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ASEAN Enlargement and Norm Change – A Window of Opportunity for Democracy and Human Rights Entrepreneurs?

Kerstin Radtke

Abstract: This paper discusses the accession of Myanmar to ASEAN and its effects on the emergence of fundamental political norms in ASEAN. The article first advances the theoretical idea of how accession demands towards Regional Organizations (ROs) open windows of opportunity for norm entrepreneurs to act for norm change in a Regional Organization. Secondly, these ideas are empirically illustrated by a case study on ASEAN’s enlargement to include Myanmar. The tentative conclusion is that, being confronted with the accession of the highly stigmatised state of Myanmar, ASEAN was forced to position itself vis-à-vis this outcome, and to open itself up to discussions about fundamental norms and regional identity. This critical phase of transition mobilised norm entrepreneurs to push for norm change, and opened avenues for these entrepreneurs to contribute ideas regarding ASEAN’s regional identity. By subsequently framing the discourse on human rights and democracy in Southeast Asia, and by successfully gaining access to the official ASEAN agenda, these entrepreneurs pressured ASEAN to be more precise about its norms. The discussion about stigmatised Myanmar thus introduced new ideas into the regional forum, and in the longer term may have contributed to ASEAN’s identity-building and the concession of greater attention to democracy and human rights issues.

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Keywords: Burma/Myanmar, ASEAN enlargement, regional identity, norm entrepreneur, stigmatisation, agenda-setting

Kerstin Radtke is a Ph.D. candidate at the Chair of International Politics, Department of Politics and Public Administration, and at the Centre of Excellence, “Cultural Foundations of Social Integration”, University of Konstanz, Germany. In her Ph.D. thesis Kerstin Radtke analyses enlargement and regional identity-building in ASEAN. Personal website: <www.polver.uni-konstanz.de/en/leuffen/team/kerstin-radtke/> E-mail: <Kerstin.Radtke@uni-konstanz.de>

Introduction

Today, the Association of Southeast Asian Nations (ASEAN) officially subscribes to principles that were not included in its foundational treaties. Due to its original purpose of forming a security community,¹ ASEAN stressed procedural norms of consultation, consensus and non-interference. Constitutive norms such as political ideology, however, did not play a role for the Regional Organization (RO). By officially embracing principles, such as rule of law, good governance, democracy, constitutional government, human rights and social justice in its 2007 legally-binding Charter, ASEAN showed a significant shift from purely procedural to constitutive norms. These encompass fundamental political norms, including civil liberties for the people of ASEAN. Although caution should be used in differentiating between the mere acceptance on paper and the active implementation of, or living up to, the self-ascribed standards, a light wind of change can also be observed in ASEAN's practice. The May 2014 events in Thailand, when the military seized power from the constitutionally elected government, prompted some Southeast Asian countries to carefully launch ideas on why it would be important for ASEAN to take a staunch position on these issues. For instance, Indonesia's then foreign minister, Marty Natalegawa, stressed that developments in Thailand should be of concern to Indonesia, as well as ASEAN (cf. Radtke 2014). This is just one example of ASEAN seeming more open to a less rigid application of its previously dominant non-interference norm. In order to assess and understand today's ASEAN, it is crucial to analyse where these changes come from, to identify supporters as well as opponents of change, and to study the mechanisms that have contributed to the current situation.²

In this sense, many studies have highlighted the importance of the 1997 Asian financial crisis as a watershed, and a trigger for some rethinking in Southeast Asia. These analyses see political and social developments in ASEAN, including the institutionalisation of human rights and

1 For the concept of security community, cf. Deutsch 1957. For ASEAN as a security community, see Acharya 2009.

2 I wish to thank the editors, James Gomez and Robin Ramcharan, as well as the two anonymous reviewers for their valuable comments on the paper. I also appreciate helpful discussions with Julian Garritzmann, Patrick Haack, Daniela Kroll, Dirk Leuffen, Stefan Schembera and Sophia Schemel on the topic. Finally, I gratefully acknowledge financial support by the Centre for European Studies at the Australian National University, the Cluster of Excellence at the University of Konstanz, Germany, as well as assistance by the EU Centre in Singapore for field research in the Asia-Pacific region.

democracy, as a result of the lessons learned by Southeast Asian leaders in the wake of the Asian financial crisis (Ahmad and Ghoshal 1999; Rüländ 2000; Acharya 1998b). This crunch of Southeast Asian economies resulted in the loss of validity of the previously prominent discourse on “Asian values”, by which leaders from Southeast Asian countries justified their authoritarian political systems by citing the economic success they delivered. By looking in detail at the developments in ASEAN’s discourse on human rights, democracy and other fundamental norms, it becomes clear that transformations started well before the 1997 crisis. These changes, therefore, cannot be explained by the Asian crisis. Consequently, this study focusses on another variable that has up until now been neglected in the literature, but might have supported the development of fundamental political norms in ASEAN: the enlargement of ASEAN to include new members. Since its inception, ASEAN was conducted within the spirit of “One Southeast Asia”, envisioning the inclusion of all Southeast Asian countries.

In 1984, ASEAN enlarged for the first time with the acceptance of Brunei. The RO’s formation had taken place with the idea of building a fortress against communist insurgencies in the region, so Vietnam’s accession in 1995 was remarkable as ASEAN welcomed a communist country. The Lao PDR acceded in 1997, together with Myanmar,³ which was a special case. At that time, Myanmar was under military rule, was disposed towards an extremely bad human rights record, and was internationally isolated – the rapprochement between ASEAN and Myanmar thus received a lot of critical attention internationally. The accession of Cambodia, originally also scheduled for 1997, was deferred by ASEAN and finally put into effect in 1999. The official ASEAN statement on the deferral cited Cambodia’s domestic political situation, referring to the instability and political turmoil after the 1997 coup d’état.⁴ With 10 countries now included in ASEAN, a wide range of political systems, as well as cultural, ethnic and religious compositions, has been bound together. The question of what these countries agree on as their common principles or values is a substantial one, especially in relation to the admission

3 I have used the official and vernacular name “Myanmar” for the country, without any intent of political connotation. For reasons of simplicity, the English adjective “Burmese” will be used.

