The role of the Association of Southeast Asian Nations in post-conflict reconstruction and democracy support

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THE ROLE OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS IN POST-CONFLICT RECONSTRUCTION AND DEMOCRACY SUPPORT

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1. INTRODUCTION

As an intergovernmental institution, the Association of Southeast Asian Nations (ASEAN) is in the process of a long evolution that may transform it into a regional association with a significant role in post-conflict reconstruction and rebuilding, a departure from its usual role of low-key engagement in the internal affairs of its members. Historically, ASEAN has not had much of an appetite for democracy-building initiatives in its member states, including in those affected by conflict. While some regional associations are now playing a role in humanitarian issues in countries where there is an ongoing conflict or a post-conflict scenario, ASEAN has not played any major role in such activities.

There have been, however, instances where high-level discussions have occurred regarding ASEAN's position or potential role in conflict situations. In South-East Asia, where states are very protective of their sovereignty and regard non-interference as inviolable, there have been cases where neighbouring states, especially members of ASEAN, have been pushed to look beyond their own borders and actively engage in diplomacy to ensure regional stability. In 1978, Vietnam invaded Cambodia and set up a puppet government. In 1997, again in Cambodia, a political crisis occurred when the then-Second Prime Minister, Hun Sen, removed the first Prime Minister, Norodom Ranariddh, from power. For a number of years, Cambodia and Thailand engaged in a border dispute over the Preah Vihear temple. ASEAN played a role in resolving all of these conflicts. The question, then, is if ASEAN as a whole could play such a role in the future, not only in rebuilding post-conflict states but also in supporting initiatives that advance democratic principles.

This Discussion Paper provides recommendations on how ASEAN could build on its mandate and current institutional setup so that it can play a stronger role in post-conflict or conflict-afflicted member states. As a people-centred regional organization, ASEAN will also need to build responsive institutions and sustain a culture of democracy as mandated in its Charter (ASEAN 2007). The paper also analyses the potential of the ASEAN Institute for Peace and Reconciliation to strengthen ASEAN's role in state-building and democracy-building activities.

ASEAN's role in mediating conflicts, or in helping member states rebuild during post-conflict situations, has not always been robust. However, ASEAN's experience in the Cambodia–Vietnam conflict and the Cambodia–Thailand case can provide lessons on the organization's potential contribution to other peace processes, for example in the Mindanao region of the Philippines. The paper examines the issues that could arise if ASEAN were to play a stronger role in these processes.

2. ASEAN'S INSTITUTIONAL MANDATES

In 2003, under the terms of the ASEAN Declaration—better known as the Bangkok Declaration—the foreign ministers of the five founding ASEAN members declared that the regional association would focus on economic progress, regional peace and stability, and functional cooperation. While they also declared that ASEAN would promote cooperation in agriculture, education, and scientific research, the original document was silent on the role of ASEAN in conflict and post-conflict situations. The Bali Concord II, signed on 7 October 2003, was the first ASEAN document that indicated that the organization was searching for a role to play in post-conflict situations. Through the concord, the leaders of ASEAN mandated that they should find 'innovative ways to increase its security and establish modalities for the ASEAN Security Community', including in the area of post-conflict peacebuilding (ASEAN 2003).

In the action plan for the implementation of the Bali Concord II—and especially its security aspects—post-conflict peacebuilding was further defined as a 'process involving broad-based inter-agency cooperation and coordination across a wide range of issues'. The concord stated that this process should 'create the conditions necessary for a sustainable peace in conflict-torn areas and to prevent the resurgence of conflict' (ASEAN 2004). The action plan also asked members of the association to 'assist each other in post-conflict peace building efforts, such as humanitarian relief assistance, reconstruction and rehabilitation' (ASEAN 2004). While more a plea than an imposition at this point, this part of the action plan takes into account the difficulties that ASEAN faces in going beyond non-interference, while reminding member states that they have a duty to one another in the context of building the ASEAN community.

In 2007, ASEAN gave itself a legal personality through the adoption of the ASEAN Charter, which came into force in 2008. The Charter identifies the purposes, principles, rights and obligations of ASEAN and its associated entities. Despite the concord, however, the ASEAN Charter is oddly silent on any post-conflict role for ASEAN. At most, there is an indication that the Charter gives ASEAN a role in post-conflict peacebuilding in article 1(8), which mandates the organization to 'respond effectively, in accordance with the principle of collective security, to all forms of threats, transnational crimes and transboundary challenges'.

