



Democracy Building in South East Asia: The ASEAN Security Community and Options for the European Union

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Abstract

This paper outlines the nature and scope of the Association of South East Asian Nations' (ASEAN) democracy agenda as embodied in the ASEAN Security Community Plan of Action (ASCPA), and examines the extent to which ASEAN member states will be able to implement the measures outlined in order to build democracy in the region. It examines whether there is an opportunity for the EU to play a greater role in providing assistance to ASEAN; and the areas, within the ASCPA framework, in which the EU would have a significant impact. How should the EU's assistance to, and its participation in, the process of democracy building in South East Asia be formulated, using which approaches and mechanisms?

ASEAN member states remain diverse in terms of their political characteristics. Thailand and, to a lesser degree, the Philippines are still struggling to consolidate democracy. Myanmar is under military rule. Malaysia and Singapore continue to provide successful examples of soft-authoritarianism. Vietnam and Laos are Leninist states. Cambodia, which continues to exercise one-man rule, is hardly a democracy and Brunei Darussalam is a sultanate. Only Indonesia could be considered a more stable democracy in the region.

The ASEAN Security Community provides a number of limited entry points, through which the democracy building agenda could be promoted. These could provide an opportunity and a basis for further democracy building efforts in the region, and for ASEAN partners, such as the EU, to play a greater role in fostering democracy.

Even though the differences among member states regarding the nature of democracy serve as a major constraint on the democracy building process, the universal nature of human rights and good governance could serve as an entry point for such an agenda. By focusing on the need to cooperate on some aspects of the promotion of human rights and good governance, ASEAN – or those member states with an interest – could rescue some of the democracy agenda.

The role of the EU in promoting democracy in the region should be framed in the

context of both the limitations and the opportunities facing ASEAN in advancing its own democracy agenda.

Summary of Recommendations

The EU's assistance and role in democracy building would need to be carried out in an incremental way, taking a long-term perspective. The limited scope for the democracy agenda in South East Asia would require the EU to confine its programmes to a number of specific agendas that were comfortable for all ASEAN member states – especially the non-democratic ones. The EU could focus on less sensitive issues such as the strengthening of governance capacity, combating corruption, humanitarian relief, disaster management and promoting bureaucratic reform.

The EU needs to intensify its support to democratizing states in ASEAN in their efforts to consolidate democracy. This approach requires the EU to work with the more democratic members of ASEAN on a bilateral basis. In implementing this approach, the EU needs to go beyond human rights and electoral assistance to work on key issues such as strengthening the party system, the role of parliaments, security sector reform (with a special focus on military reform), legal reform, and the role of the media and civil society organizations. More comprehensive country-specific strategies and agendas need to be developed in this regard.

The EU should also link itself to, and establish a framework of participation in, region-wide democracy projects outside the framework of ASEAN. Such linkages would assist 'local champions' of democracy building to provide a platform for learning about and information sharing on democracy among existing and aspiring democracies in the region.

Despite the tension it generates in EU-ASEAN relations, the promotion of human rights remains an important area for EU-ASEAN cooperation. The EU could provide technical assistance to the ASEAN Human Rights Body once it is established. In parallel with this official assistance, the EU could support the strengthening of regional networks of human rights NGOs to serve as sounding boards, as watchdogs for the ASEAN Human Rights Body and as platforms for alternative views on the human rights situation in the region.

The EU should develop and build on cooperation in areas where the role of the EU has been seen as positive, even though they might not be directly related to democracy building per se. The positive and successful role of the Aceh Monitoring Mission in facilitating the implementation of the Aceh peace accord has raised the profile of the EU's capacity to carry out conflict resolution and peace-building. The EU could build on this success in order to raise its profile as a reliable partner in the region.

1. Introduction

In October 2003, the Ninth Summit of the Association of South East Asian Nations (ASEAN) reached a historic agreement on regional cooperation. The ASEAN Concord II provides a platform for ASEAN to transform itself into an ASEAN Community by 2020. Since 2003, ASEAN has been comprised of three pillars: ASEAN Economic Community; the ASEAN Security Community (ASC), which later became the ASEAN

Political and Security Community; and the ASEAN Social and Cultural Community. In December 2005, during the 11th Summit, ASEAN leaders accelerated the process, agreeing that the goal would be achieved by 2015.

