar has produced no shortage of embarrassment and angst for the grouping. Myanmar obstructs its quest for closer engagement with the United States and European Union. Though suspension or expulsion has never been openly attempted as a solution, Asean is in-

creasingly mindful of international opinion and pressure vis-à-vis Myanmar. But sanctions are not seen as a sensible policy. And expelling Myanmar won't benefit Asean. Instead, it will only exacerbate the problem and undo the work put in to create a regional community.

However, Asean has let Myanmar neither hold it back nor dictate the pace of regional integration. It has also chastised the military regime for its human rights record in recent years – most recently in the aftermath of its brutal crackdown in the Saffron Revolution of September 2007.

It would be unrealistic to expect the Charter to immediately consign the non-interference principle to the dustbin of history. To expect Myanmar and the other member states to have flawless human rights records overnight, on account of the Charter, is equally naive.

"Interference" has happened before: during the Philippine democratic crisis of 1986 involving then-President Ferdinand Marcos, and the forest fires and haze in

Indonesia from the 1990s. Asean is coming to grips with the limitations of traditional sovereignty, and is showing tacit recognition of "responsible sovereignty". This emerging international norm requires governments to take responsibility for the external, as well as internal, effects of their domestic actions.

In this regard, the Charter's provision for a human rights mechanism is significant. Asean recognises that human rights is an issue that can't be wished away. Notwithstanding some members' fears that the issue could open the door to external interference, the human rights body must eventually have a viable reporting and monitoring mechanism, and be independent like other regional human rights commissions in Africa and Latin America.

The organisation's relevance ultimately hinges on its ability to entrench desirable norms and reinvent itself so that its values and practices can be reconciled with the aspirations and needs of the peoples of Asean.

By requiring member states to pull themselves up by their bootstraps, the Charter has raised expectations for concrete action. Even if change is incremental, the real test is whether Asean and its members are committed to the grouping's principles, values and duties, both in form and substance.

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## ASEAN CHARTER

# *A test of commitment*