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Community Building at the Time of Nargis: The ASEAN Response

Julio Santiago Amador III

Abstract: Cyclone Nargis was one of the most powerful disasters to hit Myanmar and Southeast Asia. Myanmar was criticized internationally for its allegedly slow effort in allowing international aid to enter into the country. This paper examines the criticism levelled against the ASEAN for its slow response in providing aid to the beleaguered in Myanmar and relates that criticism to ASEAN's disaster management policy. It focuses on ASEAN's engagement with Myanmar in order to allow humanitarian aid to flow into the country. The paper suggests that in time ASEAN will have to move from its doctrine of non-intervention in the affairs of a sovereign state to one of non-indifference if it wishes to remain relevant. Ultimately, ASEAN will have to re-evaluate its own goals in order to be a more successful apparatus for interstate and regional affairs, especially with respect to humanitarian crises brought about by natural disasters.

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Keywords: Myanmar, Burma, ASEAN, humanitarian intervention, Nargis, regional organization

Julio Santiago Amador III is currently a foreign affairs research specialist at the Centre for International Relations and Strategic Studies of the Foreign Service Institute, Philippines. He specializes on the governance and political security of the ASEAN and Philippine foreign policy.

Introduction

More than a year has passed since Cyclone Nargis devastated Myanmar.¹ This natural disaster took a terrible toll on both the population and the economy of the country. This toll was made even greater by the reluctance of the ruling junta to accept international relief efforts.² Even its closest neighbours in the Association of Southeast Asian Nations (ASEAN) strongly suggested that Myanmar was not acting in its own best interests by restricting such aid. The foreign ministers of ASEAN countries stated that “Myanmar should allow more international relief workers into the stricken areas, as the need is most urgent, given the unprecedented scale of the humanitarian disaster” (SAFMMCS 2008).

The ASEAN Emergency Rapid Assessment Team (ASEAN-ERAT) agreed with this observation and found that access to the affected areas was an overarching issue. In fact, even the ASEAN-ERAT was not allowed to conduct assessments in the areas it had selected, and it noted that its report could have been more reflective of the realities on the ground had it been allowed to do so (ASEAN-ERAT 2009). This seems to second the observation by the rest of the international community that Myanmar neglected its people by not fully accessing international aid (UPI 2008). Myanmar’s intransigence in closing itself off to international aid seems to be in conflict with ASEAN’s vision of a community engaging in regional cooperation and integration, something which is enshrined in the ASEAN Charter. In light of these observations, there is a need to study how the ASEAN will be able to, in its own words, become one sharing and caring community (ASEAN Secretariat 2008a). ASEAN’s lofty ambitions, embodied in its various declarations and agreements, need to be transformed into action.

This paper³ examines ASEAN’s efforts to effectively respond to natural disasters in its member states. In the aftermath of Cyclone Nargis, ASEAN has been able to be a mechanism for the facilitation of relief efforts into a

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- 1 Critical reports use the name Burma for the state that Cyclone Nargis devastated. For the purposes of this paper, Myanmar is used, since it is by that name that the ASEAN recognizes that state.
 - 2 EAT and JHU CPHHR 2008. This report was an independent effort by the Emergency Assistance Team (EAT-Burma) and the Johns Hopkins Bloomberg School of Public Health to “provide an independent, community-based assessment of health and human rights in the Cyclone Nargis response” (p. 1).
 - 3 The author would like to thank his colleagues Ms. Rhodora M. Joaquin, Luningning Camoying and Ariel Bacol, as well as the two anonymous reviewers for their comments and support. The Foreign Service Institute’s support is gratefully acknowledged. The opinions stated in this paper do not reflect the official positions of the organizations and countries discussed.

country that has a strong suspicion of the international community (see EAT and JHU CPHHR 2008: 63). Beyond the individual efforts of neighbour countries, there is also a need to examine how ASEAN responded to the crisis, and its activities, in order to ensure that the massive loss of life and property can be mitigated in future events.

This paper is guided by the following key questions:

1. What efforts did ASEAN undertake to respond to the impact of Cyclone Nargis?
2. What lessons did it learn from the crisis?
3. Are current norms for responding to natural disasters in the ASEAN region sufficient, or is it necessary to invoke the necessity of non-indifference because the protection required by the people in an affected state is not within the capacity of the respective national government to provide?
4. Should principles or policies that will allow ASEAN to effectively render aid during natural disasters be institutionalized, especially when such disasters result in the massive loss of human life and security?

