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REGIONAL ORGANISATIONS AND CONFLICT MANAGEMENT: COMPARING ASEAN AND SAARC

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Regional Organisations and Conflict Management: Comparing ASEAN and SAARC

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Abstract

This paper compares the role of the Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC) in managing inter-state conflicts in their respective regions. It argues that ASEAN – despite its weak formal mandate to resolve conflicts – has been more effective in enhancing regional security and order, albeit in an indirect way. SAARC, on the other hand, has yet to take off and contribute towards the creation of a predictable and orderly regional environment. The paper identifies and explains the significant factors that have helped or hindered ASEAN and SAARC in addressing and dealing with regional conflicts.

Introduction

Countries occupying a common regional space often feud with one another rather than cooperate. This is clear from the presence of regional conflicts in several parts of the world. Such conflicts not only sap the energy of the conflicting states; they also affect the fortunes of other states in the region and make the entire region unstable and unattractive. This realisation, at least in some cases, has spurred the formation of regional organisations which are based on the principle of cooperation. Paradoxically, while states jealously guard their sovereignty they are also enthusiastic about forming regional groupings that have the potential to diminish their sovereignty. This essentially means two things: that there is some kind of trade-off between sovereignty and cooperation, and more importantly, that the viability of a regional organisation depends on the member states' ability to manage the trade-off.

The triggers for the creation of regional organisations are varied. They include a strong desire for reconciliation and rebuilding after a destructive war; keenness to dampen ongoing intra-regional conflicts; and a need to avoid the embarrassment of being a region devoid of a regional entity. Building a regional organisation under such fraught circumstances may be difficult but not infeasible, as demonstrated by the European states after World War II and the non-communist states of Southeast Asia in the 1960s. The South Asian experiment in regionalism, however, falls under the third category because this was one of the few regions not to have made any attempt to build a regional organisation until the 1980s.

Although regional organisations have not produced uniform results across the world, they have been fairly popular as forums for engagement between proximate states. It is even suggested that in present times regionalism has become the 'central concept for organising world politics' (Katzenstein 2003: 89. See also Katzenstein 2005). Even when regionalism accomplished little, such as during the Cold War, regional organisations continued to

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proliferate. Following the end of the Cold War such organisations acquired a greater profile, particularly after the UN eagerly partnered them in peace-building efforts in many of the world's conflict zones.² Their potential to promote regional order and peace was forcefully presented by UN Secretary General Boutros Ghali in 1992 when he called for complementary efforts between regional arrangements and the UN to contribute towards the resolution of conflicts and maintenance of international peace in a manner consistent with Chapter VIII of the UN Charter (UN 1992). The underlining principle was the potential of the organisations as regional order-builders and their appropriateness for handling conflicts at the formative or nascent stage.

The motivation for forming regional bodies is thus simple: neighbours are better off if they are friendly and not fractious. Regional cooperation is supposed to create the necessary atmosphere for converting foes into friends. Admittedly, mere membership of a regional organisation would not do the trick. But as part of a regional arrangement there is bound to be plenty of interaction among members and, as these links become thicker, the expectation is that the incentive to use force to resolve disputes will decrease. The best illustration of this process is, of course, Europe. The remarkable result of creating a zone of peace and prosperity or 'a pluralistic security community' (Deutsch 1957: 5) has acted as a stimulus for other regionalist endeavours. However, they are usually less enthusiastic about importing the structural or formal features of the European model because they want to retain their sovereignty intact and are therefore reluctant to create institutions with supranational authority. In the case of the Association of Southeast Asian Nations (ASEAN), for example, an informal approach without any binding legal obligations has been the preferred mode of operation (Severino 2006: 4-11).

Regional enterprises in the developing world have been about reinforcing state sovereignty and not diluting it, and therefore the trade-off element works differently in this case. This is especially so for a weaker or smaller state, as was palpable in the case of Singapore when it joined the ASEAN in 1967 and also Brunei when it entered ASEAN in 1984 as the sixth member (Weatherbee 2005a: 26-27). Their rationale for membership in a regional organisation was that it was likely to provide better protection against any predatory move that might be contemplated by the regional heavyweights (Leifer 2005: 76). Common membership reduces the chance of such behaviour as all the members are bound by the principle of non-interference and decision making by consensus or unanimity. Inter-governmentalism rather than supranationalism (delegation of decision-making authority to institutions above the national level) is the hallmark of such organisations, which has important consequences for conflict resolution and dispute settlement. Both ASEAN and the South Association for Regional Cooperation (SAARC) are essentially inter-governmental arrangements, and this complicates their ability to address and manage intra-regional conflicts.

Against this background, this paper aims to identify and explain the significant factors that have helped or hindered the effectiveness of ASEAN and the South Asian Association for Regional Cooperation (SAARC) in addressing the conflicts in their respective regions and ensuring regional order and peace. The focus is primarily on inter-state conflicts, which lie beyond the official remit of these organisations – emphasising as they do the principle of non-

² For instance, in Cambodia with ASEAN, in Bosnia with North Atlantic Treaty Organisation (NATO), in Haiti and El Salvador with the Organisation of American States (OAS), in Liberia with Economic Community of West African states (ECOWAS), and in Rwanda and Burundi with the Organisation of African Unity (OAU) (Barnett 1995).

interference in the domestic affairs of their member states. This paper examines the factors that have influenced the ability of ASEAN and SAARC to reconfigure inter-state relations and create a predictable and orderly regional environment. The most significant factors in this regard are the following: the formal and informal mandates and mechanisms employed by regional organisations to deal with conflicts; the extent of shared values and norms among member states; the role of the pre-eminent or pivotal power; external actors' impact on the regional organisation; leadership; and the regional organisation's willingness to learn from its inadequacies and re-tool itself.

The paper argues that ASEAN has been more effective than SAARC in the production of regional security and order. Since its formation ASEAN members have not used military force to resolve inter-state disputes. This does not mean that the region is devoid of conflicts. There are unresolved security problems, both territorial and identity-based, but they have not provoked hostilities. Despite its weak formal mandate for resolving conflicts, ASEAN's presence has made for a more orderly Southeast Asia. In Michael Leifer words:

(ASEAN) has developed over the years into a working diplomatic community and has concurrently grown in international stature... Consultation and cooperation within ASEAN have created a zone of peace of a limited but valuable kind in comparison with the circumstances of the early 1960s. (Leifer 1983: 106)

According to Muthiah Alagappa, 'ASEAN facilitated the transformation of a sub-region of turmoil into a more stable and predictable area in which the role of force has been minimised, though not eliminated' (Alagappa 1998: 108). In South Asia, on the other hand, the use of military force remains an option, as was evident in 1999 when Pakistan and India fought the Kargil War. Both countries also menacingly amassed troops on their borders in 2002. Common membership of SAARC has not modified perceptions and behaviour of its members, whose relations are bedevilled by deep mistrust and antagonism (Gonsalves and Jetly 1999; Banerjee: 2002).

Concepts and categories

Before proceeding to explain the effectiveness of regional organisations in dealing with conflicts it may be useful to unbundle the term 'conflict management'. Conflict management combines three elements: prevention, containment and termination (Alagappa 1995: 369). The first relates to avoiding conflict situations or at least ensuring that no *violent* conflict occurs. It dampens disputes to a point where no use of force is contemplated. This may even mean shoving the conflict under the carpet with a view to dealing with it at an unspecified time in the future.³ Conflict *containment* refers to restraint in the use of force with the aim 'to deny victory to the aggressor and to prevent the spread of conflict' (Alagappa 1995: 369), which could enmesh other actors and result in escalation of violence. *Termination* of conflict is a two stage process involving both settlement and resolution (Mitchell 1989: 275-277). Settlement implies bringing violent hostilities to an end while resolution goes much further than that. It aims to eliminate or eradicate the very sources of conflict, and transform the attitude and behaviour of the conflicting parties. Obviously, this last stage is extremely difficult, but if a regional organisation can help achieve even the first – i.e. prevention of *violent* conflict – then it can be considered reasonably effective. In Southeast Asia renouncing

³ This may not be a conventional conflict prevention strategy but is perceived by scholars to have been used by ASEAN (see, for example, Zakaria 2003: 31, which acknowledges that sweeping the problem under the carpet is 'a style that might conceivably be regarded as non-Western or even indigenously Southeast Asian').

the threat or use of force to settle disputes and relying instead on peaceful processes have conducted towards this end.