In order to transform the commitments in the Charter into actionable agendas, ASEAN adopted blueprints. The ASEAN Political–Security Community (APSC) Blueprint was the roadmap for ASEAN to achieve its political–security goals from 2010 to 2015. In this document, ASEAN makes clear commitments to a regional role in post-conflict situations, and to 'conflict prevention/confidence building measures, preventive diplomacy, and post-conflict peace building' (ASEAN 2009), including the following:

> ASEAN's efforts in post-conflict peace building shall complement other comprehensive approaches to (a) ensure the complete discontinuity of conflicts and violence and/or man-made disasters in affected areas; (b) facilitate the return of peace and/or normalization of life as early as possible; and (c) lay the ground for reconciliation and all other necessary measures to secure peace and stability, thus preventing the affected areas from falling again to conflicts in the future.
>
> (ASEAN 2009: Part II, section B, item B3)

ASEAN also mandates the pursuit of measures that promote humanitarian relief activities, such as cooperation with the UN and developing the capacities of people in affected areas (ASEAN 2009). The blueprint details several action items that ASEAN is supposed to undertake, including:

1. strengthening and providing humanitarian assistance through ASEAN;

2. implementing human-resource and capacity-building programmes in affected areas; and

3. increasing cooperation in reconciliation and promoting cooperation with academia and civil society to further peace-oriented values (ASEAN 2009).

An examination of these sections highlights the lack of attention to the development of political institutions—in other words, there is nothing that actively promotes democracy-building in a post-conflict area. ASEAN's prime focus is on humanitarian assistance and relief. Further assistance focuses on providing training to help people in post-conflict areas develop the skills necessary to earn a living, as well as promoting concepts of peace and reconciliation. In terms of what this means in practice, however, these concepts are still unclear.

An important institutional development that added to ASEAN's efforts in post-conflict reconstruction was the establishment in 2013 of the ASEAN Institute for Peace and Reconciliation (AIPR) under Section B2.2 of the APSC Blueprint, which focuses on conflict resolution and the peaceful settlement of disputes.

According to its terms of reference, the AIPR has two main mandates: first, to respond to requests by member states to conduct research on peace, conflict management and conflict resolution; and second, to promote the activities outlined in the APSC Blueprint and future activities related to peace and reconciliation. The AIPR also has two main functions: (a) to conduct research on best practices and ASEAN experiences in peace and conflict management, post-conflict peacebuilding and gender mainstreaming in these areas; and (b) to study a dispute settlement mechanism and provide ASEAN member states with recommendations on the above-mentioned best practices.

In addition, the AIPR conducts workshops, seminars and training courses to disseminate knowledge on conflict management and resolution, advance work on interfaith dialogue and build knowledge among government officials and think tanks on these issues. It also promotes a voice of moderation to support the Global Movement of Moderates, 'an initiative which promotes a culture of peace and complements other initiatives, including the United Nations Alliance of Civilisations' (Langkawi Declaration on the Global Movement of Moderates 2015).

3. CONFLICT IN SOUTH-EAST ASIA AND THE ROLE OF ASEAN

Regional associations and influential neighbouring states are now playing a role in humanitarian issues in countries where there is an ongoing conflict or a post-conflict scenario. In South-East Asia, where states are very protective of their sovereignty and regard non-interference as inviolable, there have been cases where neighbouring states, especially members of the Association of Southeast Asian Nations (ASEAN), have been pushed to look beyond their own borders and actively engage in diplomacy to ensure regional stability. The invasion of Cambodia by Vietnam in 1978, the political crisis in 1997 brought about by then-Second Prime Minister Hun Sen's removal of the first Prime Minister, Norodom Ranariddh, and the settling of the Preah Vihear border dispute between Cambodia and Thailand provided ASEAN with opportunities to play mediating roles.

The colonial imprint on South-East Asia was most apparent during the process of state formation, when nationalist leaders who succeeded their former colonial masters fiercely protected the modern state system of territoriality and sovereignty. State formation also meant that national capitals sought to strengthen their relationships with their peripheries and looked on neighbouring states as potential rivals, thereby creating an unfavourable environment for amicable interstate relations (Elson 2004).

Increasing interdependence brought about by a globalizing world, however, has been pushing neighbouring states towards greater cooperation. Best and Christiansen (2008) call this the management of interdependence, where states search for means and ways to guarantee peace and security and reduce conflict, and push themselves to encourage economic cooperation and social interaction. In a world where state boundaries are becoming more fluid and where threats to national stability do not stop at borders, neighbouring states will be forced to act to prevent potential spillover effects. Intrastate conflict inevitably produces effects that may seep through neighbouring states, who will have to act, if only to ensure that their own stability is not threatened.