There are several issues that this paper tackles. First, it outlines the ASEAN response to Cyclone Nargis, noting its successes and failures and identifying where the best practices have occurred, as well as areas for improvement. It also looks into the sustainability of ASEAN's collective efforts to respond to natural disasters in the region. The paper also examines the principle of non-interference in the affairs of a sovereign state and the possibility that such a principle will have to provide space for collective non-indifference where the concern is the loss of human life, due not to the irresponsibility of a government but to its incapacity to respond to natural disasters.

This paper posits that ASEAN member countries have the responsibility not to be indifferent to the peoples of ASEAN member states during periods of humanitarian disaster, especially when those disasters are not man-made but natural. Thus, it argues that the regional organization, while not intervening in national governments' affairs, cannot be indifferent to the plight of the affected people and must make an effort to respond to their situation. This is, in fact, an appeal to their common and shared humanity, according to which the safety and well-being of the affected populace should be given precedence over traditional diplomatic and international relations practice and norms. This principle of non-indifference has originated from another regional organization: the African Union (AU). The AU constitution allows the AU to intervene in countries where atrocities are being committed, thus enabling the organization to be the ultimate guarantor and protector of the rights and well-being of the African peoples

(Murithi 2009). While ASEAN has not looked beyond the EU for models of regional cooperation, it is worthwhile to note that the AU has been more progressive than ASEAN with regard to human rights.

Cyclone Nargis and Its Aftermath

Most of the information in this part of the paper was culled from the *Post Nargis Joint Assessment* (PONJA) report, which was prepared by the Tripartite Core Group, composed of representatives from ASEAN, the government of Myanmar, and the United Nations (Tripartite Core Group 2008).

Cyclone Nargis made landfall on 2 May 2008 in Myanmar's Irrawaddy Division, south-west of Yangon. Its wind speed was 200km/h and it brought heavy rains. Unfortunately, the cyclone not only hit the country's poorest region but also destroyed its "rice bowl", which produced 25 per cent of the rice in that area, thereby compounding the direct impacts of the disaster with a food shortage for other areas of Myanmar.

The cyclone was unarguably the worst disaster to hit Myanmar to date. As the following table demonstrates, Myanmar's people were severely impacted by it.

Table 1: Human Impact of Nargis

Impact	Number of People
Official Death Toll	84,537
Missing	53,836
Displaced	800,000

Source: Tripartite Core Group 2008.

Other sources point out that in addition to the death toll and the missing victims, 2.4 million more were severely affected by Cyclone Nargis (Coordinating Office n.d.). This number includes those whose homes were submerged or lost permanently; those who were affected by the loss of electricity and other basic infrastructure; and those whose livelihoods were affected, such as farmers and fishermen. Added to this was the huge damage to Myanmar's road and communications systems. This information paints a picture of dire straits the country found itself in.

The country is still reeling from the resulting food shortage. While food harvests in October and November of 2008 have mitigated the shortfall, there are still areas where people are surviving on only a single meal per day. In the affected region, 75 per cent of the health facilities were destroyed by the cyclone. The estimated cost for rebuilding them is 2 billion USD.

The UN Office for the Coordination of Humanitarian Assistance (OCHA) has estimated the required assistance for the immediate rehabilitation of the Irrawaddy region at approximately 481.8 million USD. The details are listed in the following table:

Table 2: Required Assistance for the Irrawaddy Region (as of July 2008)

Cluster	Revised Requirements (USD)
Agriculture	58,406,169
Early Recovery	54,060,169
Education	25,896,000
Emergency Telecommunications	1,578,247
Food	112,500,000
Health	46,700,529
Information Management and Coordination	4,561,363
Logistics	50,515,347
Nutrition	17,910,000
Protection of Children and Women	16,848,700
Shelter	42,472,160
Water and Sanitation	50,355,262
Grand Total	481,803,946

Source: OCHA 2008.

The Post-Nargis Recovery and Preparedness Plan (PONREPP) currently serves as the framework for the rehabilitation of affected areas. In order to implement it, 691 USD million is required. The ASEAN hopes to replicate the fundraising success achieved following the Indonesian tsunami in 2004, when 93 per cent of the 7 billion USD pledged came from the international community (ASEAN Secretariat 2009a).