In the ASC, ASEAN member states acknowledge the imperative of promoting democracy and respect for human rights as a new objective of the ASEAN. The 2004 supporting document the ASEAN Security Community Plan of Action (ASCPA) outlines areas of cooperation in order to achieve this objective: (1) political development, (2) norm-setting, (3) conflict prevention, (4) conflict resolution, and (5) post-conflict peace building in order to ‘achieve peace, stability, democracy and prosperity in the region’.¹

The European Union (EU) is clearly a potential partner with tremendous expertise and capacity to work both with ASEAN member states and ASEAN as an institution to implement the democracy building agenda outlined in the ASCPA.

In principle, the promise by ASEAN to build democracy in the region provides an opportunity to forge closer links with, and receive greater assistance and support from, other regional organizations with similar commitments to democracy building. The European Union (EU) is clearly a potential partner with tremendous expertise and capacity to work both with ASEAN member states and ASEAN as an institution to implement the democracy building agenda outlined in the ASCPA. The EU is a long-term partner of ASEAN. More importantly, the EU has long been involved in various development assistance initiatives and programmes, including in democracy and human rights promotion, in South East Asia.

There is thus a need to explore new terrains and scope for the EU to assist ASEAN to fulfil the promise of the ASCPA. However, the scope for EU participation should be framed within the limits that ASEAN has set itself in promoting the democracy agenda.

This paper outlines the nature and scope of ASEAN’s democracy agenda as embodied in the ASCPA and examines the extent to which ASEAN member states will be able to implement the measures outlined in order to build democracy in the region. What are the opportunities and the constraints for ASEAN in attempting to achieve this noble objective? It examines whether there is an opportunity for the EU to play a greater role in providing assistance to ASEAN; and the areas, within the ASCPA framework, in which the EU would have a significant impact. How should the EU’s assistance to, and its participation in, the process of democracy building in South East Asia be formulated, using which approaches and mechanisms?

2. The Entry of Democracy into ASEAN’s Discourse

The ASC represents the clearest and most comprehensive response by ASEAN member states to the need for deeper regional cooperation in managing political-security challenges. In principle, the ASC constitutes a promise by the leaders of the ASEAN member states to bring ‘ASEAN’s political and security cooperation to a higher plane to ensure that countries in the region live at peace with one another and with the world at

¹ The declaration of ASEAN Concord II, October 2003, originally proposed that the ASC should be comprised of five elements, but Political Development was dropped from the Declaration. Political development was, however, included in the ASCPA.

large in a just, democratic and harmonious environment'.² While the ASC is meant to address a range of issues and challenges facing ASEAN, it is the inclusion of democracy that has received most attention from within and outside the region.

The proposal to transform ASEAN into a security community, which requires ASEAN to become a democratic entity, was first made by Indonesia in June 2003 at the ASEAN Senior Officials' Meeting. The proposal avoided direct reference to the imperative of the 'democracy agenda' but clearly amounted to a call for democracy in South East Asia by the largest ASEAN member state. Indonesia was at the time undergoing a domestic transformation to become the third-largest democracy in the world. By political development, Indonesia meant the imperative for ASEAN member states: (a) 'to promote people's participation, *particularly through the conduct of general elections*'; (b) 'to implement good governance'; (c) 'to strengthen judicial institutions and legal reforms'; and (d) 'to promote human rights and obligations through the establishment of the ASEAN Commission on Human Rights'.³ This proposal by Indonesia broke new ground for the working practices of ASEAN with regard to the place of democracy and democracy building in its official discourse.

While paying lip service to the importance of democracy as a foundation of security, many member states failed to see how ASEAN could reconcile the principle of non-interference as the basis of peaceful intra-state relations in the region with the need to promote democracy – as a collective regional agenda – within a particular member state.