4 Since its formal application in 2011, Timor-Leste is on ASEAN’s waiting list for membership. This status has so far been rejected, as Singapore and Thailand in particular have raised primarily capability concerns, arguing that the country was not yet ready to join.

of new members to the community, since enlargement might take differences to another level.

In this article, I propose the following research question: ‘Did the accession of Myanmar to ASEAN open a window of opportunity for norm entrepreneurs to introduce their ideas about regional identity?’ Therefore, I firstly present the theoretical argument about how RO enlargement and norm change are connected. This is followed by empirical illustrations from a case study on Myanmar’s 1997 accession to ASEAN. In this case study, the method of process tracing will be applied, in order to reveal possible causal mechanisms that link Myanmar’s accession to ASEAN with norm discussions at the regional level of the organisation. The data will be taken from official ASEAN documents and regional newspaper articles. In the remainder of the article, I make suggestions on how the discussion on Myanmar might relate to the broader picture of norm change and identity-building in ASEAN. I draw the conclusion that norm entrepreneurs used the window of opportunity to confront and engage ASEAN with discussions about stigmatised Myanmar and related norm issues. As a consequence, ASEAN’s identity subsequently crystallised, which makes Myanmar’s accession to ASEAN a significant factor in the formation of the RO’s regional identity.

Theoretical Argument – How Enlargement Opens Windows of Opportunity for Norm Entrepreneurs to Push for Change

Membership in an RO implies being part of a collective identity. The latter

[...] depends on special processes of induction, [...] in which the attribute of ‘similarity’ among its members, as against the strangeness, the differences, the distinction of the other, is symbolically constructed and defined (Eisenstadt and Giesen 1995: 74).

Members of an RO thus constitute a community, which in sociological terms is denoted as an “in-group”, in contrast to “out-groups”. This in-group community is based upon certain goals, values, principles and norms. Norms are “collectively held ideas about behaviour” (Finnemore 1996: 23) and stand for “principled beliefs that turn broad fundamental doctrines into guidance for human action and thus generate collective expectations about appropriate behavior” (Dimitrakopoulos 2008: 320f.). An RO’s norms should thus indicate what the community stands for,

what it regards as acceptable behaviour or not, how it defines its identity, and who should be allowed to become a member. The analysis refers to

core constitutional norms which are commonly applied with reference to modern constitutionalism and basic procedural norms which are commonly applied in international relations theory (Wiener 2009: 183).

This entails norms such as democracy, rule of law, human rights or sovereignty. ROs are thus conceptualised in this study as institutions that “can provide a place for states to develop some shared identity” (Cockerham 2010: 166f.) that might be collective, institutional or regional (cf. Oelsner 2012). Since the concept of regional identity is an “imprecise and fuzzy notion” (Hurrell 1995: 41), it needs further clarification. Identities are socially constructed and dynamic, being subject to internal as well as external influences. Hence, they are the result of interactive formation. One such impulse can be induced by alterations in the composition of the community itself, for example through enlargement. This is conceptualised as an external impulse, since accession demands are presented from community-outsiders towards the RO. The act of accepting new members and previous outsiders into a community can be defined as “a process of gradual and formal horizontal institutionalisation of organisational rules and norms” (Schimmelfennig and Sedelmeier 2002: 503).

Scholarly literature on the link between enlargement and community norms suffers from two weak points. Firstly, analyses on the enlargement of ROs such as the European Union (EU) have suffered from “an insularity of the study of EU enlargement” (Schimmelfennig and Sedelmeier 2002: 502). Such extensive accounts of horizontal integration do not exist for ROs other than the EU, and ASEAN is no exception here. The question of ASEAN enlargement has primarily been treated from two angles: either an economic perspective, dealing with the performance gap between the “old” ASEAN countries and the new CLMV⁵ members (Gates and Than 2001); or a security perspective, looking at the Indochinese enlargement and security gains for these new members (Emmers 2005). Secondly, analyses on RO enlargement dealt mostly with how enlargement affected the new member states. If questions of values and norms are included, existing studies predominantly analyse how ROs influence new members, the conditionality they impose, and how, especially in the case of the EU’s eastward expansion, they pro-

5 The acronym CLMV refers to Cambodia, Lao PDR, Myanmar and Vietnam which have joined ASEAN in 1999, 1997, 1997 and 1995 respectively.

mote liberal democratic norms (Schimmelfennig 2001; Schimmelfennig and Sedelmeier 2004). This approach, looking from the direction of the RO towards the candidate country or new member, has also been discussed in recent studies on ASEAN and Myanmar (Davies 2012). Debate has ensued on whether membership in ASEAN has contributed to the country's opening up and a move towards democracy and, if so, how (Katanyuu 2006; Renshaw 2013). This idea has also been circulated by ASEAN leaders, who claim that their RO has had a part to play in this story, since over the years it has conducted a successful policy of constructive engagement involving the military junta in reform talks (cf. Razak 2012).

However, the conceptual triangle between membership, identity and norms⁶ should also be examined from another perspective, which puts at centre stage the direction of how the acceptance of new members affects the RO.⁷ Importantly, enlargement has revealed assessment processes which the RO undertakes in order to evaluate whether the candidate fits in well with the RO. The basis for these evaluations of fit or non-fit is entrenched in the community's values, principles and goals. Thus, dealing with accession demands involves a confrontation between insiders and outsiders and their respective normative components. Whilst the EU has over time developed a whole catalogue of membership conditions, known as the Copenhagen Criteria, ASEAN has so far only one "real" accession criterion, which is of a geographical nature and implies location in Southeast Asia. Political criteria, however, are not included, and there are only some technical and financial obligations that must be met for membership. Therefore, from the confrontation perspective, enlargement brings up questions about the position of an RO's identity, and requires an answer with respect to the acceding country. In this interpretation, enlargement from the outside can bring about an impulse for rethinking identity inside. Such a phase of transition and instability, or even an "identity crisis", can lead to "integrative potential" (cf. Lichtenstein 2012) as it opens windows of opportunity for change that can be strategically used by norm entrepreneurs, who are "agents having

6 This perspective of a conceptual triangle between membership, identity and norms draws on common research with Dirk Leuffen and Sophia Schemel. For a detailed argument see Radtke, Schemel, and Leuffen 2014.