The persistent feeling of insecurity that states frequently encounter can be reduced if there is a basic commitment among the members of a regional organisation that conflicts will be managed in a non-threatening way. Security, order, predictability and peace are thus ensured by relying on diplomacy and recognised international principles with the conviction that over a period of time a regional 'society of states' will emerge from a regional 'system of states'. Hedley Bull, who made these two phrases famous in the context of the international political system, defined them in the following manner:

A system of states (or international system) is formed when two or more states have sufficient contact between them, and have sufficient impact on one another's decisions, to cause them to behave - at least in some measure - as parts of a whole ... *A society of states* (or international society) exists when a group of states [already forming a system], conscious of certain common interests and values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institution. (Bull 1977: 9-10 & 13, italics in original)

Obviously, a society of states is more evolved than a mere system of states. Bull clarified what he meant by the rules of mutual relations and commitment to common institutions:

[States] should respect one another's claims to independence, they should honour agreements into which they enter, and they should be subject to certain limitations in exercising force against one another. (Bull 1977: 13)

This paper argues that adherence to norms and diplomatic rules and the development of common interests and values have been achieved by ASEAN members but are very weak, or even non-existent, among the SAARC states. ASEAN has become a cooperative security regime, where disputes are managed within the parameters of 'consensus-based norms and procedures' (Nolan 1994: 5). Before explaining the relative effectiveness of ASEAN and SAARC it is essential to describe the conflicts in the two regions.

Inter-state conflicts in Southeast Asia

ASEAN was formed in 1967. The founding members were Indonesia, Malaysia, Philippines, Singapore and Thailand. Brunei, Vietnam, Laos, Myanmar and Cambodia joined the Association subsequently. The ASEAN Secretariat is located in Jakarta, Indonesia. The highest decision-making body is the Summit which is convened annually. The ASEAN Ministerial Meeting comprising the foreign ministers is held annually.

At the time of ASEAN's birth there was lingering suspicion between the dominant regional power, Indonesia, and its neighbour Malaysia following the 1963 Confrontation or *Konfrontasi* and the dispute between Malaysia and the Philippines over their claims on the North Borneo territory of Sabah. Initially, no real progress in regional cooperation materialised. A stirring began to occur only after nine years of the Association's existence. The defining moment for ASEAN was 1976, when it held its first summit. There was a realisation on the part of the member states that the external environment following the communist victory in Indochina in 1975 made it imperative for them to get their act together. This resolve led to the Declaration of ASEAN Concord and a Treaty of Amity and Cooperation in Southeast Asia (TAC). These were expected to enhance regional cooperation

and security by enshrining the principles of non-intervention in domestic affairs and non-use of force and relegating boundary disputes to the back burner. This was a preventive strategy by which the 'ASEAN states managed to shelve the disputes among themselves, effectively forming a weak sub-regional security regime whose members agreed not to pursue their disagreements by force' (Buzan and Weaver 2003: 135). ASEAN held its second summit in 1977 and the event proved noteworthy when President Marcos of the Philippines renounced his country's claims on Sabah.

A broad framework of multi-dimensional cooperation in economic and cultural fields was unveiled by ASEAN leaders in 1976. Economic prosperity in particular was considered essential to insulate the region from communism. This spurred the ASEAN members to underplay their differences and work towards building national and regional resilience. They registered impressive economic growth in subsequent years, which was, admittedly, due to the progressive economic policies of individual states rather than to a collective ASEAN effort. Nevertheless, it should be stressed that these states were able to pursue the goal of economic development because regional cooperation created the necessary environment for it.

In the 1980s, ASEAN made its mark in the politico-diplomatic sphere. The success in the diplomatic realm was most evident during the Third Indochina War when ASEAN states relentlessly kept up the diplomatic pressure on Hanoi to reverse its 1978 invasion of Cambodia. One of the significant consequences of that conflict was that it engendered extraordinary cohesion among ASEAN members and breathed a purpose into the organisation. This impressive diplomatic effort and the major changes at the global level, like the winding down of the Cold War and the loss of Soviet support to Vietnam, led to the withdrawal of Vietnamese troops from Cambodia in 1991.

The ASEAN states entered the 1990s with a sense of pride for what they had achieved in the diplomatic realm. Their ability to speak with one voice on the Cambodian conflict and their economic progress brought ASEAN a great deal of international recognition as the most successful regional organisation in the Third World. After the end of the Cambodian conflict ASEAN began preparing for membership expansion to realise its long cherished dream of a united Southeast Asia. But this proved elusive after the July 1997 coup in Cambodia. ASEAN states responded to the coup by postponing Cambodia's entry into the Association until its domestic political situation stabilised. The same year also brought other troubles, such as the regional economic crisis that was triggered by the collapse of the Thai currency and environmental hazards like the haze caused by Indonesia's forest fires. These crises put considerable strain on the Association and exposed its weakness as a regional actor because it failed to offer any regional solution to the problems. Arguably, ASEAN was not designed for tackling such issues, but all the same its relevance appeared diminished.

The crises also brought to the fore some of the dormant differences among member states. While some of the bilateral problems between them had always been a part of the ASEAN regional scenario, they had not previously vitiated the atmosphere to the extent they did around this time (Ganesan 1999). When the East Timor crisis hit the region in 1999 the chink in ASEAN's armour became even more apparent.

In early 1999, President Habibie of Indonesia announced that he favoured a referendum organised by the UN to determine East Timor's independence. In August the East

Timorese people voted overwhelmingly in favour of independence. This was greeted by a wave of brutal attacks on the civilian population by the Indonesian army and pro-Indonesian militias. Indonesia's ASEAN partners barely raised their voice against the repression or made any moves to restore normalcy. It was the subsequent intervention by the International Force for East Timor (INTERFET), led by Australia, that succeeded in restoring order. ASEAN's non-role in the episode was glaring and despite the regional states' reservations about the involvement of external powers in regional conflicts, it was the latter that stabilised the situation.

Even more remarkable than inaction was the marked divergence of views among ASEAN members about the propriety of participating in INTERFET (Weatherbee 2005a: 28-30 & 235-238). While Malaysia and Singapore initially demurred (Straits Times, March 5, 2004), Thailand and the Philippines decided to join the Australian-led forces. The newer members (Cambodia, Laos, Myanmar and Vietnam, or 'CLMV states') resolutely kept away from it. The eventual presence of the core ASEAN members in the peacekeeping mission, however, was not a collective but an assorted effort. In effect, ASEAN had failed to take the initiative to address one of the most critical conflicts in the region. It could not cajole Indonesia to moderate its behaviour, nor did it offer anything but an awkward response to the actions taken by outside powers. ASEAN's conflict management modalities proved inadequate and dented its credibility as a bulwark of stability and order in the region. This was patently the downside of the non-interference principle. Even so, the regional states' belief in the organisation's utility remained undiminished.

Although the multiple crises of the late 1990s exposed ASEAN's limitations, to some extent the Association redeemed itself by minimising the level of tension over the South China Sea dispute. Among the unresolved territorial claims in Southeast Asia, this conflict, also referred to as the Spratlys dispute, is noteworthy. It involves a number of ASEAN countries (Malaysia, Philippines, Brunei and Vietnam), as well as China and Taiwan. For a decade ASEAN and China have been engaged in crafting a mutually acceptable code of conduct to deal with the issue. China claims sovereignty over the whole area, and its 1995 attempt to build structures on some of the islands caused considerable tension and disquiet in the region. In order to check Chinese ambitions a code of conduct was considered necessary by ASEAN, but reaching a complete agreement proved difficult. Nevertheless, the Declaration on the Conduct of Parties in South China Sea was adopted in 2002. Although not binding, the declaration has kept the parties from resorting to force. According to Rodolfo Severino:

ASEAN's collective dealings with China on the South China Sea issue, in addition to the bilateral interaction of each claimant-state with Beijing, are among the most significant manifestations of ASEAN solidarity and cooperation in a matter of vital security concern. (Severino 2006: 180-181)

The declaration commits the claimant states to settle the conflict peacefully in line with the principles of international law. It was a victory for ASEAN to get China to move away from its preferred option of dealing with the issue bilaterally towards an associational level engagement.

In sum, it was a weakened but not broken ASEAN that emerged from the regional crises of the late 1990s. ASEAN managed to survive the ordeals and learn some lessons. In order to improve the management of inter-state conflicts in a more effective way and take cooperative security to a higher plane, in 2003 regional leaders signed the ASEAN

Concord II, which endorsed the establishment of an ASEAN Community. This does not mean that territorial contestations and bilateral differences have vanished. The longstanding Sabah claim, areas in the oil-rich Sulawesi Sea contested by both Malaysia and Indonesia, and the dispute between Singapore and Malaysia over Pedra Branca persist, but at very low intensity.