From the outset, Indonesia realized that the proposal would be met with a degree of resistance by other ASEAN states. Most were pessimistic about the value of such a regional endeavour. There was deep concern over the possible implications of Indonesia's proposal for the so-called ASEAN Way. While paying lip service to the importance of democracy as a foundation of security, many member states failed to see how ASEAN could reconcile the principle of non-interference as the basis of peaceful intra-state relations in the region with the need to promote democracy – as a collective regional agenda – within a particular member state. The opposition was so great that Indonesia was

compelled to compromise. The Declaration of ASEAN Concord II only specifies four measures that ASEAN need take in order to realize the ASC (norm-setting, conflict prevention, conflict resolution and post-conflict peace-building). It makes no reference to the political development proposed by Indonesia.⁴

One year later, during the drafting of the ASCPA, Indonesia revived the political development agenda. At the 10th ASEAN Summit, Indonesia persuaded the other ASEAN member states to reinsert the imperative of 'political development' as an integral part of the ASC, both in the ASCPA and the Vientiane Action Programme (VAP), which was agreed at the Summit. Both documents, however, only adopt a much watered-down version of the democracy agenda originally proposed by Indonesia. For example, Indonesia's earlier proposal on the imperative of general elections was unsurprisingly dropped. Both documents fail to recognize general elections as a key element of democracy. The ASCPA, however, does make democracy an objective of ASEAN when it calls on member states to promote political development in order to

² Declaration of ASEAN Concord II.

³ See Ministry of Foreign Affairs, Indonesia (2003), emphasis added.

⁴ Declaration of ASEAN Concord II.

‘achieve peace, stability, democracy and prosperity in the region’.⁵ It also states that ‘ASEAN Member Countries shall not condone unconstitutional and undemocratic changes of government.’ More importantly, the call for the promotion of human rights within ASEAN was retained.⁶ The VAP stresses that the ASC should be achieved by creating ‘a democratic, tolerant, participatory and transparent community in Southeast Asia’. Although imperfect, ASEAN has in principle agreed a democratic agenda to work on.

The process by which democracy entered ASEAN’s official discourse defines the nature of this theme as a collective agenda of regional cooperation. It was not a result of a genuine collective awareness among regional partners of the imperative of democracy for individual member states and the region. It resulted from a political process of bargaining and compromise driven mostly by obligation and the need to accommodate the demand of a fellow member of ASEAN. This partly explains the absence of agreement on how such an agenda should be pursued in reality. The language of both the ASCPA and the VAP is vague regarding the concrete measures that ASEAN member states need to undertake in order to become democratic entities. Both documents list a series of normative, rather than prescriptive, measures for ASEAN to work on.

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3. ASEAN’s Democracy Agenda: Constraints and Opportunities

Despite the normative nature of the measures listed in both the ASCPA and the VAP, it is important to recognize that ASEAN has in principle committed itself to becoming a democratic entity. As is mentioned above, the ASC clearly calls for ASEAN to promote ‘a just, democratic and harmonious environment’ so that ‘countries in the region live at peace with one another and with the world at large.’ In a more explicit manner, the ASCPA even calls for ‘the strengthening of democratic institutions and popular participation’ in political development. This commitment is also included in the ASEAN Charter, signed by ASEAN leaders in December 2007 and ratified by all member states in late 2008. The ASEAN Charter clearly obliges its members ‘to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms.’⁷

The problem, however, lies in the willingness and the ability of ASEAN to implement this commitment. The extent to which ASEAN will be able to promote democracy in the region is open to question. It was acknowledged by the Eminent Persons Group, the group of prominent ASEAN citizens who provided inputs into the drafting of the

⁵ The ASCPA, November 2004. Emphasis added.

⁶ The Vientiane Action Programme.

⁷ The ASEAN Charter, 2007.

ASEAN Charter, that 'ASEAN's problem is not one of lack of vision, ideas, and action plans. The real problem is one of ensuring compliance and effective implementation of decisions.'⁸ ASEAN has also been criticized as 'a hopeless powwow, meandering from one headline meeting to another' that 'has left a mile-long paper trail of declared intents with little effective follow-up' (Suryodiningrat 2004). If past practices are any guide, there remains considerable doubt over the successful implementation of the democracy agenda envisaged in the ASC and the ASEAN Charter. It is likely that the implementation of a democracy agenda for ASEAN will be hampered by a number of limitations.⁹

First, there is the tension between the objective of promoting democracy, on the one hand, and the principle of non-interference, on the other. Democracy building as a collective regional objective implies that all ASEAN member states should become democracies. That would require peer pressure on non-democratic member states – a requirement that contradicts ASEAN's principle of strict non-interference in the domestic affairs of a member state. For ASEAN, inter-state relations should be based on the recognition of '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 one another.'¹⁰ If the democracy agenda is constrained by the principle of non-interference, democracy can be promoted within the national boundary of a member state only if that state sees fit to democratize on its own initiative. External pressure is deemed a breach of the principle of non-interference.