7 One exception to this direction of RO on candidate country is a book by Christopher B. Roberts (2010), which analyses the significance of Myanmar's membership for ASEAN as a security community. In these studies, however, the focus is on Myanmar's developments in recent years and not so much the actual accession of Myanmar to ASEAN.

strong notions about appropriate or desirable behaviour in their community” (Finnemore and Sikkink 1998: 896).

In this vein, horizontal integration presents a good opportunity for actors to reflect and rethink their attitudes, policies, and laws which affect collective identity. These norm entrepreneurs might include actors from civil society or non-governmental organisations, journalists, members of think tanks, influential personalities with a say in regional affairs, or simply governmental actors. As the RO’s members are confronted with the question of who they are and how they want to position themselves in relation to outsiders, enlargement can result in the crystallisation of identity, meaning that elements of common identity become clearer and more definable. Importantly though, regional identity does not refer solely to a phenomenon in which institutional identity is consciously constructed via the institutionalisation or even constitutionalisation of fundamental norms. Instead, this formalisation can be preceded by a process in which identity crystallises as a result of debates, that is, the ideas and components that make up the institutional identity emerge or shine through. Thus, the analysis of regional identity cannot be limited to formally written down norms, but should also include preceding discussions about common values or norms.

As outlined earlier, the identity of a group is defined by its difference from other groups, or in contrast to another not included in the group. Hence, an RO’s institutional identity not only delivers information about what the community wants to stand for and who is eligible for membership, but the definition of identity at the same time indicates what the community does not want to be. The process thus involves both positive and negative distinctions. Consequently, the definition of identity also provides standards of acceptable and non-acceptable behaviour; or it can even result in criteria for membership suspension or exclusion from the RO. The sociological concept of stigma (cf. Goffman 1963) is closely related to such assumptions. In the discipline of international relations up until today the concept has not gained a lot of attention, although it has allowed interesting insights into the orderliness and stability of international society (cf. Adler-Nissen 2014). Importantly, identity-building “is not just about the positive definition of community, but just as much a matter of marking the deviant actor, that is, stigmatization in a strong sense” (Adler-Nissen 2014: 145). Stigmatisation encompasses the differentiation of something or someone that has been ascribed certain characteristics, behaviour or conduct associated with negative connotations. More than identity just being defined against an “other”, stigmatisation refers to deviance and its implications. Link and Phelan (2001:

367) conceptualise stigma as the interrelated aspects that run together, which are labelling, stereotyping, separation, status loss and discrimination. “[T]he role of the normal and the role of stigmatized are parts of the same complex [...]” (Goffman 1963: 130). Accordingly, identity not only requires shared norms, but also “[s]tigma processes [which] help display normality and clarify boundaries of acceptable identity and behavior” (Adler-Nissen 2014). Refocussing on the idea of how enlargement opens windows of opportunity, thus inviting actors to take part in the identity formation process, the role of norm entrepreneurs concerning stigma processes has to be clarified: “Norm entrepreneurs do not merely induce states to follow certain norms; they also – and often at the same time – stamp certain states, groups, or individuals as deviant” (Adler-Nissen 2014: 171).

Transferring these ideas to the triangle of ASEAN, enlargement and identity-building set out at the beginning of this paper, I argue that horizontal institutionalisation has led to a situation in which ASEAN was obliged to define what it stands for and to determine whether or not the candidates for membership fit in with its identity norms. In this situation, norm entrepreneurs saw opportunities in the system, especially those relating to human rights abuses in Myanmar, which contributed to the country’s stigmatisation. Some of these entrepreneurs are located in Southeast Asia, working in transnational and regional networks; others are from outside the region, such as those working for other international non-governmental organisations (NGOs), ROs or national governments. Consequently, ASEAN was manoeuvred into a position where it had to discuss about stigmatised Myanmar and had to define its own strategy on how to cope with and manage this stigma process. Thus, my hypothesis in this article is: Myanmar’s accession to ASEAN has opened a window of opportunity for norm entrepreneurs to introduce ideas about democracy and human rights, via the discussion about stigmatised Myanmar, as components of regional identity into ASEAN.

Research Design and Data Collection

Analytically, ‘enlargement’ represents the independent variable, while the ‘emergence of norm discussions in ASEAN’ constitutes the dependent variable. Although regional identity is a diffuse term, we can state that it is the result of interactive formation and finds expression in norms. Norms in turn, as they are collectively held, always undergo discussion first and thereby leave traces in discourse (cf. Finnemore and Sikkink 1998). The dependent variable ‘emergence of norm discussions’ here has

to be understood within the broader picture of the interest of identity development and norm change. In the following section, the case study on Myanmar empirically illustrates the theoretical proposition. The case selection is based on the fact that a common and simultaneous accession to ASEAN was envisaged for Cambodia, Lao PDR and Myanmar in 1997.

However, these three cases take very different trajectories. While the accession of Lao PDR proceeded rather unnoticed and Cambodia's membership was deferred, Myanmar's accession was accompanied by strong international attention and discussion, to which regional actors also contributed. The dynamics around the accession of Myanmar, that is, completion of membership despite important discourse, lend themselves to a single case study. While this is not an "ultimate test" of the theoretical argument, it nonetheless presents the first empirical evidence on it. I apply the method of process tracing, uncovering a chain of events step by step, and key moments in the discussion about Myanmar's membership. I specifically demonstrate the role of stigma and how the "problem" of Myanmar was discussed in ASEAN, also highlighting the role of norm entrepreneurs in the debate. For the empirical evidence I rely on official ASEAN documents, publicly issued statements, and spoken words by particular ASEAN members or leaders. Furthermore, I analyse newspaper articles published in selected English-language newspapers, each of them coming from one of the founding ASEAN member states and with a national and regional focus. The time-frame for articles from *The Jakarta Post*, the *Bangkok Post*, *The Straits Times*, the *New Straits Times* and *Business World*,⁸ was set from 1992 to 2003. This time selection was made on the basis of two important dates in the relationship between Myanmar and ASEAN. In 1993, the accession process started with discussions about observer status, later deferred to 1996. In 2003, Myanmar's membership led to immense concern for ASEAN, as it was confronted with an even more isolated Myanmar due to the re-arrest of opposition leader and democracy icon, Aung San Suu Kyi.