Similarly, bilateral tiffs are also not unknown. They include Singapore-Malaysia differences over water supply and its pricing, the replacement of the existing causeway, and the dispute over the development of Malayan Railway land. There are Singapore-Indonesia problems over an extradition treaty, export of sand for Singapore's reclamation project and the dumping of hazardous waste (Jakarta Post, March 2, 2005). A war of words between Singapore and Thailand over Temasek Holdings' investment in former Thai Prime Minister Thaksin Sinawatra's family business affected the friendship between the two countries. The insurgency in southern Thailand put Bangkok's relations with Kuala Lumpur under tremendous strain in 2004-2005. Thailand also had a short, sharp row with Cambodia in 2003 over an alleged remark by a Thai actress that Cambodia's famous Angkor Wat temple belonged to Thailand. This provoked a popular outburst in Cambodia where mobs targeted Thai businesses and its embassy. Thailand strongly criticised the feeble efforts made by the Cambodian authorities to curb the mob frenzy and ended up expelling the Cambodian ambassador. Bangkok also demanded compensation for the destruction of Thai property and an apology from Cambodia, which the latter eventually rendered, defusing the crisis. In sum, bilateral spats among ASEAN members are a feature of regional relations, but there is a concerted effort to contain them.

Credibility has become a critical issue for ASEAN as it grapples with developments in Myanmar. The frustrations with the obdurate military regime in Yangon, which has failed to make any progress on democratic reforms and has kept Aung San Suu Kyi in detention, are openly voiced in some of the ASEAN states. The non-interference principle, for once, was set aside by ASEAN when Myanmar was forced to give up its turn to chair the Association two years ago.⁴ The regime came in for strong criticism from member states for using force to suppress the countrywide protests led by the monks last September (Straits Times, September 29 & October 2, 2007). The unease over Yangon's behaviour continues to pose a dilemma for ASEAN as it is torn between maintaining its reputation as a responsible regional organisation and honouring the non-interference principle. When Myanmar was admitted as a member in 1997 the ASEAN states were confident that engagement was the best way to moderate the junta's behaviour. Subsequent events, however, have proved that this hope was misplaced. While ASEAN has no mandate to manage domestic political problems, Myanmar's politics are no longer an internal affair. This is clear from the reactions it evoked internationally and the expectation from the western powers that ASEAN should help moderate Yangon's behaviour. ASEAN, however, has failed so far to deliver on this and its ineffectiveness in bringing the regime to book is fairly apparent.

These realities confirm that ASEAN's record of managing conflicts is mixed. It has been effective to a great extent in stabilising the region but much less effective in dealing with domestic conflicts that have regional ramifications. Nonetheless, ASEAN has helped to keep the region free of violent hostilities and prevent disputes from escalating into a full blown war. It has done this by relying on diplomacy conducted on the sidelines of ASEAN

⁴ Myanmar announced that it would step aside in favour of the Philippines to hold the next ASEAN chair (Straits Times, July 27, 2005).

meetings away from public gaze. It has also avoided the use of coercive strategies to ensure regional order. This means that a *de facto* security community exists in Southeast Asia where the member states' interactions are similar to those of members of a 'society of states', as envisaged in Bull's formulation.

Inter-state conflicts in South Asia

The South Asian reality is vastly different from that of Southeast Asia. The presence of a regional organisation has not blunted the raw edges of historical irritants between members nor ameliorated the high levels of suspicion and distrust among neighbours. Many of the region's conflicts are products of the colonial era, but they have also been exacerbated by the short sighted policies of states. Precisely because of their inflammatory nature, one of the conditions that bound SAARC from the beginning was to keep contentious issues off its agenda.

SAARC was formed in 1985 by the seven countries of the region: Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. Afghanistan was admitted as the eighth member in 2007. The SAARC Secretariat is located in Kathmandu, Nepal. The annual summit meeting of the heads of governments and states is the highest decision-making body. The Council of (Foreign) Ministers, which meets twice a year, assists the summits.

When the South Asian states decided to embark on regionalism in the 1980s no visible change was discernible in the existing pattern of regional conflicts. These conflicts ranged from strategic and boundary disputes, water-resource management and migration issues, trade and transit questions to ethno-nationalist tensions. The disputes born of these sources are both protracted and intractable, topped by the running feud between India and Pakistan. The distrust between the regional rivals and the main contours of their troubled relationship have remained intact since they attained their independence in 1947. They have fought four wars (1947-48, 1965, 1971 and 1999) and faced a number of crises in which the potential for violence was high (1984, 1987, 1990 and 2002). Terrorist threats, nuclear and missile rivalry, and, above all, the unresolved Kashmir territorial dispute constitute the main areas of tension between these two countries.

After India's partition and the creation of Pakistan in 1947 the latter expected that the Muslim majority state of Kashmir, ruled by a Hindu king, would become a part of it. But the ruler of Kashmir refused to make up his mind as to which of the two states he would join. In October 1947, Kashmir was invaded by thousands of Pakistani tribesmen who began advancing towards the state capital, Srinagar. Unable to defend Kashmir, the Hindu king signed the instrument of accession and opted to join India. Soon afterwards Indian troops were airlifted to Srinagar and secured the capital. The fighting was halted after the UN imposed a ceasefire in 1948. The ceasefire line, or Line of Control (LOC), in effect divided the state with one-third of Kashmir falling under Pakistan's control. Pakistan has tried since then to take Kashmir by force but has not succeeded. The two countries continue to wrestle over this problem. The debilitating effect of their bitter rivalry has been substantial and determines the course of South Asian regionalism. For instance, the Eleventh SAARC Summit was convened after almost three years of its postponement in 1999, following the Kargil War and the military coup in Pakistan. This was because India was unwilling to share a forum with Pakistan, and legitimise the military regime and its leader who had masterminded the Kargil operation.

South Asian regionalism is vulnerable to other frictions as well. One set of conflicts involves India and its smaller neighbours, and other conflicts are between some of these countries themselves. India and Bangladesh have frictions over a host of issues, such as the sharing of water from common rivers, divergent claims on maritime boundaries and newly formed islands, India's alleged involvement in Bangladesh's ethnic problem in the Chittagong Hill Tracts, bitterness over the construction of a border fence by India, Bangladesh's alleged harbouring of insurgents from Northeast India, India's ire over the use of Bangladesh's territory for cross-border terrorism by Islamic militants, a yawning trade gap, Dhaka's demand for a corridor through Indian territory for Nepalese goods to Bangladeshi ports, and access to hydroelectric potential in Bhutan. April 2001 saw the worst clash between the armed forces of the two countries on their disputed border, claiming the lives of nineteen soldiers (BBC, April 19, 2001). Poor relations between India and Bangladesh disrupted two SAARC summits, one in 1992 and the other in 2005.

Indo-Sri Lankan relations have been no less acrimonious, ranging from India's intervention in the island's ethnic conflict because of its sympathies towards the Tamils, to competing maritime claims. Indian troops were deployed in Sri Lanka in 1987 to bring the civil war to an end but the effort proved a failure. Indian forces were despised by both the government and the militant rebel group, the Liberation Tigers of Tamil Eelam (LTTE). Indian intervention bred suspicion and ill will and the 1989 SAARC summit was cancelled because of Colombo's objections to the presence of Indian troops in the country.

Indo-Nepal ties have also been anything but harmonious. Nepalese resentment against India centres on the Mahakali river treaty, Kalapani border dispute and trade and transit rights. Even though some of these issues have been successfully addressed in recent years, the level of indignation against India has not sufficiently abated and sometimes manifests itself in the form of anti-Indian rioting.

The region has other conflict dyads too, albeit less virulent in nature. For instance, Bangladesh and Pakistan continue to wrestle with their unresolved disputes over the repatriation of stranded Pakistanis in Bangladesh, who have been living there since the 1971 liberation war, and also over the division of assets and liabilities belonging to the two countries (Rizvi 2003). Similarly, Nepal and Bhutan are yet to resolve amicably the controversial status of a large number of people of Nepalese origin who constitute the minority in Bhutan. A number of them have been forced to flee Bhutan and take refuge in India and Nepal.

The disputes between the South Asian countries have manifested themselves in outright wars (India and Pakistan), low-intensity conflicts (India and Bangladesh, and the Indian military presence in Sri Lanka), cross border terrorism (Kashmir), a debilitating arms race between the region's nuclear rivals, and hostile propaganda. Admittedly, no region is without intra-regional differences, and there are a host of unresolved bilateral issues within the ASEAN region too. But the possibility of open warfare between ASEAN members seems farfetched unlike the case of SAARC countries. SAARC has played no role in managing these conflicts and its progress has been marred because of them, as seen in the case of stalled summits and cancelled meetings. In the last twenty-two years only fourteen summits have been held. South Asian states lack a collective personality and constitute a *system of states* with little or no commitment to regional norms.