The regional peacekeeping context

Regional organizations play a role in international peace and security because regions are 'where the extremes of national and global security interplay, and where most of the actions occur' (Buzan and Wæver 2003: 43). Intrastate conflict, which is primarily the manifestation of a lack of security, cannot be extracted from its external environment. As Buzan and Wæver assert, 'security dynamics are inherently relational', and a state's security considerations are inseparable from those of its neighbours. The consequences of security actions may not therefore be fully contained within a state's borders, although geography may inhibit the movement of threats.

Berdal identifies two levels of influence that the regional context plays in conflict resolution. The first level includes factors such as the specific interests of neighbouring states and regional powers in relation to a given conflict, as well as patterns of enmity and cooperation (Berdal 2009). The second level involves the political economy of conflict, especially the establishment of 'informal regional networks of a social, military and economic kind', which is reflected in how conflicts can be contextualized in 'historically rooted trading and commercial networks', which are sometimes bereft of state control (Berdal 2009: 39). Another aspect of this level, which is a recent development, concerns the role of major powers, which may not involve themselves in peacekeeping situations unless there is support from the concerned region (Berdal 2009). These positions follow Buzan and Wæver in that there is explicit acceptance that the effects of intrastate conflict cannot help but bleed into the wider regional and international system.

Tavares (2010) traces the origins of the rise of the region in security issues to post-World-War-II planning. The British Prime Minister, Winston Churchill, envisioned regional agencies as 'massive pillars' supporting a global system. In the end, the United Nations became the 'supreme authority' in matters affecting global security, but wide concessions were given to regional bodies to deal with local disputes, and the UN Security Council was 'urged to encourage and facilitate such efforts' (Tavares 2010: 5). This may have led to the Chapter VIII provisions of the UN Charter, which recognize the importance of regional organizations and arrangements to enforce UN decisions. With the publication of the UN document *Agenda for Peace*, which emphasized the advantages and potential for greater cooperation between the UN and regional organizations in preventive diplomacy, peacekeeping, peacemaking and post-conflict peacebuilding, regional organizations became identified as partners in managing security issues (Tavares 2010). Collaboration between the UN and various regional arrangements has improved, especially in terms of sharing resources, expertise and information (Tavares 2010).

The regional context of conflict and post-conflict situations is now seen as increasingly important. The effects and impact of intrastate conflicts are not confined to domestic national spheres alone but affect the region as well (Buzan and Wæver 2003; Berdal 2009). There has been a steady evolution of the role of regions (and their associated bodies or cooperative arrangements) in the conduct of post-conflict reconstruction, including peacekeeping. The international community, as shown in the work of Tavares, accepts that regions can and should have a role in peace-and-order situations in conflict and post-conflict societies, partly because of the problem of the lack of political will at the global level. Even without an active role in these situations, regional neighbours inevitably wind up being drawn into them precisely because of the relational nature of security and conflict (Buzan and Wæver 2003; Barnett 1995).

In the case of South-East Asia, it can be argued that there are material and ideational reasons for engaging in regional diplomatic initiatives and, ultimately, peacekeeping. Threats to regional stability are the overriding material reason, consequently exacerbated by the possibility of spilling over, especially in the cases that involve ethnic or religious conflicts brought about by shared ethnicity of religion. Such cases are common in South-East Asia. Ideational factors also come into play, as ASEAN member states see opportunities for both regional leadership and preserving the purpose of ASEAN when they engage in peacekeeping activities. This could push them to engage in active diplomacy to shore up ASEAN's reputation and legitimacy as a regional stabilizer in South-East Asia.

The non-interference principle

ASEAN's primary function as a regional organization is arguably the preservation of regional security, which serves the need of its member states to preserve their territorial integrity and guard their sovereignty (Stubbs 2009). While this perception of ASEAN as a sovereignty-reinforcing mechanism seems tautological, it does not fully explain why it is the preferred system of its member states. According to Bellamy (2009), the origin of ASEAN's rationale lies in the internal considerations of the conditions of its member states, meaning that the member states created ASEAN precisely so they would not have to worry about their immediate external environment. ASEAN member states 'recognized that regional peace and security depended on stability and security within states' (Bellamy 2009: 185).

For ASEAN to be able to preserve regional peace, its member states must ensure domestic peace within their own borders. Self-preservation and, consequently, regional preservation are ingrained in the norms accepted by ASEAN member states. Michael Antolik (1990: 10) explains that ASEAN's basic behavioural norms reflect the preservation of regional security: member states have to demonstrate restraint through non-interference in each other's affairs, practise respect through consultation and consider one another's interests and sensitivities in a responsible manner.