Case Study: Myanmar's Accession to ASEAN

This case study on Myanmar's 1997 accession to ASEAN provides empirical evidence for the link between the request for accession and discussions about regional identity. Enlargement not only refers to one specific point in time, the actual accession of a country to an RO, but

8 Articles are accessible via the database Factiva.

also comprises a time span before and after that event. In ASEAN, observer status – only for those countries geographically located in South-east Asia – can be seen as a prelude to full membership. Accordingly, the ASEAN enlargement story of Myanmar began in 1993, when the question of conceding such a status to the country led to discussions among the ASEAN foreign ministers and the decision to defer this process (Acharya 2009: 112). Around mid-1995, there was a short “cooling down phase” in the accession process, when ASEAN officially welcomed Myanmar to the Treaty of Amity and Cooperation (TAC⁹), but at the same time stressed that this would not automatically lead to the next step of becoming an observer, and eventually a full member. These statements also related to internal political issues of Myanmar, such as the detention or release of political prisoners (cf. Kanwerayotin and Tansubhapol 1995). The accession course of Myanmar was further advanced by being granted observer status in 1996 (20 July), and the application for full membership shortly afterwards (12 August). During a summit of ASEAN heads of government in Jakarta in 1996, the decision was made that Myanmar and the two other observer countries, Lao PDR and Cambodia, should join simultaneously (ASEAN 1996). At a special meeting on 31 May 1997, the ASEAN foreign ministers concluded that these accessions would be set for the summer of the same year. Although in the case of Myanmar several entrepreneurs criticised the clear deviations from the standards of democracy and human rights, these could not stop ASEAN in its course of action, which eventually led to the accession of Myanmar on 23 July 1997. However, the process was not all harmonious and without complications. There is evidence of discussions linking the country’s democratic and human rights issues with its membership in ASEAN and ideas of regional identity.

How could the acceptance of Myanmar, a country under military rule and with a regime whose attitude towards its own people and political opponents was questionable, lead to norm discussions and identity-building processes in a club of very diverse regimes, themselves to some extent questionable? On this matter, the theoretical hypothesis is that stigma processes are important parts of identity formation. In the case of Myanmar, based on the stigma components of labelling, stereotyping, separation, status loss and discrimination (Link and Phelan 2001), we

9 The Treaty of Amity and Cooperation in Southeast Asia was signed on 24 February 1976, aiming at the promotion of peace, amity and cooperation in the region. The treaty comprises various principles that ASEAN relies on in interstate relations, such as non-interference, the non-use of force, and the peaceful settlement of disputes.

find evidence of strong stigmatisation of the country and its military leaders within the international community. The reference community for stigmatisation was the international community, where the stigmatisation process was strongly pushed by non-Southeast Asian, and hence extra-regional actors, primarily from the EU, the US and Canada. Governments of these countries and RO representatives, and NGOs from these and other countries, repeatedly criticised the military leadership and its human rights crimes, thus labelling and stereotyping the country. The notions of “problem state” and “pariah state” appeared in the discourse. Furthermore, the country became isolated from its Southeast Asian peers, for example when the EU announced that it would not sit at the same table as Myanmar in EU-ASEAN dialogues and consequently cancelled the annual meetings from 1997 to 2000. Political and economic sanctions against the country, such as arms embargos, asset freezes and visa bans issued by extra-regional actors, especially in the aftermath of the 1988 military crackdown of the Burmese democracy movement, represented discrimination measures that also resulted in loss of status. The stigmatisation of Myanmar in the international realm, and thus the marking of a deviant actor, took place on the basis that Myanmar deviated from international human rights norms, which are considered as universal by the vast majority of states. However, the stigmatisation was also pushed by intra-regional actors, for example civil society organisations (CSOs) or NGOs, often of a trans-regional character. For instance, actors such as the Asian Forum for Human Rights and Development (FORUM-ASIA), the Alternative ASEAN Network on Burma (Altsean-Burma), and the All Burma Students’ Democratic Front issued memoranda. The media also contributed to the discourse by reporting on the situation in the country, and the significance to ASEAN of its accession. Again, notions of “illegitimate regime”, “pariah state” or “gigantic liars” were dropped into the debate (*Bangkok Post* 1996d; Manibhandu and Sawatsawang 1996; Bachoe 1997).

How did this stigmatisation of Myanmar relate to the country’s accession to ASEAN? By allowing in, or even inviting such a stigmatised country into its community, ASEAN opened the door for a lot of criticism. ASEAN accepted Myanmar despite its stigmatisation, knowing or at least having in mind that there was some validity for the immense criticism placed on the Burmese junta. Goffman wrote that in “communities there are instances of a member who deviates [...] and in consequence comes to play a special role, becoming a symbol of the group [...]” (Goffman 1963: 141). With Myanmar becoming a member of the community, its deviance also became a symbol for ASEAN. Thus, the

RO was forced to react if it did not want to manoeuvre itself into international backwaters as a result of the accession of this stigmatised country. Although ASEAN in 1997 comprised countries which were themselves of a non-democratic character and with their own human rights issues, the important difference – especially when compared with other countries’ accessions – was that Myanmar deviated as an extreme case. It clearly stood out amongst the Southeast Asian countries, which was also due to its internationally isolated position. These aspects made Myanmar the “black sheep” of ASEAN; showing quite plainly what the RO did not want to be. This can be explained by the fact that, having stigmatised Myanmar at its core, together with the vehemently articulated concerns by ASEAN’s dialogue partners, ASEAN quickly realised that being silent and leaving the situation “as is” would result in negative effects on its image, credibility, legitimisation and reputation. This stigma element explains how being confronted with a clearly deviant actor contributed to ASEAN’s reflections about “what do we not want to be”, and thus to a sharpening of ASEAN’s identity. As a result, the stigma of Myanmar worked as a token for increasing integration via identity-sharpening in ASEAN.