Factors that determine ASEAN and SAARC's effectiveness in conflict management

Formal and informal modalities of interaction

As mentioned earlier, ASEAN's conflict-management approach falls in the conflict-prevention category, by which is meant that disputes have not escalated to the level where force is used. One of the main criticisms against ASEAN states is that they are content with sidestepping rather than resolving or settling a conflict. But they see merit in their minimalist approach because it has kept the region free of violent confrontations between member states. The fact that unresolved conflicts have not erupted into wars is attributed to ASEAN's presence, the intra-regional harmony it has engendered and its unique way of combining formal and informal mechanisms to address regional issues. Even Michael Leifer, who was critical of ASEAN, noted that 'ASEAN is best understood as an institutionalised, albeit relatively informal, expression of cooperative security' that relies on 'suasion to adhere and to be accountable to international norms' (Chin and Suryadinata 2005: 122). Mely Anthony explains that the 'types of mechanisms for reconciliation found in ASEAN had been geared for conflict prevention. These mechanisms referred to broadly as [the] 'ASEAN Way' of diplomacy and accommodation have been reinforced by the careful cultivation, socialisation and adherence to regional norms' (Anthony 2003: 12).

The ASEAN story is mainly about how the member states creatively set aside thorny issues that could have unravelled their enterprise. Their consensus model has served the Association and its members fairly well. To sustain the model members have had to make some compromises with respect to deepening the integrative process, but overall the costs of the compromises have been quite bearable. Arriving at a consensus is laborious and it is not as if there is always a perfect agreement among the parties. But the lack of complete unanimity has been managed through an astute strategy of 'consensus minus X'. This allows a member to abstain or opt out and let those who are in favour of a scheme to proceed unhindered without causing any resentment. This is evident in the decision regarding the ASEAN Free Trade Area (AFTA), which permits the mature economies to go ahead with the scheme while the CLMV members are given more time to catch up with reforms before opening their economies.

Consensus is the critical element in ASEAN's decision-making process. In Diane Mauzy's words:

Along with the decision making norms are several consensus techniques: First, no issue is put onto the agenda unless all agree to it. Divisive issues that arise anyway are shelved for future discussion if no consensus emerges. Second, the members agree to disagree and present a united front publicly. Third, there is a process of slow deliberations involving consultation, compromise and concessions. Fourth, and important, the member most vitally concerned with an issue is allowed to take the lead, and the views of the 'lead state' carry considerable weight. Finally, although it was originally decided that bilateral conflicts should be resolved in-house through a High Council, the practice of outside third-party mediation has evolved as less risky to ASEAN harmony. (Mauzy 2000: 262)

The bilateral conflicts mentioned here mainly involve referring territorial disputes to an international body like the International Court of Justice (ICJ) and abiding by its decision. Disputes have also been referred to the International Tribunal of the Law of the Sea as

Singapore and Malaysia did when they disagreed in 2003 about the former's land reclamation project. Following the Tribunal's award the two countries signed a Settlement agreement in 2005 and the dispute was amicably resolved.

The ASEAN process is not a typical conflict-resolution mechanism, but it has evolved as a conflict-avoidance technique relying on softer elements like regional understanding and trust rather than on formalised, rules-based instrumentalities. But it is not as if there are no formal instruments to manage conflict in the ASEAN region. Apart from the founding document (1967 Bangkok Declaration), which was not a charter but only a declaration, there are other agreements and treaties that have a strong bearing on security and regional cooperation. These are the ASEAN Concord, the Treaty of Amity and Cooperation in Southeast Asia (TAC, 1976), the Zone of Peace, Freedom and Neutrality declaration (ZOPFAN, 1971), the Treaty on the Southeast Asia Nuclear Weapons Free Zone (SEANWFZ, 1995), the ASEAN Declaration on the South China Sea, 1992 (a non-binding code to constrain China's behaviour over rival maritime claims), the ASEAN Regional Forum (ARF, 1996), the Rules and Procedures of the High Council on the TAC (2001), and the Declaration on the Conduct of Parties in the South China Sea (2002). The formal and informal elements present in some of these instruments are intertwined and they cumulate in a network of arrangements aimed at keeping the region safe, stable and peaceful.

Regional security was not mentioned openly by the founders of ASEAN but it was a palpable concern. Even so, no authority structures above the state were envisaged to bring about regional reconciliation or meet the various threats. What these states desired was a non-confrontational regional environment, a greater predictability in inter-state relations and conflict amelioration without having to construct any formal and rigid structures. According to Mauzy:

Although ASEAN denied it was a security arrangement and continued to do so for twenty-five more years, it represented an attempt by five, and later six, non-communist states in the post-colonial era to stabilise their part of the region by providing an organisation for promoting a code of behaviour for the peaceful resolution of disputes. (Mauzy 2000: 258)

The code was confined to the informal level and it has remained so. Even the ASEAN charter, which was adopted in November 2007, does not change this as it does not contain any drastic measures such as sanctions or expulsions for non-compliance. ASEAN states are also hesitant about scaling up in the direction of a regional peace-keeping force. For instance, in April 2004 Indonesia convened a meeting of ASEAN senior officials to discuss a draft plan of action that included a proposal for a regional peacekeeping force to help in ethnic conflicts within the region, but this did not meet with the approval of Singapore and was therefore shelved.

Self-restraint, de-escalation and non-threatening behaviour have been the main ingredients of conflict management in the ASEAN region. Inter-state conflicts are addressed through consensus and consultation. Bilateral conflicts among the member states have never been allowed to assume ugly proportions as they normally do in South Asia, where mutual restraint is conspicuously absent. This generous assessment of ASEAN is countered by those who argue that ASEAN is still at a primitive stage of regional life because it eschews operationalising the formal provisions of conflict resolution for fear of losing national control (Moller 1998; Narine 1999). As a conflict-management technique, avoidance is ill-suited to

address real issues. This was evident in the organisation's weak response to the economic, environmental and East Timor crises in the 1990s.

ASEAN, however, was forced to exert itself in the 1997 Cambodian political crisis, when co-Prime Minister Hun Sen attempted a coup against his power-sharing partner Prince Ranaridh. A troika of ASEAN foreign ministers was formed to seek a peaceful resolution to the problem. The mission was received by the Cambodian government in the expectation that this would pave the way for its quick admission into ASEAN, but when it became evident that this would be delayed Cambodia denounced the Troika as interference in its domestic politics. Despite this experience the member states agreed to establish the ASEAN Troika as an ad hoc body to cooperate closely on issues affecting regional peace and stability (ASEAN 2000). Theoretically the Troika, comprising the foreign ministers of past, present and future chairs of the ASEAN Standing Committee, can be called to act in regional conflicts, but it is expressly forbidden to address issues that fall within the domestic jurisdiction of member states.

Similarly, the TAC's provision for a High Council (comprising ministerial-level representatives from member states) to address disputes affecting regional peace is also weak because its pacific settlement provisions can be invoked only if all parties to the conflict agree to it. ASEAN's preferred mode of operation has thus been to rely on informal means and deal with differences at the bilateral level. The regional machinery has seldom come into play in tackling disputes. This is, no doubt, a flaw but it could also be argued that even if there is no overt ASEAN role for settling disputes, the norms and values it has generated have helped in preventing disputes from turning violent.

In SAARC's case there are no comparable formal or informal methods to prevent or contain violent conflicts. All SAARC decisions are based on unanimity and Article X (2) of the charter expressly excludes bilateral and contentious issues from SAARC's ambit. The charter is a minimalist document and its only virtue is that it makes SAARC a legal entity. The need for conflict management through cooperation is obvious but the commitment is lacking and there is no agreement among the member states on what should be the guiding force of regionalism.

SAARC is a victim of two irreconcilable notions underlying regional cooperation. Some members believe that without achieving peace and security in the region and without providing for any mechanism to resolve bilateral conflicts, it is pointless to expect meaningful progress in regional cooperation. Pakistan adopts this view and would prefer the charter to be amended to correct this shortcoming (Cheema 1999: 103). To some extent, Sri Lanka also sees merit in this line of thinking. Both have wanted to modify the provisions of the charter that forbid raising bilateral issues in SAARC meetings. Expressing reservations about the approach followed in SAARC, President Kumaratunga of Sri Lanka remarked at the Tenth Summit that even though contentious issues must be kept away from SAARC's deliberations, 'regional cooperation without some kind of political consultation will be rather tame' (Hindu-International Edition, August 8, 1998). Pakistan strongly favours amending the SAARC charter to make it possible to discuss bilateral issues.