Antolik (1990) further argues that ASEAN essentially constitutes an agreement not to fight. Creating ASEAN was a face-saving measure allowing some states in South-East Asia to accept that their earlier conflicts with one another could not be sustained because they were 'costly, futile, and foolish' (Antolik 1990: 8). This agreement led to an intra-ASEAN peace under which, since its formation in 1967, no two member states have engaged in war with one another (Bellamy 2009).

Regional or neighbouring states therefore have an implicit understanding that the internal stability of neighbouring states is necessary to preserve regional stability. The formation of regional arrangements— especially through regional organizations—is an explicit reaffirmation of this understanding. Thus, Barnett's earlier assertion that threats to regional stability are the primary motivation for regional peacekeeping holds true, but only if properly contextualized in South-East Asia. In fact, threats to regional stability primarily come from a state's internal instability, and regional attempts to secure peace are motivated by this understanding, but the ideational factor also remains: ASEAN's formative and sustaining norms cannot be easily sacrificed and must be considered in depth before regional peacekeeping attempts are made (Antolik 1990; Bellamy 2009).

This means that ASEAN member states need to think about the integrity of the regional organization before they decide to embark on peacekeeping and other diplomatic activities. Such actions must preserve ASEAN's original rationale while not sacrificing the norms that it has developed and accepted since 1967. The following sections examine these arguments in the context of Vietnam's invasion of Cambodia in 1978, the political crisis in Cambodia in 1997 and the Preah Vihear border dispute between Cambodia and Thailand.

ASEAN's role in Cambodia

Vietnam's invasion of Cambodia: 1978

ASEAN first played a role in Cambodia when Vietnam invaded the country in 1978, after which ASEAN member states pushed the UN to cease its recognition of the Vietnamese-installed People's Republic of Kampuchea (PRK) government. The PRK, for its part, argued that it deserved to represent Cambodia at the UN because it had won the civil war with Pol Pot's Democratic Kampuchea (Alley 1998: 14). For its ASEAN neighbours, however, Vietnam's control over the PRK was unacceptable and amounted to a case of foreign intervention, something to which ASEAN has a particular aversion. While Vietnam hardened its stance and maintained control of Cambodia during this time, ASEAN was successful, to some extent, in preventing the PRK from representing Cambodia at the UN.

ASEAN was also able to secure two victories in the UN General Assembly. First, it managed to push for the recognition of Pol Pot's Democratic Kampuchea as the government of Cambodia. Second, it convinced the UN General Assembly to pass a resolution calling for the immediate withdrawal of all foreign troops from Cambodia (Antolik 1990). ASEAN's position was that the 'restoration of Cambodian sovereignty necessitated prior, internationally legitimized self-determining processes authorizing a return of constitutional rule' (Alley 1998: 14) and that a prerequisite for this was the removal of all foreign forces (namely the Vietnamese) from Cambodian territory.

ASEAN played a role in planning the 1981 International Conference on Kampuchea, organized by the UN General Assembly. However, China, the United States and other powerful countries contested ASEAN's preferences as to which factions or conflicting parties should play a role at the conference (Alley 1998). China wanted only Democratic Kampuchea, led by the Khmer Rouge, and Vietnam to be the recognized conflicting parties, while the United States baulked at the notion that the Vietnamese-backed PRK should be involved. While failing to produce a settlement, the conference resulted in five recommendations deemed necessary for a future comprehensive agreement, namely:

1. a cease-fire in Cambodia;

2. the withdrawal of all troops;

3. the holding of UN-supervised elections;

4. Cambodia's non-alignment; and

5. the establishment of a seven-nation ad hoc committee that would negotiate with Vietnam to further the peace effort (Alley 1998).

During this period, ASEAN led efforts to isolate the PRK internationally, and largely succeeded in doing so, albeit to the detriment of the people of Cambodia. While the lack of international recognition of the PRK was important, it also led to problems in conducting official external contacts, obstructed communication services, impeded foreign assistance and constrained educational exchange, credit, commerce, tariffs and other business arrangements (Alley 1998: 14–15).

Within the wider context of the Cold War, ASEAN's efforts to ensure 'regional solutions to regional problems' (Alley 1998: 15) were constrained by the interplay of major-power interests at work in Cambodia's peace process. The complicated dynamics of ASEAN's foreign-policy coordination also hindered progress. These two trends emerged in ASEAN's policy towards Cambodia. Some member states were keen on not showing that there was an alliance among them aimed at Vietnam, while others wanted to steer observers away from cleavages within ASEAN's ranks (Antolik 1990).