Second, ASEAN is still an inter-governmental association rather than a regional organization. Unlike the EU, it lacks a strong sense of regional community and a strong legal personality. Its agreement and declarations are not legally

binding. The ASEAN Charter, which fails to address the problem of non-compliance by member states, is not much help in this regard. ASEAN rejects the notion of a supranational power that could impose compliance on member states, and it is clear that ASEAN member states will shy away from such a notion for the foreseeable future. In such circumstances, accepting democracy as an objective of ASEAN does not have any legal consequence for member states.

Third, most ASEAN member states still treat democracy only as a norm, rather than a concrete type of political system with distinct and fundamental characteristics that they need to adopt. No member state, including Myanmar, has any objection to rhetorically accepting democracy as a norm (Emmerson 2005: 180). This problem is aggravated by the absence of a mechanism to enforce compliance within ASEAN. A member state can easily agree on the need to make democracy an objective of ASEAN, but it cannot be forced to achieve or practice it in reality.

Fourth, the political reality in contemporary South East Asia poses a problem for any region-wide attempt to promote democracy. The language employed in the ASC, the

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⁸ Report of the Eminent Persons Group on the ASEAN Charter, 2006, p. 20

⁹ This discussion on the limits of the democracy agenda in ASEAN is partly based on Rizal Sukma, 'Political Development: A Democracy Agenda for ASEAN?' in Emmerson (2008).

¹⁰ Kuala Lumpur Declaration on the Establishment of the ASEAN Charter, December 2005.

ASCPA, the VAP and the ASEAN Charter clearly registers an expectation on and the intent of ASEAN countries to become democracies. In reality, there is still 'a fault-line between members who adopt a more open political system and a more closed one' (Suryodiningrat 2004). ASEAN member states remain diverse in terms of their political characteristics. Thailand and, to a lesser degree, the Philippines are still struggling to consolidate democracy. Myanmar is under military rule. Malaysia and Singapore continue to provide successful examples of soft-authoritarianism. Vietnam and Laos are Leninist states. Cambodia, which continues to exercise one-man rule, is hardly a democracy and Brunei Darussalam is a sultanate. Only Indonesia could be considered a more stable democracy in the region.

Fifth, the tension between declared intentions and a lack of implementation has long been a key characteristic of ASEAN. This was well-demonstrated in the case of the military coup in Thailand in September 2006. The Chairperson's Statement of the 12th ASEAN Summit in January 2007, for example, was silent on the coup. Nor did it express any misgivings about the situation in Myanmar. The commitment that 'ASEAN Member countries shall not condone unconstitutional and undemocratic change of government' clearly enshrined in the ASEAN Concord II and the Kuala Lumpur Declaration of 2005 was ignored. There is nothing constitutional or democratic about a coup, but ASEAN had no intention of expressing collective displeasure over the events in Thailand, let alone preventing them.

Sixth, the nature of democracy in the region, which is still weak and in the early stages of consolidation, makes it difficult for more democratic ASEAN states to stand on solid ground to serve as exemplars of democracy. Neither Indonesia nor the Philippines can claim that they have become fully fledged democracies. Democracy in Indonesia and the Philippines, the only remaining democracies in the region, is still fraught with problems and defects. Indonesia and the Philippines have not yet acquired moral credibility strong enough to call on others to adopt democracy. Some ASEAN states have repeatedly criticized the messy situation in both countries since they embraced democracy. For countries like Malaysia and Vietnam, democracy à la Indonesia and the Philippines is not an attractive alternative to their existing political system.

Seventh, ASEAN member states differ with regard to their perceptions of the nature of security threats. No ASEAN member state can take it for granted that its internal security and stability have been assured. All ASEAN states continue to place most importance on internal stability and security. They also strongly believe that internal stability is a prerequisite for regional stability. Moreover, ASEAN member states have reiterated their commitment 'to ensure their stability and security from external interference in any form or manner in order to preserve their national interest in accordance with the ideals and aspirations of their people.'¹¹ In this context, proponents of the democracy agenda would be faced with the argument that domestic political change should be postponed in the greater interests of stability.