The ASEAN Response to Cyclone Nargis

On 5 May 2008, the ASEAN Secretariat, under Secretary-General Dr. Surin Pitsuwan, immediately launched an appeal and called on all ASEAN member countries to provide relief assistance to victims of the cyclone. The Philippines and Singapore had by this time already sent their experts to the UN Disaster Assessment and Coordination Team assembled in Bangkok. Alerts were also sent to all ASEAN focal points to prepare for the mobilization of emergency assistance for the affected populace in Myanmar

(ASEAN Secretariat 2008b). An emergency fund was established, with an initial donation of 100,000 USD from the Nippon Foundation. In light of the disaster, two ASEAN economic meetings scheduled to be held in Myanmar were moved to other ASEAN capitals so that Myanmar could focus on its domestic problems (ASEAN Secretariat 2008c). Dr. Surin then called on Myanmar's minister for foreign affairs, Nyan Win, and its minister for social welfare, relief and resettlement, Major General Maung Maung Swe, to allow ASEAN relief and rescue teams to enter Myanmar and assist in government efforts in fulfilment of the 2005 ASEAN Agreement on Disaster Management and Emergency Response, which Myanmar had already ratified.⁴

The ASEAN-ERAT was sent to Myanmar and began its work on May 9. It gathered and analyzed findings through consultations with senior government officials and field assessments (ASEAN-ERAT 2009). The ASEAN Secretary-General met with Robert B. Zoellick, president of the World Bank, to discuss collaboration on the relief efforts in Myanmar (ASEAN Secretariat 2008e). While the World Bank did not promise aid, since Myanmar had defaulted on its debts, it promised technical assistance in the form of human resource expertise.

On 19 May the ASEAN foreign ministers held a special meeting in Singapore and issued a statement revolving around two key points: first, relief efforts would be ASEAN-led and coordinated; and second, international assistance should not be politicized. Apparently, the latter point was Myanmar's position. The statement also called on Myanmar to allow more international relief workers to enter the country (SAFMMCS 2008).

Following this meeting, Surin travelled to Myanmar on 20 May and met with Prime Minister Thein Sein. This meeting was made to formally and personally deliver the statement of the foreign ministers and to follow up on the decisions made at the special meeting (ASEAN Secretariat 2008j). Surin informed Thein Sein of the steps required to implement the statement and indicated that these steps were necessary in order to build mutual confidence between Myanmar and the donors of relief goods and humanitarian

4 ASEAN Secretariat 2008d. As context, it must be understood that Myanmar's reticence to accept aid from the international community and even its close neighbours is part of its heightened threat perceptions, which in Andrew Selth's words, is a strategic reality that must be taken into account by the international community. Myanmar has had a long history of distrust of outsiders as evinced by its adoption of strict neutrality during conflicts such as the Cold War. This is partly as a result of historical realities such as repeat invasions by foreign powers as well as the 1988 Invasion Scare which was the result of provocative statements and activities in Myanmar's territories by foreign powers such as the US. For a full discussion see Selth 2008. For a brief history of Myanmar's internal conflicts and invasions as well as the attempts for national unity, see Walton 2008.

assistance. These steps were also meant to foster goodwill for the UN pledging conference, to be held in Yangon on 25 May. The UN, which had been active in calling for Myanmar's opening to international relief, officially partnered with ASEAN to establish an ASEAN-led mechanism to coordinate and liaise with the UN system and the rest of the international community to help Myanmar recover from Cyclone Nargis (ASEAN Secretariat 2009b). Don Mueang Airport in Thailand was designated the official take-off point for relief efforts to Myanmar. Dr. Surin repeated his call to the governments of the ASEAN member-states, as well as the private sector, civil society, and the international community, to be generous in providing support.

Surin, who was appointed head of the ASEAN Humanitarian Task Force for the Victims of Cyclone Nargis, met in Yangon with representatives of the World Bank, NGOs such as the Red Cross and Red Crescent, other private sector relief sources, and the Tripartite Core Group (TCG), composed of representatives from the UN, government of Myanmar and ASEAN to thresh out the details of the activities and assessments to be undertaken in the immediate aftermath of Nargis and thereafter (ASEAN Secretariat 2008f). By 29 May, Surin reported to the task force that there were signs of progress in the relief activities, such as an increase in food supplies sent and more helicopters from the World Food Programme delivering assistance to the affected region (ASEAN Secretariat 2008g). The TCG was already organized and delegates had been named by this time. The TCG was chaired by Myanmar's deputy foreign minister Kyaw Thu, with Singapore's ambassador to Myanmar, Robert Chua, as ASEAN's focal person and Dan Baker, the UNDP resident representative in Myanmar, as the UN system's main representative.