The intergovernmental nature of ASEAN means that each member state has its own views on the nature of regional causes of instability, and on how to respond to them. Thailand's close proximity to Cambodia made it more hostile to Vietnam's invasion and subsequent control of the government of Cambodia, so it adopted policies aiming to isolate Vietnam and Cambodia at the international level. Other countries, such as Indonesia, were more open to negotiations and to considering alternatives, even dangling membership in ASEAN as possible bait to lure Vietnam into becoming a more peaceful state.

The main issue for ASEAN, therefore, was about showing unity versus exacerbating cleavages. Eventually, several factors forced ASEAN to close ranks, especially when Thailand started feeling direct threats from Vietnamese forces within Cambodia. Other factors included potential naval conflicts between China and the Soviet Union in the South China Sea, independent Thai initiatives towards China aimed at allowing the latter access to aid the Khmer Rouge, Vietnam's diplomatic arrogance and Indonesia's own initiatives towards Vietnam and the Soviet Union (Antolik 1990).

In 1998, under ASEAN initiatives sponsored by Indonesia, the various Cambodian factions engaged in the first so-called Jakarta Informal Meeting (JIM I) which was part of a two-stage process to arrive at a blueprint for the resolution of the Cambodia conflict (Sundararaman 1997). JIM I involved three major points of agreement:

1. the withdrawal of Vietnam from Cambodia;

2. the prevention of the genocidal policies practised by the Khmer Rouge; and

3. the establishment of an 'independent, sovereign, peaceful, neutral and non-aligned Cambodia on the basis of self-determination and national reconciliation', to be supervised by international observers, particularly the UN (Sundararaman 1997).

In 1989, the JIM II talks reiterated these points, and the parties expressed their collective stance on various resolutions (Sundararaman 1997). The final settlement to the conflict came about when the UN Security Council's permanent members approved a plan for UN-led rehabilitation—a plan that ASEAN fully endorsed. All four main Cambodian factions accepted the 1991 Paris Peace Agreement, with ASEAN fully supporting the holding of elections and the restoration of democracy (Sundararaman 1997; Alley 1998).

Cambodia's internal conflict: 1997

ASEAN was again involved in Cambodia's internal affairs, albeit indirectly at first, during the 1997 military conflict between the royalist Funcinpec and the Cambodian People's Party. The 1993 elections, overseen by the UN, had left Cambodia with two

prime ministers. First Prime Minister Norodom Ranariddh was the leader of Funcinpec, which remained loyal to the Cambodian monarch, Norodom Sihanouk. Funcinpec had won the elections in 1993 but had to form a coalition with the Cambodian People's Party in order to govern the country. In 1997, the leader of the Cambodian People's Party, Second Prime Minister Hun Sen, violated the precarious power-sharing agreement between the two groups and launched armed strikes against Ranariddh's faction.

While Cambodia's entry into ASEAN was scheduled for July 1997, Hun Sen's move led the organization to suspend the country's entry until it achieved stability and its political crisis was normalized (Kevin 2000). ASEAN also established the so-called ASEAN Troika, composed of the former chair, the current chair and the incoming chair of the ASEAN Standing Committee, to deal with the new Cambodian crisis. The Troika was designed to allow ASEAN some flexibility in dealing with potential crises, but it could not make decisions on its own. It was only an arm of ASEAN's foreign ministers used to represent them in a particular crisis. Kevin has noted that the Troika was unsuccessful, as Hun Sen informed the body that it was welcome but not needed.

Even when Hun Sen successfully removed his co-prime minister and established a modicum of political stability in Cambodia, ASEAN refused to grant the country membership. Later, ASEAN decided to become more pragmatic, as the July 1998 elections, marred by charges of cheating and intimidation, showed that Hun Sen's party received more votes than other contending factions (Kevin 2000). The results were enough to sway ASEAN to take a more conciliatory stance. ASEAN's efforts during this period of instability were designed to preserve the gains made by the UN Transitional Authority in Cambodia (UNTAC), especially the non-renewal of violence, the holding of elections and the restoration of the public administrative system. In 1999, Cambodia was finally able to join ASEAN.

The Preah Vihear border dispute: 2008–11

The Cambodia–Thailand border dispute between 2008 and 2011 centred on a long-running conflict over the 11th-century Preah Vihear temple, which both countries claim. In 1954, Thailand had occupied and claimed the temple, leading Cambodia to take the matter to the International Court of Justice (ICJ) in 1959. In a 1962 ruling, the ICJ ruled that Cambodia has sovereignty over the temple, citing as the primary basis for the decision a Franco-Siamese map of 1908 (Temple of Preah Vihear, Cambodia vs. Thailand, 1962). The ICJ further ruled that Thailand should withdraw its troops from the area and return to Cambodia any artefacts removed from the temple during the occupation.

