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**IS THE EU's SUPRANATIONAL POLITICAL AND
INSTITUTIONAL FRAMEWORK COMPATIBLE AND
APPLICABLE ON THE ASEAN ORGANIZATION?**

Master's thesis

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I have written the Master's thesis independently

All works and major viewpoints of the other authors, data from other sources of literature and elsewhere used for writing this paper have been referenced.

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TABLE OF CONTENTS

TABLE OF ABBREVIATION	4
ABSTRACT	5
INTRODUCTION	6
Methodology.....	10
1. EU and ASEAN history.....	11
2. ASEAN REGIONALIZATION AND INTEGRATION	17
2.1. Construction of ASEAN Community through different theory approaches	18
2.2. ASEAN further integration and regionalism after the Cold War	21
3. ASEAN INSTITUTIONILISATION	26
3.1. EU influence on ASEAN.....	26
3.2. ASEAN Charter	30
3.3. ASEAN Intergovernmental Commission on Human Rights (AICHR).....	32
3.4. Comparing the ASEAN institution framework with the EU	33
4. SUPERPOWERS INFLUENCE ON ASEAN	37
4.1. Failed EAEC concept and development of ASEAN+3	37
4.2. China influence and ASEAN soft balancing politics	38
4.3. Development of the EAS, TPP, ADMM+ and EU-ASEAN joint APRIS.....	40
5. CONCEPT OF ONE ASEAN	43
5.1. Economic Community of ASEAN	44
5.2. ASEAN Political and Security Community	45
CONCLUSION	47
ASEAN Charter.....	49
Superpowers in ASEAN development	51

Project ONE ASEAN	52
REFERENCES	54
OTHER SOURCES	61
APPENDICES	63
Appendix 1	63
Appendix 2	64

TABLE OF ABBREVIATION

ASEAN - The Association of Southeast Asian Nations

EU - European Union

EEC - European Economic Community

IMF - The International Monetary Fund's

AEC - ASEAN Economic Community

AC - ASEAN Community

CPR - The Committee of Permanent Representatives

EAEC - East Asian Economic Caucus

AMM - ASEAN Ministerial Meeting

ASEM - Asia Europe meeting

FTA - Free Trade Agreement

AEMM - ASEAN-EC Ministerial Meeting

AFTA - ASEAN Free Trade Area

AICHR - The ASEAN Intergovernmental Commission on Human Rights

COREPER - EU's Committee of Permanent Representatives

CPR - ASEAN Committee of Permanent Representatives

EAS - East Asian Summit

TPP - Trans Pacific Partnership

APRIS - ASEAN–EU Programme of Regional Integration Support

(ADMM+) - ASEAN Defense Minister's Meeting Plus

ASCC - ASEAN Cultural Community

AFTA - Asian Free Trade Area

APSC - ASEAN Political and Security Community

ABSTRACT

The notion, that the European Union (EU) presenting a model of reference and as a potential future example for The Association of Southeast Asian Nations (ASEAN). Some scholars believe, that EUs framework on regional and political cooperation is a credible draft to follow for ASEAN and the other regions. But nevertheless, the EUs role model is not an active one, as it only serves as a remark for ASEAN. This paper begins with the brief comparison of the histories of two organizations EU and ASEAN. Thesis will follow the constructivist approach as it decisively better explains the reasons behind the establishment of the ASEAN organization. During the Cold War period the ASEANs norms and ideals were under attack due to the stand between the communist and capitalist supporters in the region. In order to hold the ASEAN undivided, member states developed the principle of absolute non-interference in the states internal affairs, that became a central pillar of Southeast Asian regionalism. Strict non-interference politics is blamed for crippling ASEANs credibility, for badly handling the economic crises, transnational security threats and constant civil wars in the region. But ASEAN gained its support in two last decades through establishment of the ASEAN Charter and Intergovernmental Human Rights Commission (AICHR). Paper will argue whether the ASEAN have started to adopt the EU institutional framework, for example copying the EUs Committee of Permanent Representatives (COREPER), or economic integration process. Thesis will examine an impact of superpowers on the region past and future development and analyze challenges of the ASEAN states in formulating its diplomatic strategies in response to rising hegemony of China.

Keywords: EU, ASEAN, Cold War, Constructivist, China, COREPER, AICHR, Non-interference politics.

INTRODUCTION

The Association of Southeast Asian Nations (ASEAN) and the European Union (EU) are both recognized as regional organizations, formed with the intent of bringing economic prosperity and political stability to their region. ASEAN's importance and visibility are both developing, and this has created considerable attention from academics. The discussion within social science circles has generate educated speculation about ASEAN's development in years to come. The EU is often presented in these discussions as a prospective future model that ASEAN is heading towards.

For centuries Europe was inflicted frequently with bloody wars. France and Germany fought each other three times in the period 1870 to 1945. There was enormous loss of life on both sides. The appalling losses and suffering convinced European leaders to seek lasting peace on the continent by uniting the states economically and politically. The EU was set up to address the economic and social disasters that had occurred from the frequent wars within Europe. An extreme form of ultra-nationalism and a battle of ideologies had devastated the continent.

They paved the way for the development of the process of European integration. The process was regarded as the mechanism to create a war-free zone within Europe. The Schuman Declaration is widely recognized as starting a new phase of European regionalism (An overview of Su, H. 2012). The construction of a new intergovernmental cooperation framework was given a legal base. One of the requirements for the member states was to achieve a compromise on sovereignty. This was an almost unbelievable development for the European continent, particularly considering its violent past.