Over the course of June 2008 several activities were organized, such as the deployment of advance assessment teams which were sent to the farthest reaches of the Irrawaddy (ASEAN Secretariat 2008h). An 850,000 USD grant from the World Bank, sourced from the Global Facility for Disaster Reduction and Recovery, was granted to the ASEAN Secretariat for use during the relief operations (ASEAN Secretariat 2008i). Myanmar promised smooth cooperation and transmission of aid, and the PONJA teams were able to finish their activities and return to Yangon after two weeks. A roundtable for Post-Nargis joint assessment was convened by the ASEAN Humanitarian Task Force. It had three purposes: 1) to ensure international community input and participation in the process of compiling the assessment report; 2) to ensure confidence in the objectivity and validity of the manner in which the report was being prepared, 3) and to draw lessons from the experience by listening to the advice from the experts and parties involved for use in the future (Surin Pitsuwan 2008). Several TCG

meetings were held throughout the year to continue fundraising and to plan the shift from relief efforts to the rehabilitation of Myanmar. In February 2009 the ASEAN foreign ministers agreed to extend the mandate of the ASEAN Humanitarian Task Force for the Victims of Cyclone Nargis and the TCG until July 2010 to allow for the establishment of coordination and funding mechanisms under the PONREPP (ASEAN Secretariat 2009c).

Lessons Learned

Even as it lambasted the Myanmar government for human rights abuses, the Johns Hopkins Bloomberg School for Public Health and the Emergency Assistance Team nevertheless praised the role of ASEAN in facilitating the entry of relief into the affected regions (EAT and JHU CPHHR 2008). The International Crisis Group also noted that the possibility of working with the Myanmar government on disaster relief was realized through diplomacy and regional pressure and added that ASEAN's role in coordinating and fronting international efforts would continue to be important (Crisis Group 2008). These comments underscore the achievements made by ASEAN in responding to Nargis. In this instance, ASEAN was able to gain praise because of its management of delicate negotiations with the Myanmar government and its ability to coordinate disparate organizations in the effective delivery of aid to the worst hit areas. In Surin's words, Nargis baptized the ASEAN (Zaw 2008). Nevertheless, there are still important lessons that ASEAN must draw from the criticisms levelled against Myanmar during the disaster. The shortcomings identified are a manifestation of the regional organization's inability to effectively guide its member countries' actions.⁵

The disaster management lessons in Nargis can be divided into two specific categories: administrative and institutional. The administrative lessons pertain to the operational lessons learned by ASEAN during the crisis. The institutional lessons relate to how the rules of the ASEAN affected the process of responding to Cyclone Nargis. The limitations of the current institutional set up within ASEAN with regard to disaster management were highlighted by Cyclone Nargis.

5 The word *guide* is used rather than *lead* or *manage* because the member countries have not ceded an iota of political power to the ASEAN Secretariat. Policymaking and implementation powers remain in the hands of national governments. See Donald K. Emmerson's discussion (Emmerson 2008: 32) on the role of the ASEAN SG and chairs and their roles in policymaking within ASEAN.

Administrative Lessons: Human, Material, and Fiscal

Perhaps unhighlighted during the time of Nargis and even up to the present is the fact that during the crisis, ASEAN was not able to shell out monetary resources on its own. The crisis fund had to be bankrolled by a private organization with 100,000 USD and none of ASEAN's own money. This should not be a surprise because as the ASEAN director for research and special assistant to the Secretary-General, Dr. Termsak Chalermpananupap, has stated, member states have not backed up their expressions of faith in regionalism with actual resources (Chalermpananupap 2008). In fiscal year 2007-2008 ASEAN's operating budget was 9,050,000 USD; this was mainly used for salaries and the operations of the various ASEAN offices. According to Chalermpananupap, with this miniscule budget ASEAN cannot afford to broaden its feasible projects and various potential activities (Chalermpananupap 2008).

ASEAN member states share equally in the amount of resources given to the secretariat's operations, something which ensures that the lowest common-denominator model in policy adoption and implementation in the region is maintained. This might not come as a surprise as many member states have no room for discretionary fiscal policy – for varying reasons, such as indebtedness, lack of growth and investments or both (Green 2007). Contributing to crisis relief in this kind of fiscal bind would have been near impossible for some member countries except in other areas such as coordination and facilitation, which are really the forte of the ASEAN Secretariat, having done those functions for almost 40 years.