When nationalism occupies central place in the making and the conduct of foreign policy, the notion of surrendering parts of sovereignty to a supranational body is out of question. Giving in to regional or external pressure, including pressure to democratize, would be politically costly.

¹¹ The ASEAN Concord II, 2003.

Eighth, inter-state suspicions and rivalries among the ASEAN member states have not been entirely eradicated by 40 years of cooperation. For example, elements of competition and suspicion, despite the predominant pattern of cooperation, remain in the relationship between Indonesia, Malaysia and Singapore. In such circumstances, the principle of sovereignty is further reinforced and nationalism remains an important element in the conduct of foreign relations. When nationalism occupies central place in the making and the conduct of foreign policy, the notion of surrendering parts of sovereignty to a supranational body is out of question. Giving in to regional or external pressure, including pressure to democratize, would be politically costly. Indonesia, already a democratizing state, remains sensitive to any attempt by external forces to push the democratization agenda further.

Finally, the reality of geopolitics and the influence and interests of the major powers in South East Asia serve as stumbling blocks for the promotion of the democracy agenda in the region. This is illustrated clearly in the case of Myanmar. Even if ASEAN decided to isolate Myanmar's government over the lack of democratization, such a move would be toothless in the face of Myanmar's growing dependence on China and India.

Their strategic interests make these two major powers more than willing to ignore the domestic problems of Myanmar in exchange for access to energy resources – especially oil and gas. India is reluctant to press a democracy agenda on Myanmar for fear that such action would push Myanmar closer to China. In such circumstances, ASEAN pressure on Myanmar over the issue of democracy would be ineffective.

The democracy agenda envisaged by the ASC, and even in the ASEAN Charter, is indeed a limited one. As the above analysis suggests, democracy in ASEAN member states remains a matter of principle and a declaration of intent rather than a concrete agenda to be pursued. However, the ASC provides a number of entry points, albeit limited, through which the democracy building agenda could be promoted. These entry points could in turn provide an opportunity and a basis for further democracy building efforts in the region, and open up an opportunity for ASEAN partners, such as the EU, to play a greater role in fostering democracy.

Even though the differences among member states regarding the nature of democracy serve as a major constraint on the democracy building process, the universal nature of human rights and good governance could serve as an entry point for such an agenda. The ASC clearly envisages that the implementation of the democracy agenda should start

with the promotion of human rights and good governance rather than an attempt to transform the political systems of member states. ASEAN is in the process of establishing an ASEAN Human Rights Body. By focusing on the need to cooperate on some aspects of the promotion of human rights and good governance, ASEAN – or those member states with an interest – could rescue some of the democracy agenda.

The ASC also includes other agendas which, if implemented, could contribute to the process of democracy building in the region. Pathways to promoting democracy in South East Asia should not be confined to the measures listed under 'political development' in the ASCPA. Nor should the ASEAN democracy

The challenge for ASEAN, or for pro-democracy champions within ASEAN, is to integrate all the measures contained in the various ASEAN documents – no matter how vague – into a coherent plan for democracy building.

South East Asia has no shortage of vibrant civil society organizations (CSOs) and academic institutions working in the area of democracy building. CSOs have played an instrumental role in the democratization process in the democratic ASEAN countries.

agenda be limited to the ASC alone. Within the ASC, norm-setting, conflict prevention, conflict resolution and post-conflict peace building have the potential to provide the basis for, and contribute to, the process of democracy building in the region. In the wider context of the ASEAN Community, the third pillar – the ASEAN Social and Cultural Community – also has the potential to contribute to the process. The challenge for ASEAN, or for pro-democracy champions within ASEAN, is to integrate all the measures contained in the various ASEAN documents – no matter how vague – into a coherent plan for democracy building.

Democracy is not without its regional champions. Indonesia and the Philippines were the member states behind the efforts to bring the democracy agenda to ASEAN in 2003–2004. Domestically, both Indonesia and the Philippines are obliged to continue their efforts to consolidate democracy in their respective countries. Thailand, in the meantime, is still preoccupied with the tremendous challenge of restoring democracy after serious backsliding linked to the acute political crisis in the country. The commitment to democracy in the country is still strong, however, particularly within civil society. It can also be argued that a democracy agenda for ASEAN might be received in a positive, albeit limited, way in Malaysia and Singapore.