Having clarified ways in which Myanmar was a stigmatised and deviant actor, I now turn towards identifying voices in the discourse that broach the issue of Myanmar’s ASEAN membership. How does the “ASEAN Way” (cf. Acharya 1998a; Haacke 1999), with its norms of consultation and consensus, come into play here? Because of these norms and the Southeast Asian spirit of looking at ASEAN states as family members and in a spirit of brotherhood, government officials from member states decided not to severely criticise the Burmese leadership publicly and candidly (Jones 2008). Instead, quiet diplomacy was conducted behind the scenes (cf. Haacke 2003), constantly engaging the military leaders in talks that aimed at political development and democratisation. For example, from interviews in the region it transpired that Indonesia, after its own struggle towards democracy, followed a strategy in which it avoided pointing the finger at Myanmar. Instead, it simply tried to present its own country’s approach by making especial reference to the experience with its own democratic transition. Through this Indonesia hoped to tacitly transfer ideas for political development towards the governing elite of Myanmar. This strategy could be labelled as ‘passively inspiring’ instead of actively pressuring. However, this silent and behind-the-scenes approach (cf. Mahbubani and Severino 2014) makes it difficult to trace the discourse or point out evidence for discursive statements on the part of member states. Yet, CSOs, NGOs and the

media in particular publicly voiced concerns or reported differences among the views of ASEAN members on the Myanmar issue. Articles in Southeast Asian newspapers provide evidence of elements that point to hassles or distractions in the Burmese accession process. In general, the articles from 1992 to 2003 that broach the issue of enlargement and ASEAN identity reflect a steady increase in the media discourse until 1997, with peaks in 1996, 1997 and 2003. Looking in detail at those articles that specifically refer to Myanmar, we find evidence for the hypothesis that the discussions about Myanmar's accession include references to ASEAN identity. On the one hand these voices denounce the human rights violations and anti-democratic character of the Burmese regime, while on the other they view this in context with its membership of ASEAN and what this means for ASEAN as a community. This also involves references to criteria for membership or conditions to be imposed, as well as ASEAN's standing in the world.

Even before official attribution of observer status, several organisations demanded ASEAN "to revise its 'constructive engagement' policy because it did not help the democratisation process", and criticised the lack of "concrete political follow-ups from ASEAN" (*The Jakarta Post* 1996). Along with the concession of observer status, they appealed to ASEAN "to halt the process of preparing SLORC¹⁰ for membership" (*Bangkok Post* 1996e). In 1996, 29 regional NGOs adopted a common memorandum militating against accepting Myanmar into ASEAN, and another 227 organisations and personalities from ASEAN countries signed the "Alternative ASEAN Declaration on Burma" in October 1996. Furthermore, ideas were put forward that ASEAN should first call for democratic achievements, and thus set conditions, before the country could enter the organisation. For example, the Singaporean Worker's Party secretary-general, Jeyaretnam, demanded that "Myanmar should have no place in [ASEAN] so long as the military keeps the people's elected government out" (*The Straits Times* 1997). Another concern of these norm entrepreneurs is that ASEAN, by offering Myanmar the membership perspective, lends support to the military junta, which interprets this as moral support and legitimacy of the regime (cf. *Bangkok Post* 1996d).

Furthermore, the demands for review of membership criteria are in certain cases also linked to the idea of compatible fundamental political

10 From 1988 to 1997, the military regime in Myanmar figured under the name of State Law and Order Restoration Council (SLORC). From 1997 until its official dissolution in 2011, the council carried the name State Peace and Development Council (SPDC).

norms between ASEAN and the applicant. An unnamed delegate to the 29th ASEAN Foreign Ministers Meeting of 20 July 1996 was cited as saying:

Asean should review criteria for membership of the grouping, and decide whether these should include the enjoyment of compatible values in the matter of human rights [...]. Human rights are of international concern [...]. In the view of human rights advocates, they should matter to a grouping that is accumulating an international array of dialogue partners in security and economic affairs (*Bangkok Post* 1996b).

Another position put forward was that:

Asean [...] should at the very least impose some conditions to force the country to impose reforms and respect human rights and democracy to a certain extent and discourage it from acting like a criminal at large (*Thongpao* 1997).

In November 1999, during the NGO-organised ASEAN Peoples' Summit in Manila, ASEAN was requested:

to review its membership and standards for membership so that illegitimate states with deplorable human rights records, like the military junta in Burma, will not continue to compromise the association's pursuit on human rights and will not tarnish its image before the international community (ASEAN Peoples' Summit 1999).

Some voices also elaborated on Myanmar's accession and its implications for ASEAN, albeit in most cases stressing the credibility and reputation of ASEAN. "Accepting Burma as an observer opens questions about the groups [sic!] future credibility" (*Bangkok Post* 1996c), and

Burma's integration is a political issue that ASEAN can hardly afford to deal with in isolation from the sentiments of pro-democracy forces in some member states at home or among allies abroad (Manibhandu and Sawatsawang 1996).