Aside from lack of fiscal resources, the ASEAN Secretariat also suffers from a shortage of human and other material resources. This has made the ASEAN presence in its member states somewhat limited, with the exception of its building in Jakarta, where, as Donald Emmerson puts it, ASEAN “unquestionably exists” (Emmerson 2007). During Cyclone Nargis, the teams sent to Myanmar came from individual ASEAN member states and not from any ASEAN bodies, such as the ASEAN Committee on Disaster Management, which was tasked with coordinating the teams (ASEAN Secretariat 2008d). This in itself shows that the ASEAN Secretariat could not have responded to the situation on its own initiative had the member states not contributed. It begs the question of how the secretariat could have reacted had the cyclone cut a large swathe in the region. Even the ASEAN Regional Programme on Disaster Management (ARPDm), which is tasked with providing a framework for cooperation on disaster risk reduction for the period of 2004-2010, has only framing, coordinating, information-shar-

ing, and capacity-building functions. It is not empowered to respond by itself to disasters in the ASEAN member countries.⁶ Had Nargis not been confined to the Irrawaddy region, ASEAN's disaster management response could have been disastrously disorganized.

Institutional Lessons

While nobody questions the administrative successes of the ASEAN Secretariat in the Nargis response, the question of stability and continuity in responding to future disasters remains. Administrative limitations are just symptoms of ASEAN's deeper institutional problems. Institutional challenges are more limiting than the administrative challenges, since ASEAN's institutions, formal or informal, bind or constrict its powers.

The first institutional lesson that ASEAN learned was positive: the ASEAN Secretariat is a successful instrument for implementing policy and programmes, even within the restrictions it faces. The actions of Surin and the secretariat in providing administrative services for the coordination of relief efforts and fund mobilization is commendable for a body whose main proactive policy power under the ASEAN Charter is to

present the views of ASEAN and participate in meetings with external parties in accordance with approved policy guidelines and mandate given to the Secretary-General.⁷

In light of the rules, Surin's claim that ASEAN has been baptized by Nargis has merit. ASEAN's relative success was even recognized by the United States, a long-time Myanmar critic, when it praised ASEAN for facilitating the entry of humanitarian assistance and aid workers (Jha 2009).⁸

The second institutional lesson has been that ASEAN member states have to provide the ASEAN Secretariat with more than policy-facilitation and monitoring functions (ASEAN Charter, Art. 11, 2(a)) and endow it with some implementation powers. This would include fiscal flexibility, for instance, by increasing its budget, which would provide it with the means to raise funds and give it the power to realign savings for use in disaster situations. Another innovation might be transnational operational capacity within member states. This would mean that ASEAN or its associated structures

6 See the ASEAN Regional Programme on Disaster Management website's five regional priorities: <http://acdm-online.net/index.php?option=com_content&task=view&id=12&Itemid=37#arpdmlink> (July 3, 2009).

7 See ASEAN Charter, Article 11, Secretary-General of ASEAN and ASEAN Secretariat.

8 Lalit K Jha quotes US Department of State Spokesman Robert Wood (Jha 2009).

and organizations, such as the ERAT, could enter member states during disasters to carry out their mandate, regardless of whether they had received prior consent. Of course, it would be too much too soon to imagine that the secretariat could enter and operate of its own will inside member states, and the charter does not currently have provisions for these actions.

However, implementation functions and transnational operations will be necessary if ASEAN ever needs to respond to another disaster of Nargis's proportions. In an assessment of ASEAN's Charter related to the global responsibility to protect, a long-time political analyst of the ASEAN negatively rates its capacity to provide for a regional initiative to promote the protection of its peoples, citing the state-centric focus of the charter's declared principles and decision-making processes (Morada 2009). Under the current charter, it is unlikely that the ASEAN Secretariat could assume some supranational functions; however, its efforts during and after Cyclone Nargis show that while formal rules prohibit it from doing much, the secretariat has begun, with the tacit approval of its political principals, to engage in proactive facilitation rather than remaining at the beck and call of the member states.

The third and perhaps most important institutional lesson that ASEAN learned from Cyclone Nargis is that the policy of non-interference creates problems in responding to natural crises and disasters which are beyond the capacity of a given state to manage. Political consensus was still required just for member countries to agree to create a response mechanism and negotiate with Myanmar to accept aid (see SAFMMCS 2008). For this reason, it took sixteen (16) days after 2-3 May, when Nargis struck, before a policy for implementing humanitarian assistance to Myanmar was developed. The foreign ministers' meeting on 19 May – several days after the start of the crisis and intended, in the ministers' own words, "to discuss how we could assist Myanmar in the aftermath of Cyclone Nargis" (see SAFMMCS 2008) – only demonstrated the inadequacy of the current institutional setup. Policy formulation had to take place during the crisis itself, and its implementation was then subject to circuitous negotiations with the junta to secure the right to enter and be able to deliver assistance. In successfully adhering to the amorphous "ASEAN way", which in essence means following the established processes, the output (international aid and assistance) was delayed and may have affected the outcome (saving more lives).