South East Asia has no shortage of vibrant civil society organizations (CSOs) and academic institutions working in the area of democracy building. CSOs have played an instrumental role in the democratization process in the democratic ASEAN countries. Various regional networks of CSOs and research institutions are in place. For example, ASEAN-ISIS and the ASEAN People's Assembly have served as important conduits for collaboration among research institutions and non-governmental organizations (NGOs)/CSOs. The existence of these networks is a significant building block in democracy building in ASEAN member states and the region.

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The role of the EU in promoting democracy in the region should be framed in the context of both the limitations and the opportunities facing ASEAN in advancing its own democracy agenda. The role of the EU, its approach and the mechanisms through which such assistance should best be carried out must be formulated taking these limits into account and building on the available opportunities. A realistic approach will have a greater chance of success.

4. The EU and Democracy Building in South East Asia: Towards a Realistic Approach

Informal relations between ASEAN and the EU, which was then the European Economic Community (EEC), date back to 1972. An ASEAN-EEC Joint Study Group was formed in May 1975 to explore areas of cooperation. The relationship was formalized in 1977, and the two organizations have held ministerial meetings since 1978. The EEC-ASEAN Cooperation Agreement was signed in March 1980, at the Second ASEAN-EEC Ministerial Meeting (AEMM). Both sides agreed that commercial, economic and technical cooperation should be the focus of the relationship. Any reference to political cooperation, let alone cooperation on democracy building, was conspicuously absent. During these early years of the relationship, ASEAN-EU cooperation focused primarily on economic and development issues.¹²

¹² A summary of EU-ASEAN relations can be found at <http://www.aseansec.org/7209.htm>.

A greater focus on democracy and human rights in the EU's policy towards ASEAN began to emerge in the early 1990s. By the mid-1990s, the EU had begun to show a greater interest in engaging with South East Asia.

- The 1996 European Commission *Communication on Creating a New Dynamic in EU-ASEAN Relations* reiterated its commitment to strengthening ties with ASEAN.
- The Commission's 2001 *Europe and Asia: A Strategic Framework for Enhanced Partnership* gave human rights and democracy a central place in the EU's policy towards Asia as a whole.
- The 2003 Communication from the Commission, *A New Partnership with South-East Asia*, made the human rights and democracy promotion agenda one of six key priorities in EU relations with South East Asia.

Expansion of the scope and nature of cooperation in the context of ASEAN-EU relations intensified after 1994 with the decision to establish an ad hoc Eminent Persons Group to develop a comprehensive approach to ASEAN-EU relations, which at this time included specific reference to political and security cooperation. ASEAN and the EU adopted the Nuremberg Declaration on an EU-ASEAN Enhanced Partnership at the 16th AEMM in March 2007. The Plan of Action to Implement the Nuremberg Declaration on an ASEAN-EU Enhanced Partnership was drawn up and adopted during the first ASEAN-EU Summit in November 2007. Both documents provide a basis for enhancing cooperation between the EU and ASEAN in the political, security, economic, socio-cultural and development areas as well as in the fields of energy security and climate change/the environment.

However, these documents do not provide clear guidance on how the EU should play a role in democracy building in the ASEAN region. Neither the Nuremberg Declaration nor the Plan of Action specifically include democracy building on the agenda for cooperation between ASEAN and the EU. They only promise to enhance political and security cooperation by (1) enhancing dialogue between the EU and ASEAN; (2) promoting ASEAN-EU cooperation in multilateral frameworks; (3) cooperating to enhance global and regional security; (4) combating terrorism and other transnational crimes; and (5) cooperating in the areas of disarmament, arms control and non-proliferation of weapons of mass destruction.¹³ The indicative List of Activities for the First Two Years of Implementation of the Plan of Action to Implement the Nuremberg Declaration on an ASEAN-EU Enhanced Partnership does not include any specific programme related to democracy building. Oddly enough, the programmes planned for 2008–2009 mostly consist of seminars on regional security issues within the framework of the ASEAN Regional Forum rather than the framework of ASEAN-EU cooperation.¹⁴ A direct reference to the importance of cooperation on democracy is found only in the Joint Co-Chairmen's Statement from the 14th AEMM of January 2003, in which the need is recognized to promote 'dialogue on issues of common concerns, such as democracy, good governance, human rights, and the rule of law'.

¹³ Nuremberg Declaration on an EU-ASEAN Enhanced Partnership, March 2007.