Despite the clear ICJ ruling on the issue, the conflict was not fully resolved. In 2008 the dispute resurfaced Cambodia decided to list Preah Vihear as a UN Educational, Scientific and Cultural Organizations (UNESCO) World Heritage site (International Crisis Group 2011). While the listing was celebrated as a joyous occasion in Cambodia, ultranationalists and pro-establishment Yellow Shirts in Thailand argued that the Thai Government led by Prime Minister Samak Sundaravej—also tagged as former Prime Minister Thaksin's proxy administration—had committed treason (International Crisis Group 2011). The ensuing turmoil in Thailand's politics, which saw the turnover of numerous key officials, further strained the country's already volatile domestic political environment.

Tensions on the border escalated that year when both Cambodia and Thailand sent troops to the area and occupied several minor temples. Low-level confrontations led to exchanges of fire on 3 October 2008. In addition to the thousands of displaced civilians who fled the conflict zone, both sides suffered casualties.

The continued deterioration of the security situation at the border required intervention and adroit manoeuvring from both sides in order to de-escalate tensions. Diplomatic efforts sought to dissipate the high tension in the area but progress stalled and the two parties were unable to take advantage of a number of opportunities (e.g. meetings at prime-ministerial level at regional forums, meetings between foreign ministers and other bilateral cooperation sessions) to settle the conflict (International Crisis Group 2011). The volatility of Thai domestic politics in the period 2008–2011 also prevented the issue from being resolved swiftly.

ASEAN was conspicuous by its absence during this time. From the low-level skirmishes in 2008 to the fierce fighting that broke out in 2011, ASEAN had no active involvement in the conflict, as this would have meant interfering in the internal affairs of its member states, and Thailand had objected to the internationalization of the issue. On 8 August 2010, Cambodia wrote to the President of the UN Security Council, citing the fact that bilateral mechanisms were no longer working. In the same year, Cambodia asked the then-ASEAN Chair, Vietnam, to mediate in the dispute and to invoke the ASEAN Charter (International Crisis Group 2011). However, when Vietnam sought the views of Thailand, the latter maintained that it would pursue the bilateral process—which, Thailand asserted, also reflected the general will of ASEAN (International Crisis Group 2011). Vietnam did not take further action on the dispute.

In 2011 the dynamics began to change. As the security situation continued to spiral out of control, the UN Security Council made an unprecedented move by delegating the responsibility to resolve the conflict to ASEAN (UN Security Council 2011). With Indonesia at the helm of ASEAN, Foreign Minister Marty Natalegawa issued a statement before the UN Security Council expressing Indonesia's belief that the two parties wished to settle the dispute peacefully. Furthermore, Indonesia believed that both parties saw the need to stabilize the situation on the ground. Natalegawa emphasized that bilateral or multilateral efforts to resolve the dispute were not mutually exclusive but were to be treated as complementary and mutually reinforcing (ASEAN 2011).

As the 2011 ASEAN chair, Indonesia also initiated a meeting of foreign ministers in Jakarta to discuss the conflict, which was gaining greater international attention. The meeting, which took place on 22 February 2011, opened up new ground for ASEAN, although this was an uncomfortable area for some member states because it appeared to redefine the principle of non-interference (International Crisis Group 2011). The meeting resulted in Indonesia agreeing to send observers to assist and support the two parties with the end view of preventing further armed clashes (ASEAN 2011). This would have been the first time that a member state sent a monitoring team to another member state within the ASEAN framework. However, Indonesia never deployed the team because Thailand backtracked on its earlier decision to cooperate.

In 2011, the installation of a new government in Thailand, under Prime Minister Yingluck Shinawatra's Pheu Thai party, did not automatically result in an improvement

in relations between Cambodia and Thailand, despite Shinawatra's pledge to improve ties. For Cambodia, meanwhile, the election of the Pheu Thai Party meant that the two countries would usher in a 'new era' of relations (International Crisis Group 2011). Furthermore, both sides toned down their rhetoric, in contrast to their previous confrontational stances. However, policy incoherence within the Thai Government hampered the full resolution of the issue, as did the massive flood that hit Thailand in October 2011. Finally, in 2013, in response to Cambodia's request for a reinterpretation of its 1962 judgment, the ICJ again ruled that Cambodia had sovereignty over Preah Vihear.