While the initiative shown by Surin in exercising the latent powers of his office towards helping Myanmar is commendable, it was not, politically speaking, legitimate, for it did not have the approbation of the foreign ministers, who, under the ASEAN Charter (Art. 8, 2(b)), coordinate the implementation of agreements made during summits. While Surin was act-

ing as an executive in doing his job, the charter actually limits him to administrative functions. From the time that Nargis struck Myanmar, there was an official standstill regarding which policy to follow. This is because ASEAN is still an intergovernmental organization. Consequently, there has been no transfer of state competencies to a supranational body. The preceding institutional lessons are in fact dependent on the third one, because while the secretariat was successful in its response to Nargis and while policy implementation functions are needed, all of these will only be achieved if there is a shift away from the traditional state-centric approach to policy-making in ASEAN and if norms that allow for regional intervention in the event of state incapacity during natural disasters are adopted.

Secretary-General Surin has been quoted as saying that “a new ASEAN is ready to take on responsibility” (*Thaindian News* 2008). Perhaps so, but the question that should really be asked is whether the member states are willing to let ASEAN do so. Indicative of the ASEAN member states’ institutional constraints on the secretariat is the fact that Surin had to appeal for aid from them so that some relief efforts could be undertaken, as well as the fact that he needed to appeal to Myanmar’s leaders for them to let international relief into Myanmar (ASEAN Secretariat 2008b, 2008d). The choice to be proactive was not really in the hands of the secretariat. The Secretary-General does not have the necessary mandate to initiate, much less to implement, policy. The ASEAN member states have designed the ASEAN in such a way that the Secretary-General does not have leeway in responding to such situations. Policymaking is the function of the ASEAN Summit, composed of the heads of states and governments of ASEAN member states. The relationship between the secretariat and the ASEAN Summit is clear. Policy is received from on high, and the secretariat’s job is to monitor its implementation and report to the summit. Implementation is left to the respective governments of the member states. While Surin speaks of an ASEAN ready to take on responsibility, it is important to make a distinction between the secretariat and the concept of an ASEAN as a political organization. The secretariat is indeed ready to take on responsibility. The member states, which are the political principals of ASEAN, may not be ready.

Of Policies and Institutions

Since 1976, when the ASEAN Declaration on Mutual Assistance on Natural Disasters was formulated, ASEAN has not lacked policies for disaster management and response. The current ASEAN Agreement on Disaster Management and Emergency Response reaffirmed the 1976 declaration and

other declarations. Its objective is “providing effective mechanisms to achieve substantial reduction of disaster losses in lives and in the social, economic and environmental assets of the Parties, and to jointly respond to disaster emergencies through concerted national efforts and intensified regional and international co-operation.”⁹ Institutional mechanisms such as the ASEAN Socio-Cultural Community, originally declared in the Bali Concord II and under the charter (Art. 9), are already progressing towards implementation and are meant to promote intensive cooperation in socio-cultural activities and issues, including disaster management.

Even after Nargis and previous disasters such as the tsunami in Indonesia, it is still unclear how ASEAN member states hope to effectively respond to future natural disasters without adequate administrative and institutional reforms, such as the identification of solid funding and rules for implementation. While indicating how stronger cooperation in managing the impacts of natural disasters should be achieved, the Blueprint for the ASEAN Socio-Cultural Community, which encompasses disaster management, is silent on compulsory and binding financing arrangements.¹⁰

The aforementioned ASEAN Agreement on Disaster Management and Emergency Response has yet to be fully ratified and consented to by the parties involved. This agreement contains provisions for collective action by member states in the event of disasters. Again, non-intervention is emphasized and affirmed. The agreement also places the control and overall direction of relief efforts in the hands of the requesting or receiving party. Financial arrangements involve the opening of an ASEAN Disaster Management and Emergency Relief Fund, and the amounts to be given by the parties are purely voluntary.¹¹

No one can accuse ASEAN of lacking policies to respond to natural disasters. ASEAN institutions also exist to guide policy measures. What is

9 See ASEAN Agreement on Disaster Management and Emergency Response, Article 2, online: <<http://www.aseansec.org/17587.htm>> (July 4, 2009).