¹⁴ See ANNEX, Plan of Action to Implement the Nuremberg Declaration on an ASEAN-EU Enhanced Partnership, November 2007.

The absence of a coherent region-wide democracy building agenda within the ASEAN-EU cooperation framework is not surprising. It is argued above that the ASEAN democracy agenda has various limitations and constraints. An agenda for democracy building within the framework of ASEAN-EU cooperation faces similar constraints. Commenting on the nature of EU cooperation with Asian countries, Danish Foreign Minister Per Stig Moller remarked: ‘we have no choice but to accept deeper involvement with governments with less than perfect records on human rights and democracy, but willing to progress in the right direction.’¹⁵ It is therefore natural that the EU seeks to implement its commitment to democracy and human rights outside the ASEAN-EU cooperation framework. As a result, democracy and human rights serve as a continual source of tension in ASEAN-EU relations.¹⁶ A more comprehensive and realistic approach is required.

Despite the absence of any reference to democracy building in the ASEAN-EU cooperation framework, a role for the EU in providing assistance to ASEAN in fulfilling its promise of democracy building can still be established within the framework of the ASC.

5. Concluding Remarks: Options for Cooperation

It is arguable that although the ASC and the ASCPA provide a promising start for ASEAN to pursue the democracy agenda in South East Asia, there are limitations on realizing this agenda. The formulation of the role of the EU in assisting ASEAN’s democracy building agenda, and the approach and mechanism through which such assistance could best be carried out, should take these limits into account.

Despite the absence of any reference to democracy building in the ASEAN-EU cooperation framework, a role for the EU in providing assistance to ASEAN in fulfilling its promise of democracy building can still be established within the framework of the ASC. The Nuremberg Declaration Plan of Action states that the EU and ASEAN should cooperate in order to ‘realise the end-goal of the establishment of an ASEAN Community by 2015 ... through, inter alia, the implementation of the Vientiane Action Programme and subsequent plans to achieve the Declaration of ASEAN Concord II.’ In other words, both sides could explore areas of cooperation in which the EU could help ASEAN to deliver its promises on democracy building and the promotion and protection of human rights as mandated by the ASC.

A democracy agenda for ASEAN is not altogether impossible. A number of opportunities could serve as points of departure for promoting democracy in the region. Therefore, based on the above analysis of the limitations and opportunities for democracy building in South East Asia, the EU could develop multiple strategies for implementing its policy.

The EU’s assistance and role in democracy building would need to be carried out in an incremental way, taking a long-term perspective. The limited scope for the democracy agenda in South East Asia would require the EU to confine its programmes to a number of specific agendas that were comfortable for all ASEAN member states – especially the non-democratic ones. For example, the EU could focus on less sensitive issues such as the strengthening of governance capacity, combating corruption, humanitarian relief, disaster management and promoting bureaucratic reform.

¹⁵ Quoted in Wiessala (2004).

¹⁶ On the tensions between the EU and ASEAN on the issue of democracy and human rights, see, among others, Wiessala (2004) and Loewen (2008).

The EU needs to intensify its support to democratizing states in ASEAN in their efforts to consolidate democracy. The success of these countries in consolidating democracy would demonstrate the merits of democracy to regional constituencies. Moreover, it would strengthen the credibility of those countries when pushing the democratic agenda mandated in the ASC and the ASEAN Charter. This approach requires the EU to work with the more democratic members of ASEAN on a bilateral basis. In implementing this approach, the EU needs to widen the scope of its support and assistance beyond human rights and electoral assistance. There is still an urgent need for the EU to increase its role in working with democratizing ASEAN states on key issues such as strengthening the party system, the role of parliaments, security sector reform (with a special focus on military reform), legal reform and the role of the media and CSOs. More comprehensive country-specific strategies and agendas need to be developed in this regard.

The EU should also link itself to, and establish a framework of participation in, region-wide democracy projects outside the framework of ASEAN. Such linkages would assist 'local champions' of democracy building to provide a platform for learning about and information sharing on democracy among existing and aspiring democracies in the region. The recently launched Bali Democracy Forum, for example, could serve as an avenue for such cooperation. Due to its inclusive nature, the Forum has the potential to become a conduit for democratizing ASEAN countries by promoting and demonstrating the merits and imperatives of democracy in the region.

