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978-1-107-50388-5 - Asean as an Actor in International Fora: Reality,  
Potential and Constraints

Paruedee Nguitragool and Jürgen Rüländ

Excerpt

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## Chapter 1

### Introduction

This book is part of a larger project entitled “Integration through Law.”<sup>1</sup> As the project title suggests, the organizers believe that accelerated legalization, contractualization and, perhaps, even constitutionalization are among the key drivers of regional integration. Greater legalization creates a more rules-based type of regional cooperation with binding obligations for the members and is associated with the expectation that it makes cooperation more enduring, predictable and effective. With precisely these objectives in mind, the leaders of the Association of Southeast Asian Nations (ASEAN) passed the ASEAN Charter, a quasi-constitutional landmark document, in late 2008. In their view, legalization is a requisite not only for a deeper-integrated regional grouping, but, in particular, also a more cohesive one as well. In a globalized world, in which the lives of Southeast Asians are increasingly affected by decisions made far beyond their region in arcane bodies of international organizations, regional cohesion is not only direly needed to settle complex regional cross-border problems but also to develop the “voice opportunity” (Grieco 1996) essential for negotiating successfully in global forums.

<sup>1</sup> For details, see Centre for International Law, National University of Singapore, available at: <http://cil.nus.edu.sg/research-projects/cil-research-projects/asean/> (accessed 2 January 2014).

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In other words, cohesion has not only an intra-regional dimension but also an extra-regional one.

This extra-regional dimension of cohesion is the main theme of this book. Regional organizations have proliferated since the early 1990s, mainly in the Global South. With this new wave of regionalism, there are no longer “regions without regionalism” (Palmer 1991). Since then, in an increasingly vertically and horizontally differentiated emerging system of global governance, regional organizations have more and more been becoming actors in their own right (Rüländ 2010). On first sight, this may appear surprising given the fact that all newly formed regional organizations are intergovernmentalist in nature. Yet the increasing actorness of regional organizations has been well documented in the field of interregionalism studies (Hänggi, Roloff and Rüländ 2006; Doidge 2011; Wunderlich 2012). And with increasing actorness regional organizations also adopt collective actor roles in global forums, mainly to strengthen the bargaining power of smaller countries in particular.

Interestingly, though, very little is known about regional organizations and their cohesion as collective actors in global forums. The scant literature that exists is strongly influenced by studies on the European Union and particularly on its role in the United Nations (see, inter alia, Schmitter 1969; Schmitter 1971; Nye 1967; Nye 1971; Meunier 2005; Rhinard and Kaeding 2006; Laatikainen and Smith 2006). Non-Western regional organizations have hardly ever been studied in this respect,<sup>2</sup> perhaps because, unlike in the case of the EU with

<sup>2</sup> For exceptions, see de Lombaerde, Baert and Felício (2012) and Panke (2013b).

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its partial supranationalist institutional architecture, very little joint activity is expected of intergovernmentalist regional groupings. While much is known about ASEAN's practices in intra-regional cooperation and some information exists about ASEAN's agency in international forums of the East Asian and Asia-Pacific region, hardly anything is known about ASEAN as an actor and negotiator in global forums such as the United Nations, the World Trade Organization (WTO), the International Monetary Fund (IMF) or the climate change and non-proliferation regimes. The association's global role is a theme thus far largely ignored by scholarship on ASEAN.<sup>3</sup> Yet this is hardly surprising, as for a long time ASEAN itself did not prioritize its global role in any noteworthy sense. It was the Indonesian chairmanship in 2011 that for the first time devoted greater attention to global affairs, as the chairmanship's motto "ASEAN in a Global Community of Nations" suggests. This makes exploring ASEAN's role in global forums a pioneering endeavor, though one that will still be preliminary, tentative and incomplete in many respects. In fact, this study can only be the beginning of a more comprehensive and systematic research agenda that examines ASEAN's international behavior from a single case perspective as well as through a comparative lens. The latter would certainly deepen our understanding of ASEAN's international role as it would place it in perspective with the performance of other (non-Western) regional organizations.

The performance of a regional organization as an actor and negotiator in international forums is affected by a

<sup>3</sup> For two tentative pieces, see Tan (2012) and Tay (2013).