Looking at the Myanmar–ASEAN issue in 2003, already a few years after the country's accession, we can also observe the tight relationship between membership and RO identity. By this time, serious setbacks in Myanmar's path to national reconciliation occurred, turning the country into a major embarrassment that tarnished ASEAN's reputation internationally. This led to a verbal outburst by the Malaysian leader, Mahathir, threatening Myanmar with possible expulsion from the association

should Yangon not release Suu Kyi and 1,400 other political prisoners (Bandoro and Luhulima 2003). Officially, this remarkable statement only represented Mahathir's personal view, and was not made on behalf of ASEAN. However, given the high frustration within ASEAN over the Myanmar issue at that time, it seems plausible that secretly this threat also reflected the opinion of other ASEAN members. Another certain thing is that everyone, including Mahathir, knew that expulsion would not be a real possibility since this would be against the spirit of ASEAN. However, what we can extract from this incident is that ASEAN was certainly very closely watching the situation in Myanmar, and continued to encourage democratic transformation. In 2004, before an Asia-Europe Meeting (ASEM), Nguyen Dy Nien, foreign minister of Vietnam, said that "ASEAN is trying to democratize Myanmar" (Latt 2010). In July 2007, ASEAN foreign ministers

expressed concern on the pace of the national reconciliation process and urged Myanmar to show tangible progress that would lead to a peaceful transition to democracy in the near future (ASEAN 2007).

Again, this statement reveals that the norm of democracy was playing a role for ASEAN.

Having presented evidence for obstacles put in the way of the Myanmar accession process, I will take a closer look at norm entrepreneurs and their strategies to pressure ASEAN. Internally, there is a clear division among member states according to which political system they espouse, with a clear difference between those of a more democratic orientation that support change, and those rather disinclined towards democracy and human rights advances in ASEAN. The Philippines and Thailand in particular voiced concerns about an expedited acceptance of Myanmar. Later, together with Indonesia post-Suharto, they encouraged ideas for political norm change in ASEAN. These governments also served as norm entrepreneurs by providing access points for promoting ideas in the inner ASEAN circle. For instance, the Thai government was approached by local as well as international human rights organisations

asking Thailand not to support that country's membership of Asean. 'It would be like taking a thief into our house,' said social critic Sulak Sivaraksa. [...] Mr Sulak said the groups did not want Asean to take in Burma because it would compromise democratic countries (*Bangkok Post* 1997).

Interestingly, the speaker refers to ASEAN as a community by mentioning a house where a thief represents some disturbance from outside –

Myanmar is hence considered to be some illegal source of irritation. The Philippines, sometimes described as being very concerned with moral ideas in ASEAN, also introduced the caveat that the Philippines must take into account the pro-democracy orientation of its people: “Philippine Foreign Minister Domingo Siazon cited the sentiments of pro-democracy groups in the two countries [the Philippines and Thailand] when he expressed reservations about Burma’s entry” (*Bangkok Post* 1996a). The same article cited an informed source from the ASEAN foreign ministers’ informal meeting in New York as saying that consensus had been reached to block Myanmar’s admission as a full member in 1997. Although the official reason given for this delay was that the country would need more time to get ready for integration, and although the latest political developments in Myanmar were not discussed at the meeting, the source says that the latest development “may have been one of the criteria in the minds of ASEAN member states” (*Bangkok Post* 1996a).

Other regional actors repeatedly named in media reports are NGOs such as Altsean-Burma or FORUM-ASIA, both Bangkok-based. Altsean-Burma was founded in October 1996, and can be regarded as a regional network of pro-democracy activists, channelling activities concerning Myanmar and the country’s human rights situation. Another objective was to provide activists and decision-makers with information about the country. Although it primarily focusses on Myanmar and its democratic development, the network also has the goal of “[a]dvancing ASEAN reforms that will uphold democracy and human rights amongst members”.¹¹ FORUM-ASIA is cited for its advocacy-strategy, which included campaigns targeting both national governments and at the regional level. The campaign directed at the governments of member states in particular was meant to pressure the “hesitant” countries, that is those that had concerns about Myanmar, to speak out in ASEAN.

As mentioned earlier, external actors, especially the EU and the US, also played a decisive role in the stigmatisation process, all this on the basis of Myanmar breaching international human rights norms. The EU in particular had been involved in human rights dialogues with ASEAN since the beginning of the 1990s; however, differing standpoints led to mounting tension between the two ROs. The subsequent years of inter-regional dialogue on human rights were marked by ups and downs. While the EU in one instance softened its straightforward approach and agreed not to explicitly intervene on the issue of Myanmar, it later brought pressure to bear by cancelling the annual ASEAN–EU meetings

11 See <www.altsean.org/Aboutus.htm> (16 July 2014).

from 1997 to 2000 (cf. Manea 2008). Thus, effectively the realisation of the Myanmar accession process also provided the EU with a hook for its human rights campaign vis-à-vis ASEAN, as an opportunity arose to introduce criticism by means of a concrete example. Although interviews with former government officials in Southeast Asia disclosed that this EU pressure did not play a role, it seems plausible at the least that it helped to keep the window of opportunity open for norm entrepreneurs. Furthermore, the involvement of the EU in the discussion process can be seen as another factor stimulating the identity formation process, since ASEAN “seeing the European Union as its external other is central to its collective identity” (Manea 2008: 374f.).

The analysis presented so far only draws attention to those voices that criticise ASEAN’s acceptance of Myanmar, or those that ask for instance for conditions and changes to ASEAN’s membership criteria. Naturally, the discourse also included expressions that defended ASEAN’s policy of engaging Myanmar compared with the strategy of international isolation pursued by Western powers. Even though these statements play a part in identity formation, they are not explicitly reported here, as the aim is to identify those actors that insert ideas for change into ASEAN. The case study importantly showed that the accession of Myanmar to ASEAN did not proceed in an absolutely smooth and unobstructed way, but was somewhat controversial and was accompanied by discussions about fundamental norms and regional identity. The empirical part revealed that discussion of these controversies was not only initiated by CSOs or NGOs, but also existed in modest ways at the level of heads of state or government. Given the initial position of ASEAN, made up of very diverse countries with different political systems, it could not necessarily be expected that Myanmar’s accession would lead to discussion about fundamental political norms, including democracy and human rights. Instead, one could also expect that, due to this diversity and the non-existence of political criteria such as democracy and human rights during ASEAN’s foundation, enlargement would not lead to discussions about such issues at all. Thus, the case study revealed interesting dynamics that are related to Myanmar’s accession.