In contrast, India is steadfastly against any change in the present arrangement. It sees no reason for amending the charter and is convinced that more harm than good will result from any alteration of the provisions that forbid the inclusion of contentious issues.⁵ Bangladesh is

⁵ Personal interview with Indian officials and ex-ambassadors, New Delhi, October 2005.

also of the same view and is opposed to the amendment of the charter to allow discussions on bilateral matters (The Hindu, November 29, 2005).⁶

Despite these strong positions on the charter, SAARC occasionally uses a looser arrangement to discuss bilateral problems. The 'retreats' that occur during the annual summits have been used, from time to time, to address some of the differences between member states. Bilateral meetings on the side lines of summits have also been used for this purpose. They have occasionally helped lower the temperature, such as after the 1998 nuclear explosions, even if no concrete settlement of disputes has occurred in the process. However, thus far the 'retreats' have mainly addressed economic or functional issues rather than any hard core political or territorial dispute. So even in this regard the effectiveness of SAARC has been limited.

Shared perceptions and values

One of the reasons for ASEAN's consolidation in its formative decade was a common threat perception. The concern about the spread of communism acted as a glue to bind the member states and subsequently gave international visibility to the Association when it opposed Vietnam's occupation of Cambodia. Over time, there developed a common commitment to ensure a harmonious and peaceful regional order. This formed the bedrock of what is famously called the 'ASEAN way' of handling inter-state relations (Acharya 2000: 127-128). This is understood as internalisation of certain behavioural norms and acting in accordance with the ASEAN spirit. The 'ASEAN way' refers to a regional political culture that stresses informality, consensus building and non-interference in the internal affairs of member states (Capie and Evans 2002: 14-27). These shared values and the pursuit of harmony, based on an inter-subjective understanding of certain norms at the regional level, have been ASEAN's noteworthy features.

Even when the virtue of holding to these norms in the face of changing circumstances has been questioned from time to time, the consensus to stick to them has prevailed. For instance, in 1997 Malaysia's Deputy Prime Minister Anwar Ibrahim and in 1998 Thailand's Foreign Minister Surin Pitsuwan, proposed changing the non-intervention norm. They advocated the policies of 'constructive engagement' and 'flexible engagement' to address the region's problems (Asiaweek, July 31, 1998; Far Eastern Economic Review, August 6, 1998). The conservative ASEAN members, however, regarded this as a dangerous move, and at the Hanoi Summit in 1998 the members decided to reaffirm their commitment to 'the cardinal principles of mutual respect, non-interference, consensus, dialogue and consultation' (Strait Times, December 17, 1998). These principles embody ASEAN's political culture and 'it has helped build confidence, increased trust and has even created a nascent sense of identity or ASEAN solidarity among its members' (Anthony 2003: 16).

By contrast, South Asian countries hold widely divergent views on many important issues and lack a common political culture. Even after twenty years of belonging to a regional forum there is no consensus on fundamental norms or values. Despite sharing certain common civilisational links the member states cannot agree on a common future. For a long time, South Asia was a 'region without regionalism' (Peter Lyon, cited in Hewitt 1992: 75), an oddity at a time when most regions could boast of some sort of formal arrangement relating to trade or security. This glaring anomaly was a major factor that pushed the states to create a

⁶ Also, author's interviews with various officials and scholars in the South Asian region, 2005.

regional body.⁷ The pursuit of economic and developmental cooperation as a means to lift the region out of poverty should have been the driving force but the effort was not considered worthwhile until much later. Neither neo-liberal nor neo-realist proclivities were evident in regional thinking, particularly on the part of the political elites. SAARC's establishment in 1985 owed much to a failure on the part of some of the South Asian countries to find a berth in their preferred adjacent regions, such as Pakistan in West Asia or Sri Lanka and Bangladesh in Southeast Asia. Since they could not pull this off their attention turned to their own geographical area. At best they were, and remain, reluctant regionalists lacking a common threat perception and shared values (Muni 1996: 52-53).

Regional Organisation and the Role of the Pivotal Power

Formation and functioning of the regional organisation

The role of a region's pre-eminent power in ensuring regionalism's effectiveness is important in at least two respects: the contribution of the pivotal power in the formation of the regional organisation and the equations between the region's big and small powers.

The odd thing about SAARC was that it became possible due to the initiative of the smaller states of the region. Bangladesh is credited with taking the lead. At the formative stage of the process India fretted that the forum would be used by the other members to exert their combined pressure on issues that bedevilled their relations with New Delhi (Dixit 1996: 383-384). There was also a feeling that behind the regional initiative lurked an unseen external hand which could prove injurious to Indian interests (Muni 1996: 54). Hence India was lukewarm in its support of SAARC.

India's disenchantment with SAARC continues to this day. This is because its vision of regionalism clashes with that of its rival Pakistan. India prefers economic cooperation to be the driving force of regionalism. This is born of the conviction that if the region prospers economically, which it can by riding on India's economic growth, the political conflicts would gradually lose steam and this in turn will allow regional states to focus on development. While most SAARC members appreciate this economic logic, Pakistan is not wholly persuaded by it.⁸ Pakistan argues that unless political issues are resolved, economic cooperation will not materialise.⁹ This has led to an impasse. Sensing the impossibility of bringing about a change in the situation India has turned its attention away from SAARC to other trans-regional forums. Now that it has a vibrant economy it is being courted by countries outside its region and India's interest in SAARC has proportionately dropped (Yahoo! India News, February 7, 2005). This is indicated by its growing economic ties with its neighbouring Southeast Asian and East Asian regions. According to the 2004-2005 figures

⁷ Author's interview with former officials in South Asia, in May- July 2005 and December 2006.

⁸ One reflection of this is the bilateral Free Trade Agreements (FTA) India and some countries have entered into. The 1998 Indo-Sri Lanka FTA has been particularly beneficial in boosting trade between the two countries. For the respective views of Indian and Pakistani leaders on regional priorities see *Dawn* (online edition), November 12, 2003.

⁹ President Mushrraf in his speech to SAARC leaders in 2004 said: 'SAARC will never achieve its full potential; unless the disputes and tensions that draw us apart are resolved peacefully' (The News International, January 5, 2004).

these have now replaced the EU as India's dominant trading partners, accounting for 19.9 per cent of its external trade (New Asia Monitor, April 2005).

On the other hand, Southeast Asia's pivotal power, Indonesia, was keen to create a mechanism through which a process of regional reconciliation could take place after the *Konfrontasi* with Malaysia in 1964 (Leifer 1983: 120-121). The ASEAN vehicle made it possible for post-Sukarno Indonesia to be accommodated as an unthreatening regional leader. For this purpose it was willing to adopt a non-assertive profile and nurture the regional organisation (Weatherbee 2005a: 89-90). ASEAN figured high in Indonesia's foreign policy and this gradually bolstered the regional organisation's clout.

The post-Suharto Indonesia has not paid the same kind of attention to ASEAN because of its domestic pre-occupations. A correction in this neglect of ASEAN occurred when President Megawati, while hosting the Ninth ASEAN Summit in 2003, unveiled the ASEAN Community proposal with its three pillars of Security Community, Economic Community and a Socio-Cultural Community. This was an attempt to make ASEAN more relevant. But critics argue that the proposed security community framework lacks any formal provision to make ASEAN more effective in resolving regional conflicts (Weatherbee 2005b). Nonetheless, the Indonesian initiative of community building has been embraced by other member states and has become a regional quest. One might say that even a diminished Indonesia is able to steer the Association in some ways. This is highly unlikely in South Asia where India is reluctant to exert itself either because it sees no point doing so or feels that an Indian initiative will not find enough regional support.

Asymmetry and its effect on regional organisation

There is hardly a region in the world where there is an even distribution of power and capabilities. Asymmetry is the rule in most regions and this naturally causes anxiety among regional states. But not all asymmetries are alike. The gap in the size and capability of states in some regions may not be as threateningly wide as in others. Occasionally, the physical size of a big state can be offset by the economic strength of a smaller state. For instance, Indonesia is the ASEAN's largest state (Table 1) but it lacks the affluence of its small neighbour, Singapore. So Indonesia may not appear as threatening as India might in South Asia where the power differential between the largest state and the others is very wide along all dimensions.