10 The 13th ASEAN Summit in Singapore (20 November 2007) agreed to develop a Blueprint for the ASEAN Socio-Cultural Community. This Blueprint contains concrete actions to be taken to promote the establishment of the ASCC. In response to disaster management in the region, the Blueprint (Part B7) calls for the full implementation of the ASEAN Agreement on Disaster Management as well as the organization of regional institutions and agencies that will promote and strengthen effective mechanisms and capabilities to prevent and reduce loss of life and property and to jointly respond to disaster emergencies. See the Blueprint for further details <<http://www.aseansec.org/22336.pdf>> (July 3, 2009).

11 ASEAN Agreement on Disaster Management and Emergency Response, Vientiane, 26 July 2005. Available online: <<http://www.aseansec.org/17579.htm>> (July 3, 2009).

lacking are mechanisms for the immediate and effective transnational implementation of policy by ASEAN. The emphasis in policymaking and institutional development is still national and state-centric; consequently, there is no delegation of policy implementation functions to a supranational ASEAN organization.¹² One way to address this would be to emphasize the administrative aspect of the ASEAN Secretariat, in this instance leading it being classified as a *non-political* entity, which would be the necessary argument for allowing it to become active on a supranational basis. While this approach might be seen as sophistry, considering that bureaucracies are also political actors, an argument can also be raised in its favour: it is precisely because the ASEAN Secretariat is a bureaucracy that it is meant to be of service to member states; thus, it should be given the ability to render services to its political principals. In a simple principal-agent relationship, the national governments of member states are the principals and the ASEAN Secretariat is the agent. According to this relationship, if the principals cannot trust the agent enough to let it serve them, there must be something wrong, either with the agent or with the principals' conception of the agent.

The Institutionalization of Non-indifference to Natural Disasters and Their Impacts

All the administrative and institutional lessons point to a basic weakness in the ASEAN: its fondness for institutionalizing its practised norm of non-interference, which, during the Nargis Crisis, brought about extended suffering in Myanmar. Essentially, non-interference as a norm has been enshrined in the ASEAN Charter. This ensures that ASEAN remains an intergovernmental organization while it puts up a united front in the face of extra-regional partners. Due to apprehension regarding the possibility of a strong regional executive beyond the control of the national executives of the ASEAN Summit, the ASEAN Charter is quite silent on the decision-making and policy roles of the ASEAN Secretary-General, preferring instead that s/he acts as a general ambassador of all the countries as well as a facilitator and monitor of the implementation of agreements. Even given the monitoring functions, non-compliance by a member state does not give the Secretary-General leeway to call that state to account. He is required only to submit a report to the summit.

12 See Jim Rolfe's discussion of the abilities needed by a security regime to function, most of which cannot be identified in ASEAN but are practised in individual states (Rolfe 2008: 109).

Arguably, a Secretary-General like Surin, who was not a professional bureaucrat but was rather a politician and an active member of civil society, may use moral suasion extensively to persuade the foreign ministers and his principals in the summit to adopt a particular policy direction, but this may not be the case with his successors.

It is clear from the ASEAN Charter that member states, while granting the ASEAN a legal personality, have not ceded an iota of political power to it. Policymaking power resides with the ASEAN Summit of heads of states/governments, which is responsible for making decisions and addressing emergency situations. While other regional organizations, such as the AU, have enshrined what Murithi calls non-indifference (see Murithi 2009) especially during crises situations, ASEAN has not done so and still underscores state-centred norms and consensus-based decision-making (see Morada 2009).

Still, there are signs that some changes are in the offing. Before the Philippines concurred with the ratification of the ASEAN Charter, President Gloria Macapagal-Arroyo said that the Philippine Senate would find it hard to ratify the charter because of Myanmar's various human rights abuses. Malaysia's prime minister Mahathir also considered expelling Myanmar as a last recourse when attacks were made on Aung San Suu Kyi. Several parliamentarians from Indonesia, Malaysia, Thailand and the Philippines openly challenged Myanmar's right to the chairmanship in 2006 (Kuhonta 2008). This political non-indifference on the part of elected officials from the more democratic ASEAN member states shows that many political leaders are not satisfied with the non-interventionist norm. Practical non-indifference was also demonstrated when Singapore and the Philippines readily mobilized medical teams and other countries sent supplies to Myanmar during Cyclone Nargis.