4. ADOPTING A POST-CONFLICT ROLE FOR ASEAN

Tarling (2006) observes that ASEAN's survival depends on retaining its core principles, including non-interference; therefore, for ASEAN, the consent of the host state is paramount before any sort of peacekeeping or peacebuilding activities can begin. This principle of non-involvement in the sovereign affairs of others reflects the organization's profound respect for sovereignty, and its acknowledgement of the long history of colonization, which has instilled a deep-seated fear of Western and other non-South-East-Asian states.

Once permission is given, member states can volunteer to send resources to aid a member state in need. However, ASEAN as a whole cannot require that all of its member states contribute to a particular mission. Such an attempt would be divisive but it would also be impractical from a material point of view, as some member states have little financial and other resources to spare. ASEAN serves more as a reference point for national action. It is at the ASEAN level where negotiations can be carried out on how the region should act. While the diplomatic power that the whole organization can provide is considerable, member states are not coerced to provide help if they do not want to. This is where a divide exists between member states with regard to what ASEAN as a whole can do during internal conflicts. In terms of peacekeeping activities, operationalization takes place at the national level, while ASEAN's role is to provide a coherent framework in which diverging interests can cooperate.

Despite these limitations on ASEAN to implement peacekeeping initiatives, there is room for cautious optimism. The case of the Preah Vihear dispute, during which ASEAN was able to stretch the principle of non-interference despite the discomfort of some ASEAN member states, suggests that the bloc can take difficult decisions when its credibility and regional security are at stake. While the caveat may rest on the trust and confidence afforded by the member states to the then-chair, Indonesia, the precedent to delegate a monitoring team under an ASEAN banner is a way forward. Indonesia's activism and leadership showed that ASEAN has the potential to break new ground in order for it to remain the central mechanism in regional peacebuilding activities.

ASEAN can build on this precedent while continuously asserting that any initiatives aimed at peace could not be detrimental to national sovereignty. ASEAN can use its non-confrontational character as leverage. The organization should be able to communicate the idea that initiatives such as peacekeeping activities are part of the arduous process of institutionalizing peace in the region.

Building ASEAN's post-conflict reconstruction and democracy-building capacities

ASEAN has still not fully internalized post-conflict reconstruction and associated activities such as peacebuilding, which requires a new level of commitment. Democracy-building, which includes the rebuilding and strengthening of democratic institutions, will be a more contentious issue in ASEAN, as some ASEAN member states are wary of democracy, especially if seen as imposed from outside.

The key is to build slowly but surely on existing institutional mandates and structures. ASEAN can and does have the capacity to engage in regional post-conflict reconstruction. In the process, the AIPR should also go beyond providing research and some capacity-building activities. In addition, ASEAN may need to come up with specific commitments on its role in regional post-conflict reconstruction.

Mindanao in the southern Philippines provides an interesting case study of an area where ASEAN can play a role in post-conflict reconstruction and peacebuilding. After five decades of incessant conflict between the Philippine Government and various rebel groups in Mindanao, the government and the Moro Islamic Liberation Front (MILF) finally agreed to cease hostilities in 2014. Since the term of President Fidel V. Ramos from 1992 to 1998, subsequent presidents of the Philippines have sought to end hostilities through negotiation, diplomacy and outright military action, none of which resulted in any meaningful cessation of conflict (Santos 2014).

Under President Benigno S. Aquino III, the government made achieving peace in Mindanao a top priority. Despite the many setbacks and difficulties faced by the so-called peace negotiation panels of the government and the MILF, the two parties finally reached an agreement, which was signed on 27 March 2014 at the Malacanang Palace, the official residence of President Aquino (Santos 2014). The two parties agreed to create a new regional government that has greater fiscal and political powers than the previous Autonomous Region in Muslim Mindanao (Rappler 2014). It is expected that the Congress of the Philippines will enact the Bangsamoro Basic Law that will create a new regional government and institutionalize the peace agreement.

Recommendations on ASEAN's potential role in the Philippines

Despite the fact that the conflict in Mindanao has ended, ASEAN could still play a role there, given that the current situation remains volatile and the peace agreement remains pending in the Philippine Congress. The Philippines has already accepted help from several ASEAN member states in the peace process. Malaysia was the main intermediary, while Indonesia and Brunei served on the international monitoring team that monitored the peace process. The following subsections describe potential activities that ASEAN could carry out.

Use the AIPR as intended by its terms of reference

Strictly adhering to the AIPR, ASEAN could begin carrying out studies that will document findings and draw conclusions to help understand how peace processes work

and how to reach conclusive agreements. The lessons learned from the Philippines' attempts at resolving the conflict in Mindanao could provide valuable lessons for other ASEAN member states, particularly Thailand and Myanmar.

The AIPR could partner with local research institutions based in Mindanao, as well as other think tanks and academic institutions in South-East Asia, to conduct an analysis of the conflict in Mindanao and related activities such as displacement, the impact on women and children, and policy lessons.