Asymmetry, compounded by Indo-centrism (Sahadevan 2001: 1-59), has been SAARC's bugbear. As the table on select indicators shows (Table 2) in terms of its physical size, population, and economy India is a giant in comparison to others. Asymmetry has cast its long shadow on intra-regional relations in South Asia. India's sheer size is seen as dominance whether or not it behaves in that fashion (Chari 1997: 190). It is often pointed out by India's neighbours that its role is critical for the success of regionalism but only if it adopts a benign, low-profile style of functioning.¹⁰ A range of perceptions about India's regional role dominates the debate in South Asia. India's critics plainly see it as overbearing with no consideration for its weaker neighbours' well-being (Sabur and Kabir 2000: 53-58 & 80). A slightly nuanced view holds that India is not uniformly inconsiderate but nonetheless comes

¹⁰ This view is often mentioned by scholars from regional countries in their presentations in conferences and seminars on South Asian regional cooperation. For one such example see Bhargava and Sridhar Khatri (2001: xi).

across as a bully.¹¹ This is seen as being ultimately harmful to own its interests because it is felt that without securing the region India's quest for global power status is unachievable. Therefore, New Delhi's neighbours want it to be broadminded and generous and to follow a policy of benign unilateralism, which would better serve its own cause and earn the trust of the smaller states. But in some quarters in India such a policy is frowned upon as being of little value because, it is argued, no amount of generosity is likely to convince the neighbours that India means well. There is also a strong feeling that generosity is often interpreted as weakness, which then encourages others to make impossible demands.¹²

The smaller South Asian states fondly cite a non-assertive and friendly Indonesia as the role model. While it is true that Indonesia has practised moderation and been careful not to cause unease among its neighbours, this does not mean that its approach has been supine all along or its behaviour impeccable.¹³ Neither does it have an unblemished record for being gracious to smaller neighbours. In the recent past two of its presidents, B. J. Habibie and Abdurrahman Wahid, were openly derisive about its tiny neighbour, Singapore. The former called the republic as 'that unfriendly little red dot' and the latter, in an off-the-cuff remark in November 2000, chided Singapore for being highly selfish, materialistic and disdainful of Malays (South China Morning Post, November 20, 2000). Abdurrahman Wahid even suggested that Malaysia and Indonesia should act together to cut off the supply of water to Singapore (Asian Wall Street Journal, December 1, 2000). But outbursts such as these are aberrations and do not lead to retaliatory remarks. Singapore's reaction to the negative comments was remarkably subdued.

Indonesia's non-assertive profile can also be explained from another angle. It has been able to maintain such a posture because its ASEAN partners have always been careful to extend a marked level of deference to it. They have been sensitive to its status as the pivotal regional power. Thus there was always an unstated understanding among the original members that a certain amount of courtesy was due to it (Anwar 1994: 224). This is not the case in South Asia. No benefit of the doubt is ever given to India by its smaller neighbours. Indians do not expect that Pakistan will be thus disposed, but what is baffling is that the rest of its neighbours should be equally reticent, even though Indians think that they have, by and large, done well by these states.¹⁴ This is possibly a reason why India seems less than generous in its attitude towards them. An even-handed view on the complexities of big power-small power relations in any regional set-up is difficult to obtain. While India's unhelpful regional role is often criticised, it could be argued that these accusations provoke India to adopt a negative stance. Such attitudes naturally diminish the potential of SAARC and make it an irrelevant regional actor.

Extra-regional actors as contributing or constraining factors

¹¹ When I alluded to this perception about India entertained by its neighbours in one of my interviews with a senior Indian diplomat she retorted that 'a bully is never called a bully to its face except in the case of India which is very odd. May be we are not such a bully after all'. There is a section of opinion in India which sees some truth in this. For instance, the Director of Bangladesh Rifles accused India of having had a hand in the serial bombings that shook Bangladesh on August 17, 2005. He said this during a press conference in New Delhi and his words were appreciated in Bangladesh. Indians, however, thought that it was remarkable that 'a mere official from Bangladesh could stand in India's capital, insult India and get away with it' (Namboodiri 2005).

¹² Views gleaned from interviews with Indian officials who interact at the regional level, New Delhi, July 2005.

¹³ In fact one analysis categorically states that ASEAN was perceived by some members as a way of taming Indonesia's 'disposition to hegemony' and 'ASEAN was partly about coping with Indonesia just as the original European Economic Community (EEC) had been about managing German power' (Emmers 2003: 62).

¹⁴ Author's interview with officials and informed observers in South Asia, July 2005.

India's size and the anxiety it evokes have led to divergent views on security among regional states. A common threat perception has been lacking in the region and the main source of threats has been perceived to emanate from within the region itself. In fact, India is perceived to be the major threat (Bajpai 1999: 79). This has led regional states like Pakistan, and also occasionally Sri Lanka and Bangladesh, to seek the help of outside powers to ensure their security, thereby allowing extra-regional actors to penetrate the region. India has found this highly intrusive and harmful to its strategic interests and regional order.

As the inheritor of the strategic view of the region's defence as expounded by the British Government when it ruled the subcontinent, India has always held that the region falls within its sphere of influence. India has therefore been opposed to any intervention from outsiders except on its terms. While lacking capabilities comparable with the US, which could enunciate the Monroe Doctrine, India nevertheless came up with its own exclusivity rule called the Indira Doctrine. It assigned to itself the task of promoting a regional security order that not only sought to make the region out-of-bounds to non-regional powers but also expected that the smaller regional states should apply to India for help in their internal and external security problems before seeking the service of outsiders. This naturally riles the smaller states. The ill will born of such hegemonic strictures has damaged India's relations with its neighbours without adding in any way to its own security.

In any case, India's insistence that outsiders should acknowledge it as the pre-eminent regional power and leave the region to its care has never been honoured by the regional states or their external mentors. This is particularly so in the case of Pakistan. The external powers have been equally dismissive of India's claim even if they admit that it is a regional heavyweight. At different times the US and China have supported Pakistan in its bid to balance India. Since this was congruent with their own interests it proved useful for them to champion Pakistan's cause. To some extent, this holds true even now when the US regards Pakistan as a vital ally in its war against terrorism and underplays India's accusations about cross-border terrorism in Kashmir.

Until recently the external powers' interest in SAARC was lukewarm because of the organisation's indifferent performance. But with the inclusion of Afghanistan in SAARC the US has become aware of certain possibilities. South Asian membership for Kabul is perceived as a stabilising factor for the country and also as a way of linking South Asia to Central Asia. The US is now an observer in SAARC, along with China, Japan and the EU.¹⁵ Normally, India would have been uncomfortable with the presence of these powers in the region. US involvement, in particular, would have been viewed suspiciously, but owing to its current warm relations with Washington and China's growing presence in the region, India has modified its perception. In its dispute with Pakistan in general, and in stemming the menace of cross-border terrorism in particular, India sees the US link as a vital leveraging factor. India and the US now routinely coordinate their policies in the region when confronted with a domestic crisis in one of the South Asian states (Burns 2006). This was most evident when they synchronised their moves in addressing Nepal's governmental crisis in 2006 (House of Representatives 2006).

The presence of extra-regional powers in Southeast Asia has been a pervasive feature of the region's international relations. The US role has been particularly noteworthy in this respect.

¹⁵ India's SAARC partners in 2005 pressed China's case for observer status much to India's discomfort. India in turn insisted that both Japan and the US should be included as observers. The element of balancing by drawing in external actors was unmistakable in these moves.

It has been a supporter of ASEAN since its inception and is perceived as a contributor to regional stability. The preference of regional states, however, has been for a multi-polar balance among extra-regional actors so that there is no domination by any one power. Given that these states lacked the capacity to prevent the intrusion of external actors, they made a virtue of necessity and harnessed the involvement of external actors for the region's benefit. ASEAN engages external powers formally through its dialogue mechanism. Even the region's largest state, Indonesia, despite its wariness of outsiders, has not been unduly hostile to the presence of external actors. ASEAN's diplomatic stand against the Vietnamese invasion of Cambodia in the 1980s was boosted by the support it drew from both the US and China. Working in tandem, ASEAN and these powers were able to bring the Cambodian crisis to an end.

The US has been the dominant external actor in Southeast Asia during and subsequent to the Cold War. In geopolitical and economic terms its involvement was vital to the region. America's interest declined in the aftermath of the Cold War, but the 'war on terror' has rekindled it, albeit not to the extent and in the direction desired by some ASEAN states. Its attenuated presence, combined with ASEAN concerns about the future course of US-China relations, causes anxiety in the region and therefore the US is urged to pay more attention to ASEAN.¹⁶

Currently, China courts ASEAN avidly and the regional platform has enabled it to establish its multilateral credentials. This helps in assuaging the fear that its 'peaceful rise' otherwise causes. While welcoming China's engagement the regional states also want to make sure that this is balanced by the attention ASEAN gets from the other major Asian powers. One of them is Japan, but its role has now waned considerably. At one time Japan propelled Southeast Asia's economic growth, but this has changed. China's growing profile has dimmed Japan's attraction, but at the same time ASEAN states are wary of too close an embrace by China. America's continued commitment to the region, and now even India's presence in regional conclaves, is stressed by the ASEAN states for this purpose.