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range of factors. Structurally speaking, these factors include the organization's normative underpinning (cognitive structure), its level and design of institutionalization (internal structure) and how embedded it is in the global power distribution (external structure). In order to become an effective actor, regional organizations must possess a capacity to perform various functions including agenda-setting, norm entrepreneurship and the ability to mobilize support for their positions, and, ideally through their actions, must be able to influence the structure that imposed constraints upon them. With regard to ASEAN, the organization has sought to act for and coordinate the member states' positions through various mechanisms. However, it has thus far failed to become an effective collective actor and negotiator in global forums. In fact, in key issues of the current world order, such as the reform of the United Nations, trade liberalization, the reform of the global financial architecture, climate change and non-proliferation ASEAN has failed or has only intermittently been able to muster collective strength and to speak with one voice (Wouters and Burnay 2011: 3). While ASEAN has often been celebrated as one of the most successful non-Western regional organizations (Martin 1987; Dosch 1997; Acharya 2001) and is rightfully regarded as a central organization in the East Asian region, it has not been able to translate the prestige it has gained as a "manager of regional affairs" (Haacke 2006: 130) into global influence.

In this book we seek to explore ASEAN's cohesion in global negotiations. We argue that in global forums ASEAN has to contend with four constraining factors: first, the ASEAN Way as the grouping's repository of shared

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cooperation norms and, second, as a direct outflow of the former, ASEAN's organizational structure. Neither ASEAN's value system nor its internal structure is overly conducive to collective action in the global political arena. Both are the legacies of a "cognitive prior" (Acharya 2009) shaped by centuries of conflict, threats, instability and political uncertainties that have deeply ingrained suspicion, distrust and a sense of vulnerability towards the external world in the minds of decision-makers and major parts of the public. These legacies are reflected in the strong emphasis of the ASEAN Way on sovereignty norms. The seemingly cosmopolitan liberal norms ASEAN adopted with the Bali Concord II of 2003, elevated to quasi-constitutional status in the ASEAN Charter, may have eased external normative pressures on ASEAN, but have so far done little to overcome ASEAN's cohesiveness dilemma. On the contrary, they have, and this is our third point, exacerbated the association's collective action problems by creating a value base that is contradictory below the surface of rhetorical unity (Rüländ 2009; Desierto 2010–11).<sup>4</sup> Fourth and finally we argue that Southern regional organizations such as ASEAN also have to cope with an uneven institutional playing field. While it is true that emerging powers such as Brazil, Russia, India, China and South Africa (the BRICS states), and other rising powers, including Indonesia, increasingly challenge the legitimacy of the established international institutional order, including its representativeness, decision-making procedures and normative underpinnings (Hurrell 2006; Prys 2010; Rüländ 2012b), the

<sup>4</sup> See also Wanandi, *Jakarta Post*, 19 March 2009.

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institutional power of the mainly Western creators of this order is only gradually eroding and thus markedly restricts the scope for effective collective action of Southern regional organizations.

The subsequent chapters of this book address ASEAN's performance as an actor and negotiator in global forums in greater detail. More specifically, we seek to provide at least preliminary answers to the questions of to what extent, why, how and when ASEAN member governments coordinate their positions in international forums. We seek to assess the intensity, formats and strategies ASEAN employs in its collective actions at different stages of negotiation and in different issue areas and negotiating forums.

Following this introduction (Chapter 1), we start with the design of an analytical framework (Chapter 2), which comprises three parts, namely: (1) a theoretical discussion of the concept of externalization; (2) a typology of regional cohesiveness; and (3) theory-guided reflections of actors' negotiation capacities, stages of negotiations and pertinent negotiation strategies. This analytical framework is a constructivist reinterpretation of the neo-functionalist externalization thesis, but making theoretical eclecticism a virtue (Katzenstein and Sil 2008) also takes into account rationalist arguments informed by negotiation theory and the general literature on the bargaining behavior of collective actors.