Does the Discourse on Stigmatised Myanmar Relate to Changes in ASEAN’s Identity?

The examples presented above testify to the discourse on norms that emerged along with ASEAN’s enlargement to include Myanmar, showing how entrepreneurs used enlargement as a way of communicating

their ideas on democracy and human rights. The general theoretical assumptions on enlargement also included ideas on the emergence of norms as part of an RO's institutional identity. Hence, the question would be whether the discourse on norms is followed by a process where new community norms emerge, or established ones become contested or even changed. However, the historical process of identity formation is also one that is still "in-the-making": although ASEAN has officially ascribed to certain norms, this cannot be equated with a status in which norms are internalised, that is, having achieved a quality that is taken for granted. This makes it difficult for this study to give a definitive answer on the relationship between norm discussions raised during Myanmar's accession process and the institutionally formalised norms in ASEAN today. The following section, therefore, suggests considerations on which way the described developments on Myanmar might relate to the broader picture of institutionalisation of ASEAN norms, leaving it open for further research to present evidence on this question.

Firstly, the events surrounding the start of the Myanmar enlargement story have to be put into context, as international human rights activities and heightened attention towards them run in parallel. In March 1993, in preparation for the World Conference on Human Rights in Vienna, ASEAN and other Asian countries signed the *Bangkok Declaration of Asian States* (1993). By way of this document, the signatories acknowledged the universality of human rights, but at the same time stressed national and regional particularities, and thus cultural differences. However, this declaration was significant as it was officially approved by the ASEAN foreign ministers during their 26th meeting in Singapore on 24 July 1993, where ASEAN confirmed the necessity to establish a regional human rights mechanism, and for the first time ever the term "human rights" was used in official ASEAN language. All of this took place at the same meeting in which observer status for Myanmar was deferred by the foreign ministers. Hence, the Myanmar accession story has to be seen against this background of broader events. Furthermore, the previously described cooling down phase around 1995 is remarkable as there is a timely coincidence with the foundation of the Working Group for an ASEAN Human Rights Mechanism which, compared with other CSOs or NGOs, enjoys an extraordinary partnership within ASEAN official circles.¹²

12 The "Working Group" was founded in reaction to ASEAN's 1993 official recognition of the need for a regional human rights mechanism, and was acknowledged by the ASEAN foreign ministers in 1998.

Generally, the campaign not to include Myanmar, a request formulated by certain norm entrepreneurs, failed because there were no political criteria set out by ASEAN as membership conditions. Acharya sees this failure rooted in the fact that “advocacy of human rights and democratic governance had no place in ASEAN, which did not specify a democratic political system as a criterion for membership” (Acharya 2004: 262f.). However, one achievement of this campaign can be seen in the space that exists today for human rights and democracy in ASEAN; although these principles are still not official membership criteria, and the mandate of the ASEAN Intergovernmental Commission on Human Rights (AICHR) is more one of promotion rather than protection. But one could conclude that the campaign caused several voices to be united, and thus it contributed to making the discourse heard. For example, numerous organisations that worked independently on Myanmar, took the opportunity to unite on this issue: during a summit in 1996, 29 regional NGOs adopted a common memorandum militating against accepting the country into ASEAN.

In October 1997, 227 organisations and individuals from ASEAN countries signed the “Alternative Declaration on Burma”, and during the ASEAN Peoples’ Summit in Manila in November 1999, ASEAN was requested to revise its membership criteria. Over the years, ASEAN has started engaging in a discourse on its identity, also including fundamental political norms of a liberal democratic character. Comparing the language of the 1967 Bangkok Declaration and the 2007 ASEAN Charter shows that there has been an evolution in terms of a more precise language, as well as concerning ASEAN’s positions which are now clearer and more pronounced. Today, ASEAN is emphasising its idea of a “community sharing and caring for social problems”, with a “vision of one identity”. Furthermore, the adoption of the ASEAN Charter is a progress in itself since it entails a legally-binding commitment made by all ASEAN member states. In the same vein, one could argue that the establishment of the AICHR is a big step forward for ASEAN.

In addition, the RO has also expanded its range of discussion partners. Whereas at the beginning of the process, only the “Working Group” enjoyed privileged access to ASEAN, today other CSOs or NGOs also receive the opportunity to interact with ASEAN via specific interfaces or consultations. The openness under which the ASEAN Civil Society Conference took place in Yangon in March 2014 is another sign of progress (cf. Rother 2014). Far from being naïve about this development, one can state that there are more implicit spaces accorded to civil society in ASEAN (cf. Dosch 2008). These developments seem to point towards

some changes concerning the perception of civil society or non-governmental groups by decision-makers. Whilst at the beginning, they were mostly regarded as a threat or trouble-makers, now to some extent there also seems to be a favourable notion that interaction with these norm entrepreneurs can be enriching. Of course, this evaluation does not turn a blind eye to the fact that civil society actors across the region still often struggle to be heard, or must fight against violence.

One norm at the core of ASEAN interstate relations is the non-interference principle. The question of Myanmar is strongly associated with the discussion about ‘constructive engagement’, which was later relabelled ‘flexible engagement’, and finally ‘enhanced interaction’. Although these concepts are similar in content, their development testifies to the recalibration of the non-interference norm. Flexible engagement, a 1997 proposal made by the then Thai foreign minister, Surin Pitsuwan, envisioned more frank and open discussions about internal affairs with trans-border implications and thus those of regional concern. “[H]e relentlessly advanced the idea that Asean should seriously revise its non-intervention principle and adapt to changing times” (Kumara 1998), aimed at softening the non-interference principle. This flexible engagement proposal was “born out of frustration of the Burma situation” (Spindler 1998). Interestingly, Surin Pitsuwan “had reframed [his proposal] away from purely moral politics and stressed crisis management and efficacy gains for ASEAN from such a policy shift” (Acharya 2004: 268).