The effectiveness of ASEAN's conflict-dampening strategy is also reflected in the security and other forums that it anchors, and which the major powers have endorsed through their participation. The ASEAN Regional Forum (ARF) and the East Asia Summit (EAS) are two such entities. The aim of the ARF, which emerged in 1994 comprising more than two dozen Asia-Pacific states, is to promote dialogue on peace and security issues. It is modelled on ASEAN's conflict management strategy and adheres to norms that underpin the 'ASEAN way'. The EAS, which met for the first time in 2005, is also another forum for engaging extra-regional states and is based on ASEAN modalities. These two ASEAN-led forums are the only available confidence-building mechanisms in a region where there is no equivalent structure like the OSCE. These initiatives, in turn, have helped ASEAN reclaim its relevance which it had begun losing in the wake of the crises of the 1990s.

Apart from external powers, international bodies have been of importance in the region. An indirect indicator of ASEAN's effectiveness in conflict management is the regional states' willingness to take their disputes to international arbitration agencies for settlement. It could be argued that this practise exposes ASEAN's ineffectiveness in dealing with regional conflicts; but looked at differently it reflects the high level of trust that induces these states to use an option that is perceived as being more objective. As Mely Caballero-Anthony notes:

¹⁶ During his last visit to the US Prime Minister Lee Hsien Loong of Singapore made this point (Strait Times, May 14, 2007).

While one could argue that this mechanism is outside the ASEAN ambit, the use of such legal recourse is indeed a significant development for an organisation that had been long uncomfortable with resorting to legal structures and institutions in resolving disputes. (Anthony 2005: 78)

Indonesia and Malaysia, and Malaysia and Singapore, have taken their competing maritime claims to the ICJ instead of resorting to force. Indonesia and Malaysia both claimed jurisdiction over two small islands, Sipadan and Ligitan, on the northeast coast of Borneo. In 1996, the leaders of the two countries decided to solve this long running problem once and for all by agreeing to refer the dispute to the ICJ. Indonesia pledged not to upset the status quo of Malaysian control over the islands until the court made its ruling. In 2002, the ICJ ruled in favour of Malaysia and even though Indonesia was displeased with the verdict and popular sentiment was on the boil, Indonesian leadership abstained from fanning the flames of discontent and honoured the verdict (Weatherbee 2005a: 131). However, in February 2005 the issue became charged again when Malaysia awarded exploration rights to an international oil company in the waters around the islands in the Sulawesi Sea. Indonesia objected to the decision and sent its warships there. The warships of the two countries stalked each other, but the dispute was defused when their foreign ministers met on the sidelines of a regional conference and decided to play down the issue (Zubir 2005).

Singapore and Malaysia have also taken the ICJ route to handle their contending claims on a tiny islet called Pedra Branca, or Pulau Batu Putih. The dispute was taken to the ICJ in 2003 and public hearings on the case were held in November 2007 (ICJ 2007). The two countries similarly decided to seek the help of an international agency for resolving yet another dispute that marred their relations. In 2003, Malaysia initiated international arbitration proceedings against Singapore to prevent it from reclaiming land in the Johor Straits. Kuala Lumpur maintained that Singapore's action was narrowing the shipping lanes and harming its maritime interests. Malaysia approached the International Tribunal for the Law of the Sea to order Singapore to halt the reclamation process (ITLOS 2003). The Tribunal ruled that reclamation by Singapore could continue, but at the same time it ordered both countries to set up an independent group of experts to study the impact of such reclamations. Amicable relations were restored after the disputants agreed to use the recommendation of the experts group as a basis for finding a lasting solution (Straits Times, January 14, 2005).

The culture of cooperation in ASEAN has created an enabling environment for the Southeast Asian states to opt for resolving their disputes through international arbitration and mediation. In South Asia this is the least preferred option as there is a huge trust deficit among the countries.¹⁷ In other words, SAARC's presence has not changed mindsets or modes of interaction for states to explore alternative approaches to settle their conflict.

Leadership

Regional organisations are largely elite-driven projects. In some regions their formation itself is owed to the vision of political leaders who are convinced that regionalism is the vehicle for mitigating insecurity and promoting peace in the region. European regionalism would have never been possible without the inspiring visions of Robert Schuman and Jean Monnet. The initial commitment of these leaders helped set the tone for the organisation. The founding members of ASEAN, even though not replicating the European model, were nevertheless

¹⁷ There are some exceptions like the Rann of Kutch dispute between India and Pakistan, which was submitted to arbitration in 1965, and the Indus Water Treaty of 1960, but such processes are unlikely to be repeated now.

inspired by the idea of development through cooperation. Regional peace was considered necessary for states to pursue their developmental goals. Regional cooperation therefore assumed an instrumental value.

As mentioned earlier, Indonesia was the lead state, which placed enormous importance on the success of ASEAN and deliberately adopted a low profile to ensure this. Among the ASEAN leaders President Suharto's role and standing impacted positively on the Association. Even now most of the leaders in the region accord a high place to ASEAN and treat it as their first order foreign policy interest (Ong 2005).

As against this, SAARC is not a priority for South Asian states and apart from the enthusiasm shown by President Ziaur Rahman of Bangladesh, who initiated the move for cooperation in the 1980s that led to its creation, no other leader of consequence has propelled the organisation forward. This is the case even now, and therefore SAARC continues to languish. A Nepali scholar on regionalism blames South Asian elites for purposely widening the rift between the member states because of 'xenophobic considerations' and their desperation to 'mobilise their support base or play to the galleries', which harms the environment for cooperation and the success of regionalism (Baral 2003: 82).

As a pivotal regional power, India could provide a lead but it is unable and unwilling to do so because its motives are suspected by the other members. India avers that positive regionalism should be animated by a spirit of give and take. In early 2005, then Indian Foreign Secretary Shyam Saran candidly outlined India's hopes and fears for the future of South Asian regionalism and emphasised that the economic road to cooperation was the best option given the irreconcilable political and security perceptions within the region (Saran 2005). Through cross-border economic linkages India, he said, wanted to reduce the level of mistrust, but this could not be done if SAARC was used by its neighbours 'as a vehicle primarily to countervail India or to seek to limit its room for manoeuvre' (Saran 2005: 2). India perceives its neighbours to be less than forthcoming in their efforts to strengthen regionalism and is therefore reluctant to lead SAARC.

Learning: Can the machinery be improved?

Along with leadership, learning is also an important ingredient in making regionalism work. Learning is an ongoing process and is as much a necessity for well-established organisations like the EU as for others. Southeast Asian states have been keenly debating the necessity to re-tool ASEAN to make it more effective. Regional leaders have been discussing the need for greater integration and better implementation of ASEAN's plans leading to an ASEAN community. There is a general realisation that ASEAN's weak machinery prevented it from taking pro-active measures when it was imperative to do so in the late 1990s.¹⁸ This led some ASEAN leaders to press for a charter, a functioning dispute-settlement mechanism and the imposition of penalties for non-compliance. An Eminent Persons' Group (EPG) was created to draft a charter, which was adopted in November 2007 and awaits ratification by the member states (Strait Times, November 21, 2007). ASEAN's hardy perennial, privileging state sovereignty above anything else, might still impede any radical change.¹⁹ But it is also

¹⁸ The adoption of 'ASEAN VISION 2020' during the December 1997 ASEAN summit was prompted by the perception that the economic crisis was met with a very weak regional response (Pangestu 2005: 196-198).

¹⁹ A glimpse of the difficulty of changing the present orientation of ASEAN can be gleaned from an interview by the Vietnamese Foreign Minister Nguyen Dy Nien who, while reassuring that Vietnam will work closely with the other ASEAN members on the charter, also tellingly observed that ASEAN's success and strength rested on the 'ASEAN way' and it will never become a supranational body. Non-interference is prized even more highly by

conceded that without a minimal lurch in the direction of closer integration an ASEAN community will remain a mirage. This is the current dilemma facing ASEAN, which wants to improve its institutional edifice and become more effective.

Given the urge of member states to form a security community, it has to be asked how effective the Association's time-tested procedure of consultation, and consensus for realising it, is. The current proposal envisages enhanced political and security cooperation measures, but it should be pointed out that no new structures have been envisioned for these to occur. The degree of integration that a community demands is far higher than what exists right now within ASEAN, which, as has been mentioned before, is more like a regional society. The difference between the two is significant: 'Whereas the members of a community are united in spite of their individual existence, the members of a society are isolated in spite of their association' (George Schwarzenberger, cited in James 1993).