Conduct capacity-building in Bangsamoro

Capacity-building programmes in areas of Bangsamoro could complement the efforts of the Philippine Government, other states and non-governmental organizations. Programmes could include training interventions aimed at protecting the economic well-being of the people in areas of Bangsamoro, on issues such as entrepreneurship and small and medium-sized enterprises (SMEs), livelihood programmes, improvement of agriculture and fishing technologies, and food processing, including a potential halal industry at the level of SMEs. While the economic aspect of peacebuilding is not part of the AIPR's terms of reference, it should be a safe area where ASEAN could work with the Philippines.

In addition, the AIPR could start conducting workshops and seminars that further instil the ideas of peace, reconciliation and post-conflict reconstruction in areas of Bangsamoro in cooperation with local institutions.

Conduct training on strengthening electoral and other support institutions

In partnership with organizations such as the International Institute for Democracy and Electoral Assistance (International IDEA), ASEAN could conduct capacity-building for the Bangsamoro area. In the proposed Bangsamoro Basic Law, Article VII, section 9 would mandate the proposed Bangsamoro Transition Authority to enact an electoral code. International assistance in this area will ensure that the electoral code includes international best practices and lessons learned from other countries.

Other sections of the proposed law contain provisions on political parties, redistricting, classification and allocation of seats, and the relationship between (and powers of) the various organs of the Bangsamoro regional government. Capacity-building in various aspects of these provisions can be done through the AIPR. For example, the training of future political leaders in statecraft and public policy will be necessary if they are to sustain the peace that was recently gained. Other areas could be identified where ASEAN could play a small but meaningful role through the AIPR.

Send monitors to the 2016 elections

The observations made in a previous paper for International IDEA (Amador 2012) outline some of the steps necessary for ASEAN to have a role in election monitoring. The Philippines remains a good learning area for this, and the country and ASEAN should consider working together to have an ASEAN election-monitoring presence if the Bangsamoro elections take place in 2016.

ASEAN could play a role in post-conflict peacebuilding and the strengthening of democratic institutions in a non-threatening and non-political manner as outlined in this paper. Playing such a role would certainly make ASEAN a defining force for stability and peace in South-East Asia. What is needed are small incremental steps that allow the organization to move beyond holding workshops and seminars to activities that allow for interaction, the sharing of ideas and development of the capacities of the individuals and organizations that are going to sustain the peace and promote development in conflict-affected areas.

CONCLUSIONS

ASEAN's intergovernmental nature is crucial to understanding why the organization seems to be divided on being more proactive in dealing with threats to regional peace. The founding member states are more open to pushing for an active role for ASEAN so that the organization remains significant, while the newer members want ASEAN to be more pragmatic and remove any opening for external states to interfere in their affairs. This division is largely determined by national interests and by the ideological leanings of member states. The more liberally oriented states seem to accept that for ASEAN to be a more credible broker of regional stability and peace, a more active role should be sought. The more conservative states naturally would like ASEAN to have a far more limited role.

Despite its obvious limitations, ASEAN could still play a small but important role in fostering institutions that could sustain peace and promote democratic principles in conflict-affected areas. Post-conflict reconstruction requires the participation not only of states and peoples but of regional organizations as well.

The Philippines' presidential adviser on the peace process remarked that the task of strengthening the AIPR 'extends beyond our mandate to undertake research, engage in capacity building and networking activities on peace, and assist in conflict management and conflict resolution initiatives. It also entails gathering and consolidating all the narratives of peace in the region over the decades, extracting the lessons learned and best practices, and finally, forging a consensus of how to move forward on future challenges' (Office of the President of the Philippines 2014).

Clearly, actionable recommendations and activities that promote the resolution of conflict and sustaining peace will be required of the AIPR if it is to be relevant to the peoples and governments of ASEAN. The process will be challenging but not impossible. With the help of international partners, ASEAN could be a vital player in post-conflict areas in the South-East Asian region.

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The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide. International IDEA's mission is to support sustainable democratic change by providing comparative knowledge, assisting in democratic reform, and influencing policies and politics.

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In the fields of elections, constitution-building, political parties, gender in democracy and women's political empowerment, democracy self-assessments, and democracy and development, we undertake our work in three activity areas:

1. providing comparative knowledge derived from practical experience on democracy building processes from diverse contexts around the world;

2. assisting political actors in reforming democratic institutions and processes, and engaging in political processes when invited to do so; and

3. influencing democracy building policies through the provision of our comparative knowledge resources and assistance to political actors.

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