While a massive shift from non-interventionism to non-indifferentism may seem quite impossible at the moment, there are little movements that show evidence of such a shift, on the part of political leaders, civil society and the academe. ASEAN has envisioned for itself one sharing and caring community and has created institutions geared towards that direction. In time, some sort of flexible sovereignty will be conceded. Agreeing to the institutionalization of norms was a difficult process in itself, but the member states did agree, and the ASEAN Charter was crafted as a result. Flexible sovereignty will likely have much of the same history, now that non-indifference is being articulated even at the political level.

A glimmer of hope with regard to non-indifference might even be found in the ASEAN Charter. As a purpose, non-indifference might be implicitly read from Article 1 Sec. 8, which calls on ASEAN member states

to “respond effectively, in accordance with the principle of comprehensive security, to all forms of threats, transnational crimes, and transboundary challenges”.

In principle, the charter also calls for shared commitment and collective responsibility in enhancing regional peace, security and prosperity (Art. 2, Sec. 2b). However, it must be pointed out that whatever implications one might read from these provisions of the charter, they are still subordinate to the very clear provision that there must be respect for the independence, sovereignty, equality, territorial integrity and national identity of member states (Art. 2, Sec. 2a). Perhaps in putting these principles into operation, there exists the possibility of compromise. First, non-indifference could be suited to ASEAN's taste by initially limiting it to humanitarian disasters due to natural causes, as was the case with Nargis. Some might see this as capitulation, but it is still the most realistic way of ensuring that ASEAN governments accept this principle.

In fact, the Blueprint of the ASEAN Socio-Cultural Community already contains the germinal idea of pro-active response to natural disasters. The battle for policy proposals that will concretize non-indifference on humanitarian grounds should now be fought in the respective national policymaking arenas to ensure that proposed policies on non-indifference will be articulated during summit and ministerial meetings. This is the only way to influence policymaking in the ASEAN.

Another way of concretizing non-indifference is for a member country to propose the establishment of an ASEAN Regional Disaster Management Centre (ARDMC). The proposed ARDMC should have the flexibility to raise funds for humanitarian purposes as well as to maintain a rapid response team for assessment and relief operations. Currently, there are two bodies being considered in ASEAN to respond to disasters. These bodies are the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre), which is proposed in the Socio-Cultural Blueprint, and the ASEAN Regional Programme on Disaster Management. The proposed ARDMC shall integrate the functions of the two bodies to better respond to natural disasters in the ASEAN region. What differentiates the ARDMC proposal from that of the AHA Centre is that the ARDMC will have the capacity to mobilize independent of the member states' approval.

The proposed ARDMC should be staffed proportionally so that member states have no reason to distrust it. Again, the success of this proposal hinges on its acceptability by policymakers and foreign ministries in the member countries' national policymaking battles. The efforts of the ASEAN Secretariat during and after Cyclone Nargis should provide the blueprint for those who are interested in proposing the ARDMC.

ASEAN member states respond differently to natural disasters according to their capacities. The Philippines, for example, has always been ready to receive aid when disasters have struck it. Government, the private sector and civil society have immediately opened avenues for aid from the international community to flow in, for example, after the 2006 Ginsaung Land-slide in Leyte. Indonesia welcomed the aid of the international community after the 2004 tsunami. The question is what to do when natural disasters hit states whose capacity to respond effectively is questionable. Myanmar's admittedly dismal response, even in the context of its historical mistrust of outsiders, inevitably demanded action from ASEAN. How the region as a whole should respond to a repeat of such a situation is something that needs to be pondered further.

Conclusions

Cyclone Nargis was one of the most devastating natural disasters to hit Myanmar and Southeast Asia. It took thousands of lives and ruined the lives of millions more. This circumstance allowed ASEAN a moment to exercise responsibility in a member state because of the trust engendered between the organization and Myanmar. The ASEAN Secretariat was able to respond to the crisis by acting as an effective coordinator and facilitator of goodwill, relief goods, and humanitarian workers. This crisis response has been praised by other international organizations and even non-governmental organizations.

Member states and the ASEAN Secretariat have learned administrative and institutional lessons as a result of the cyclone. Still, there are considerable improvements that need to be made at the institutional and policy levels. A gradual shift from non-interventionism can be observed, for instance, in the case of the practical non-indifference shown by ASEAN member states in immediately providing relief goods and medical teams to Myanmar, even though no policy guidelines at the foreign ministers' level had yet been issued. ASEAN's ability to persuade Myanmar to cooperate with the international community shows hope for ASEAN's goal of one sharing and caring community.

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