In Chapter 3 we explore ASEAN's "cognitive prior" and repository of cooperation norms, which are major factors determining ASEAN's actor capacities in international forums. We contend that the region's historical legacies have strongly shaped the association's sovereignty-based

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cooperation norms, creating a cognitive disposition among ASEAN members in which national interests trump regional concerns. In this chapter we also investigate ASEAN's negotiation capacities from both a national and a regional perspective. Next, in Chapter 4, we examine the cohesion of ASEAN members at different stages of negotiations in international forums and scrutinize ASEAN's behavior as an actor and negotiator in major global forums. In Chapter 5, we review ASEAN's negotiating strategies and locate ASEAN's joint action on the typology of cohesiveness developed in Chapter 2 that ranges from bowling alone and non-cooperation to action as a bloc. Chapter 6 traces the negotiations on agriculture in the WTO and on the Myanmar issue on forced labor in the International Labor Organization (ILO) and the United Nations. While the first case examines negotiations over material values, the second focuses on the negotiation of norms and ideas. Finally, in Chapter 7 we summarize our examination of ASEAN's role as an actor and negotiator in global forums and provide suggestions for more effective coordination and collaboration in such venues.

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## Chapter 2

### Analytical framework: a cognitive approach of externalization

#### 2.1 Externalization and international negotiations

Neo-functional scholar has made one of the first systematic attempts to explain why and under what circumstances regional organizations act cohesively in global forums. Known as the externalization hypothesis, Schmitter (1969; 1971) and Nye (1967; 1971) have argued that with progressive regional integration member states of a regional grouping tend to develop an interest in becoming a cohesive actor vis-à-vis third states. The motivation to centralize policies towards the extra-regional world is largely defensive: to safeguard the economic benefits reaped from closer regional cooperation (Haas and Rowe 1973: 4), to reduce external dependence of member states and, at the same time, protect their foreign policy autonomy (*ibid.* 5). In a mutually reinforcing relationship, externalization is also believed to foster regional integration insofar as developing joint positions towards outsiders creates a need for increased internal consultation, communication, coordination, harmonization and, hence, institutionalization (*ibid.* 6). Externalization, in other words, has a dual effect: it helps to curtail the “exogenous determination of the external conditions of regional organizations” and, vice versa, creates conducive conditions



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## 2.1 EXTERNALIZATION

for deepening regional integration (Schmitter 1971: 244; Jorgensen-Dahl 1977: 36).

In an empirical study Haas and Rowe tested eighteen regional organizations on externalization (Haas and Rowe 1973). In their research design they posited that primarily the material institutional properties such as functional specificity, homogeneity and autonomous central authority would influence the cohesiveness of regional organizations in global forums. The more functionally specific, the more homogeneous the membership and the more centralized the organizational structure, they argued, the greater the likelihood is that a regional organization will act cohesively in global forums. By contrast, regional organizations with a broad functional scope, a diverse membership and a decentralized organizational structure are expected to be less united in global institutions. As the measure for cohesiveness they used the voting behavior of regional organizations in the United Nations General Assembly (*ibid.*).

Haas and Rowe's assumption of a strong causal relationship between material institutional factors and the cohesiveness of regional organizations in global forums appears intuitively plausible. However, closer scrutiny suggests that material institutional properties are only epiphenomena shaping the behavior of regional organizations in global forums. Functional specificity, for instance, may mask conflicts and severe disagreements in the policy field selected for regional cooperation. If regional organizations, like ASEAN in its early years (despite other pronouncements in its founding document, the Bangkok Declaration of 1967), start cooperating in the field of security, the depth of this cooperation

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## ANALYTICAL FRAMEWORK

has its limits if member states grapple with memories of war and hostile encounters. Surely such historical legacies may be overcome as a result of external shocks and/or interventions of a hegemon (Legro 2000), as in Europe after the Second World War with American midwifery, but under normal circumstances they create rather stable cognitive patterns that tend to reproduce suspicious and distrustful behavior.

Homogeneity, too, does not necessarily facilitate a deepening of regional cooperation. If, for instance, member states of similar size and similar resource endowment fiercely compete for leadership, even a common (democratic) value base may not help overcome national egoism, nor pave the way towards joint regional action. Vice versa, great diversity in terms of size, population, culture, political system, economic performance and military power may be less an obstacle to the deepening of regional integration than assumed by Haas and Rowe in cases where member countries have encountered a history of good neighborliness, peaceful dispute settlement and mutual respect. Then even major ideological differences may not stand in the way of a deepening of regional integration. The pooling of sovereignty and centralization may be more decisive factors in strengthening the cohesion of a regional association, but they, too, would hardly occur if they did not rest on a modicum of mutual trust, recognition and solidarity.

Finally, the neo-functional externalization thesis neglects the institutional environment in which regional organizations are embedded. For instance, it does not account for the distribution of power in global forums. Yet the persistent experience of acute power asymmetries in global forums