Despite the tension it generates in EU-ASEAN relations, the promotion of human rights remains as an important area for EU-ASEAN cooperation. Two potential areas for cooperation will present themselves in the near future. The EU could provide technical assistance to the ASEAN Human Rights Body once it is established. In parallel with this official assistance, the EU could support the strengthening of regional networks of human rights NGOs to serve as sounding boards, as watchdogs for the ASEAN Human Rights Body and as platforms for alternative views on the human rights situation in the region. As an inter-governmental body within ASEAN, it is highly likely that the functions of the ASEAN Human Rights Body will not conform to international standards, especially in its formative years.

The EU should develop and build on cooperation in areas where the role of the EU has been seen as positive, even though they might not be directly related to democracy building per se. The positive and successful role of the Aceh Monitoring Mission in facilitating the implementation of the Aceh peace accord has raised the profile in the region of the EU's capacity to carry out conflict resolution and peace-building. At the 16th AEMM in March 2007, ASEAN 'commended the Aceh Monitoring Mission as a success in a unique political environment and noted with appreciation that for the first time, EU and ASEAN Member Countries worked together closely in the field of crisis management.'¹⁷ More importantly, in 2005 the 11th ASEAN Summit commended the Mission 'as a model for cooperation between ASEAN Member Countries in conflict resolution as provided for in the ASEAN Security Community as well as a model for cooperation between regions, in this case with the European Union.'¹⁸ The EU could build on this success in order to raise its profile as a reliable partner in the region.

¹⁷ Joint Co-Chairmen's Statement of the 16th ASEAN-EU Ministerial Meeting, Nuremberg, March 2007, <http://www.aseansec.org/20694.pdf>

¹⁸ Chairman's Statement of the 11th ASEAN Summit, 'One Vision, One Identity, One Community,' Kuala Lumpur, December 2005.

References

- Report of the Eminent Persons Group on the ASEAN Charter* ASEAN Secretariat, Jakarta, December 2006
- Emmerson, Donald, K., 'Security, Community and Democracy in Southeast Asia: Analyzing ASEAN,' *Japanese Journal of Political Science*, 6/2 (2005), p. 180
- Loewen, Howard, *Democracy and Human Rights in the European-Asian Dialogue: A Clash of Cooperation Cultures?*, GIGA Working Papers, 92 (December 2008)
- Ministry of Foreign Affairs, Indonesia, 'Towards an ASEAN Security Community', Indonesia's Non-Paper, June 2003
- Suryodiningrat, Meidyatama, 'Looking for Common Values: A Community Driven ASEAN', *Jakarta Post*, 9 August 2004
- Sukma, Rizal 'Political Development: A Democracy Agenda for ASEAN?', in Donald K. Emmerson (ed.), *Hard Choices: Security, Democracy and Regionalism in Southeast Asia* (Stanford: APARC, Stanford University, 2008)
- Wiessala, Georg, 'Promoting Human Rights in EU-Asia Relations: Burma, China and Indonesia,' *EurAsia Bulletin*, 8/1&2 (2004), available at www.eias.org/bulletin.html

List of Abbreviations

AEMM	ASEAN-EEC Ministerial Meeting
ASC	ASEAN Security Community
ASCPA	ASEAN Security Community Plan of Action
ASEAN	Association of Southeast Asian Nations
CSO	Civil Society Organizations
EEC	European Economic Community
EU	European Union
NGO	Non-Governmental Organization
VAP	Vientiane Action Programme

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Dr Rizal Sukma is the Executive Director, Centre for Strategic and International Studies (CSIS) Jakarta, Indonesia. Dr Sukma was previously the Deputy Executive Director of the CSIS. He is also the Chairman of International Relations Division, Central Executive Board of Muhammadiyah (second largest Islamic organisation in Indonesia); member of the board at Syafii Maarif Institute for Culture and Humanity; and a member of the National Committee on Strategic Defense Review, Indonesia's Ministry of Defence. Dr Sukma has also been appointed by Indonesia's Foreign Minister as a member of Board of Governor of the Institute of Peace and Democracy (IPD), the implementing agency for the Bali Democracy Forum (BDF). He received his PhD in International Relations from the London School of Economics and Political Science (LSE), United Kingdom in 1997. Dr Sukma is the author of numerous papers and reports, and has published in several journals and other internationally circulated publications.