Here, crisis management also refers to the Asian financial crisis, which broke out in parallel to ASEAN’s Myanmar policy. Although some authors (Jones 2010: 2012) argue that in practice ASEAN violated the non-interference norm on many occasions, and did not see any norm change, there was still something new about it in ASEAN, making the norm of non-interference and its handling officially a subject for discussion. This has also led to shifts that provide opportunities to criticise the behaviour of other members, or to address controversial issues (cf. Hund 2003). Institutionally, this is supported by two new principles introduced in the 2007 ASEAN Charter. Article 2, paragraph 2b, refers to the “shared commitment and collective responsibility in enhancing regional peace, security and stability”. Paragraph 2g of the same article foresees “enhanced consultations on matters seriously affecting the common interest of ASEAN”. In addition, the 2003 threat concerning a possible expulsion of Myanmar and the subsequent discussions during the preparations for the ASEAN Charter about such clauses shows that

there is a need to define what is considered in ASEAN as acceptable behaviour and what is not.

Generally, the status of democracy and human rights issues in ASEAN today testifies to important developments. Although not every move by ASEAN or change can be directly linked back to Myanmar's accession, the growing discourse that emerged around Myanmar's membership process has certainly paved the way for norm developments.

Concerning Myanmar's democratic transformation, it transpired from interviews conducted in Southeast Asia in early 2014 that many ASEAN officials and national government officials like to emphasise ASEAN's important and successful role in Myanmar's democratisation, referring to the fact that ASEAN has consistently encouraged political change. Thus, how could the role of democracy not be of any importance for ASEAN? At least, the various statements presented in the case study send signals that ASEAN members are moving closer together on the idea of political criteria, although they have not gone so far as to explicitly set the Charter principles as membership criteria. The idea of suspension, expulsion or withdrawal of erring members was again brought up during preparations for the ASEAN Charter, when the Eminent Persons Group (EPG) suggested a provision in that respect to be introduced in the Charter. However, in subsequent discussions by the High Level Task Force (HLTF), composed mainly of foreign ministry officials, the decision was made not to further follow through with this proposition, as it would be inconsequential to establish such a clause when ASEAN had not defined criteria for membership.

Moreover, it is fitting to end with a general assessment of the space for fundamental political norms in ASEAN today. Rafendi Djamin, Indonesia's AICHR representative, sees important institutional human rights elements in ASEAN, with consequences for the RO's handling of such issues (cf. Benakis 2014). As an example, he cites the need for closely watching the situation in Brunei, where in May 2014 Sharia Law was introduced, and which he contrasts with the country's signature of the 2012 ASEAN Human Rights Declaration. Furthermore, current discussions on the review of the AICHR's Terms of Reference (TOR) contribute to norm ideas and conceptions being circulated. These propositions concern especially the introduction of a peer review on human rights situations in the member states, the transformation of the AICHR mandate from promotion to real protection, and greater transparency in the nomination process for AICHR representatives. However, these developments also greatly challenge ASEAN since its democratic ambitions are associated with expectations by its people as well as outsiders,

as Thailand's coup has recently shown. The enthralling question in this case is whether reflections take place in ASEAN about what is happening in the midst of the community, and whether ASEAN asks whether it can accept events like this happening uncommented on by ASEAN.

Concluding Remarks

This paper has argued that assessing democracy and human rights issues in ASEAN today needs to look at the process of enlargement as a potentially decisive factor in ASEAN's regional identity-building. Collective identities can only develop in processes of demarcation against an "other", and importantly involve marking a deviant actor. Furthermore, the paper has used the concept of stigma, which explains that ASEAN's definition of identity was not only, or even primarily, a positive one, in the sense of all countries being flawless champions of human rights or democracy, and thus pushing for the institutionalisation of the respective principles in ASEAN. Rather, through the discussion about stigmatised Myanmar as a deviant actor, and thus by being confronted with something which ASEAN did not desire, ideas were introduced regionally that later also played a part when identity was defined more precisely and in more detailed terms. This idea is also a reply to those critical of an "ASEAN identity", assuming that member countries are too diverse to be united on common principles, especially of political ideology as a basis for its identity. This latter assumption focusses on similarities as a basis for the definition of collective identity, and neglects, however, the important aspect that deviance is of equal importance for identity definition.

This study has provided first-hand empirical evidence on the idea of Myanmar's stigmatisation and its contribution to the establishment of a regional identity. The empirical illustrations have shown that ASEAN's norm structure has consistently been targeted by norm entrepreneurs. These entrepreneurs used the window of opportunity, opened through the accession of stigmatised Myanmar, to strengthen their discourse and to introduce ideas about democracy and human rights as components of regional identity into ASEAN. The analysis showed that stigmatisation played an important role in the regional debate, as norm entrepreneurs used this special status and framed their arguments around it. This aspect of stigmatisation also explains why the regional discourse took off with the accession of Myanmar and not earlier, for example with Vietnam's membership in 1995. The norm entrepreneurs in the case of Myanmar especially criticised the norm of non-interference, calling instead for the

introduction of political criteria that involve democracy, rule of law and human rights. Furthermore, pressure from internal and external actors forced discussion to evolve over time, so that ASEAN was confronted with this persistent discourse, and at least was forced to open itself up to these discussions. In the short-term, this did not necessarily lead to immediate changes of ASEAN's institutionalised norms. Although the accession of Myanmar may not be associated with immediately institutionalised or formally written-down outcomes, there has, nonetheless, been increased activity on human rights and democracy issues in ASEAN.

Besides, some of the discussion topics and related ideas were taken up by single members or representatives, and maybe also integrated into ASEAN meetings or in its agenda. In the long-term, this enforced discourse might also have consequences on norm change, since along with Myanmar's accession, the RO had to deal with and position itself vis-à-vis these debates. Presumably, a tentative conclusion might be that out of this there might result some form of undermining or erosion of the non-interference norm, losing some of its relevance. As the Myanmar case presented above has not been an "ultimate test" of the theoretical argument, further research has to offer a more comprehensive test, also applicable to other cases. The systematic application of the theoretical model to all accession cases should deliver a complete account of ASEAN enlargement.

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