South Asian leaders recognise regionalism's mediating effect on the tenor of intra-regional relations. They are well aware that ASEAN's presence has done wonders for that region and hence they admire ASEAN. They want to benefit from ASEAN's lessons. But so far their efforts show very little in common with the experience in Southeast Asia. This naturally makes one suspect that what they are after are the fruits of regionalism without bothering to make the necessary sacrifice for it. A stable regional environment is desired by all of them, but there is no commitment to observe the basic neighbourly courtesies without which such an environment cannot be created.

Conclusion: Regional Society and Regional System

The difference between the South Asian and Southeast Asian regional enterprises is similar to the distinction drawn by Hedley Bull between a *system of states* and a *society of states* in the international realm. ASEAN is society-like, whereas SAARC retains all the sharp edges of a *system of states* despite two decades of organisational life. SAARC members are unwilling to embrace the practices of a society of states in terms of subscribing to certain essential norms, rules, agreements and common interests leading to a more secure regional environment. Here ASEAN scores much above SAARC and has been relatively effective as a regional society of states and a *de facto* security community.

The ASEAN experience demonstrates that the rules do not have to be of a hard variety. Soft rules, or 'operational rules or rules of the game, worked out without formal agreement or even without verbal communication', are sometimes sufficient. According to Bull, this is because 'it is not uncommon for a rule to emerge first as an operational rule, then to become established practice, then to attain the status of a moral principle and finally to be incorporated in a legal convention' (Bull 1977: 67). Such operational rules are present in ASEAN. As Michael Leifer has argued:

The Association has developed over the years into a working diplomatic community and has concurrently grown in international stature becoming in the process a factor of some significance in the calculations of both regional and extra regional states. To that extent, despite intra-mural differences, it has been able to assume a prerogative role of a kind in an international process of negotiations about establishing *regional rules of the game*. (Leifer 1987: 14, emphasis added)

the newer members who are understandably reluctant to modify existing provisions in any way (http://www.mofa.gov.vn/en/cs_doingoai/pbld/ns050803135607).

Within a society of states such rules are supposed to provide a congenial environment in which predictable state interactions occur. Although some form of rules may also be present in a system of states, the level of commitment varies greatly and violations can occur frequently. In the case of SAARC the rules of behaviour are at a primitive stage, as a result of which even routine procedures are hard to uphold. The cancellation and postponement of regular meetings exemplifies this vividly as does the lack of progress in functional cooperation. This is a far cry from the rule-based behaviour (i.e. honouring agreements that states enter into) that Hedley Bull cites as a critical component of a society of states.

The nature of communication and the usual courtesies that are observed in diplomatic practice is another indicator of the existence of a harmonious society of states. The diplomatic instruments used by states confirm their preference for peaceful conduct of relations and also indicate their allegiance to accepted practices and norms. A society of states is likely to make use of this channel of communication to cement ties and avoid friction and exacerbating disputes. Even if it were not possible for SAARC members to present a common regional diplomatic front, as ASEAN usually does, at least diplomatic forums should not be used to unnecessarily embarrass regional partners.

For instance, take the case of the southern Thailand situation where clashes between the Muslim minority population and the Thai government escalated in 2004, claiming the lives of 550 people. Even though Malaysia and Indonesia were understandably upset about the action of the Thai government, they were very measured in their reactions. Even when the Thai military's brutal action resulted in the death of 87 Muslim protesters, the Malaysian government showed a great deal of self-restraint in its comments. Moreover, Malaysia, which chaired the 57 member Organisation of Islamic Conference (OIC), agreed not to table the southern Thailand issue at the OIC Foreign Ministers Conference in Yemen in 2005 (Dow Jones International News, June 9, 2005). This is not to say that the Thai government's heavy-handed action was not a matter of concern for the Islamic states within ASEAN. But the absence of Thailand in the OIC could have been exploited by ASEAN members who are part of it and they could have used the forum to vent their feelings against Thailand. A comparable restraint among South Asian countries is inconceivable. In fact, for Pakistan the OIC has been a very important diplomatic forum for projecting the Kashmir issue and other India-related concerns. Repeated recriminations muddy diplomatic waters and create more distrust. Pakistan and India fault each other for not observing the norms of diplomatic conduct and suffer the consequences of poor use of communication channels. None of this helps in creating common values between these two major regional rivals, which in turn reduces the effectiveness of the regional organisation to function normally.

The incremental, consultative and consensus-based approach that ASEAN follows has created a more stable regional order. ASEAN can therefore take credit for embracing a formula that dampens rather than inflames conflicts even though it was not explicitly set up as an institution for conflict settlement or resolution. But over time it has evolved as a cooperative security regime based on habits of consultation and dialogue and eschewing the use of force.

SAARC, on the other hand, encompasses a region where the use of force is still an instrument of foreign policy. SAARC's presence has not prevented violent conflicts, much less settled or resolved them. Regional cooperation is at a very rudimentary stage in South Asia. Conflict management of even a minimalist sort is non-existent at present. South Asia is yet to cross the Rubicon and make regionalism effective enough to build trust among its

members and use it as a collective forum to manage inter-state conflicts. In comparison, Southeast Asia is certainly more advanced, and ASEAN more effective, in dealing with inter-state conflicts.

Table 1: Select basic indicators for ASEAN member states

Country	Total land area	Total population ^{1/}	Gross domestic product per capita at current prices		Merchandise trade ^{3/}			Foreign direct investments infow ^{4/}
	thousand km ²	thousand	US\$	US\$ PPP ^{2/}	Exports	Imports	Total trade	US\$ million
	2006	2006	2006	2006	2006	2006	2006	2005
Brunei Darussalam	5,765	383	30,928.8	25,940.1	5,768.7	1,028.7	6,797.4	288.5
Cambodia	181,035	13,996	436.2	2,406.4	2,602.4	2,147.0	4,749.4	381.2
Indonesia	1,890,754	222,051	1,640.4	4,930.1	103,964.0	78,392.7	182,356.8	6,107.3
Lao PDR	236,800	6,135	574.9	2,280.4	254.7	423.6	678.3	27.7
Malaysia	330,257	26,686	5,880.4	12,568.5	161,248.7	131,720.1	292,968.8	3,964.8
Myanmar ^{1/}	676,577	57,289	208.6	1,589.1	3,514.8	2,115.5	5,630.2	71.8
The Philippines	300,001	86,910	1,351.5	5,116.4	47,037.0	51,523.0	98,560.0	1,132.5
Singapore	699	4,484	29,499.6	29,065.6	271,601.0	238,503.0	510,104.0	20,080.5
Thailand	513,254	65,233	3,167.8	9,492.4	129,948.5	126,848.5	256,797.0	4,007.8
Viet Nam	330,363	84,222	723.9	3,600.1	39,605.0	44,410.0	84,015.0	2,020.8
ASEAN	4,465,505	567,390	1,889.3	5,421.7	765,544.8	677,112.1	1,442,656.9	38,082.9

Note:

- 1/ Refers to/based on mid-year total population as published in the ASEAN Statistical Yearbook 2006
- 2/ Recomputed based on IMF WEO estimates and actual country data
- 3/ All figures are preliminary as of 12 April 2007; figures for Brunei Darussalam, Cambodia and Lao PDR are Q1-Q3 data only.
- 4/ Refers to net inflow of foreign direct investments as measured in the balance of payments; also includes reinvested earnings

Source: www.aseansec.org

Table 2: Select basic indicators (SAARC member states)

Country	Surface area	Total population	Gross national income per capita at current prices	Gross Domestic Product	Merchandise trade		Foreign direct investments inflow
					Exports of goods and services	Imports of goods and services	
	Square km	million	US\$	current US\$	(% of GDP)	(% of GDP)	BoP, Current US\$ million
	2006	2006	2006		2006	2006	2006
Afghanistan	652.1 thousand	28 (est)	..	8.4 billion	12.4 (2005)	55.7 (2005)	-
Bangladesh	144.0 thousand	144.3	480	62.0 billion	17.8	24.4	2,496.6
Bhutan	47,000	647.0 thousand	1,410	927.2 million	27.8(2005)	55.8 (2005)	15.7
India	3.3 million	1.1 billion	820	906.3 billion	20.3 (2005)	23.3 (2005)	47,665.2
Maldives	300	337.0 thousand	2680	915.2 million	62.9 (2005)	111.4 (2005)	177.0
Nepal	147.2 thousand	27.7	290	8.1 billion	18.6	37.7	103.6
Pakistan	796.1 thousand	159.0	770	128.8 billion	15.5	24.4	11,621.7
Sri Lanka	65,610	19.8	1,300	27.0 billion	32.6	43.1	3,282.7

Source: World Development Indicators, April 2007

<http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:20535285~menuPK:1192694~pagePK:64133150~piPK:64133175~theSitePK:239419,00.html>

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