In 2017, the EU consists of 28 Member States, which are bound by their commitments to the principles of liberal democracy, human rights, free market, peace, economic cooperation and the rule of law. It is vital for the supranational establishment which is the EU to abide by these commitments if the institution is to survive. The EU currently is the world's biggest political and market union. Nevertheless, it is experiencing difficulties. They arise from the complexity of the EU member states differing approaches to the geo-politics and the wide range of social cultures within the union.

The growth in international organizations across the globe in recent years has caused scholars to examine the EU 'experiment' to assess its suitability for other organizations of

similar size and intent. The united Europe created by the EU is admired as a model of economic strength and as a financial powerhouse. It is a power that plays a major role in setting the rules of international engagement. Despite the recent Euro debt crisis, the EU is regarded as a trustworthy and reliable global economic player. The debt crisis showed that the EU works as a union that helps those members in need, bringing greater stability and prosperity to its members than they could achieve on their own. The financial and economic benefits that the EU is recognized to have created for its members are highly regarded by nations in other regions, and have influenced their thoughts on developing greater regional cooperation in more than one continent. The EU, as an entity, is often viewed as one of a kind. It has worked hard at propagating its concepts externally via socialization and enticement of its own member states, through propagation of the union values (Börzel, T. A. and Risse T. 2009).

In order to extent its sphere of influence, the EU is an effective actor. It spreads its concept globally, using persuasion and socialization of its internal and external counterparts, often without its active or direct involvement. For example, the EU programs in socio-economic and political policies, as well as energy networks, science, transport and cross-border cooperation, provide useful and adaptable models for other similar regional organizations (Jora, S. 2007, pp 63–78). The EU is internationally regarded as the most integrated regional organization. Its unique integration experience is a reference point, implicitly or explicitly in academic discussions in the arena of regionalism.

The above overview of the Europe's achievements was presented to assist an understanding of what impact the EU may have on future ASEAN integration initiatives. ASEAN has existed for nearly fifty years and worldwide scholars continue to debate its significance. In following paper, ASEAN has been reviewed in both positive and negative perspective. The immunity of ASEAN members to the recent financial crisis and achievement of high levels of economic growth are seen as positive results, as is the improved cooperation between its member states. In debates on International Relations these aspects of ASEAN are frequently cited (Eaton, S. & Stubbs, R. 2006, vol. 19:2). Debates created a division in between two prominent groups of realists and constructivists, realists believed that the ASEAN member states have very little in common, which making it excessive and constructivists, who occupied the opposite view, battling realists, that ASEAN forms the soul of an emerging Southeast Asian identity.

This thesis will argue that ASEAN's first thirty years of non-interference politics and freedom of choice is no longer available. The entity's members cannot have an 'a la carte' menu that allows them achieve their own aims from the organization. This thesis will include the principles of tracing, hypothesizing with constructivist theory, and conceptualizing the ASEAN established framework through recent and its historic developments. The author will compare the theoretical framework processes, mainly using constructivist theories, which were considered a popular concept in the 1990s.

This paper will be focusing on the conception of building the community of ASEAN countries, with its new beginning in 2003, (ASEAN (Bali) Concord) and in 2007, the development of the ASEAN Charter. Thesis will highlight the activation of constructivist theorist's views in the Southeast Asian region after the end of the "Cold War" era. These views did help to create the new concept for ASEAN, which will encourage the building of the new successful community. Through closely examining ASEAN different perspectives of its community building of socio-cultural, political security and economic models, it appears that official statements and publications of the ASEAN norms and identities are different in reality, as they consider in forming they collective actions and policies to the interests of others. This thesis will conclude that the rising and already powerful, China is an important political player around the Southeast Asian region. The constructivists and policy-makers will have to take another conservative look to the future, which is more "value neutral" approach (Jones, D.M. and Smith 2007, p 185).

At the time when ASEAN was formed some of its member had territorial disputes with at least one of their neighbors. ASEAN managed to keep those issues to one side and the organization focused on economic cooperation instead. Today ASEAN is generally acknowledged to be a successful example of regional integration in Asia. Some argue that Asia's rising confidence and self-assertiveness was possible, because of its diversified geo-political orientations and globalization. With ASEAN development through its summits using the EU's experience as a remark in discussing over regional economic and political integration through cooperation (Zhu, 2007, pp 79-90). In Asia and ASEAN states is believed, that the EU integration is bringing around a stable European society and an ideal regional and political order" (Wang, 2007, pp 93-115). However, the EU and ASEAN are not similar, as the different cultures and historical milieu of both organizations have impacted the path of their evolution. Asia is not a so-called, natural region. The merits of regional

integration within geographically bounded areas are not always internationally recognized. Some scholars argue that regional integration and regionalism does not increase the globalization of political and economic relations (Ernst, B. Haas 1970, pp 607-646). ASEAN is a constructed geo-political conception of divergent traditions, languages, histories, ethnicities, regimes and religions. One way to describe the continent of Asia is that it is a large number of geo-political groupings: East, South, Northeast, Southeast and western Asia.

Intellectuals have suggested that EU is an exception within International Relations theories, with its politics and policies of market liberalization. It has removed national borders for the flow of goods, labor and services, and integrated economies within a geographically defined region. In the 1990s, the concept of “soft regionalism” or “soft integration” was introduced by Asian scholars. That approach is different to the EU’s approach of hard integration. It reflects the fundamental differences of Asian economies and politics in the region. Asian nations have been reluctant to embrace EU-style integration strategies, but instead pursued their own “open integration” and “open regionalism”, cooperating when the matter fits their interests (Hiratsuka, D., Kimura F. 2008, pp 1-29).

This research is an attempt to debate on ASEAN’s future evolvement in terms of the grouping’s regional political and economic integration. It uses the EU’s achievements, where appropriate, as an example for ASEAN’s framework composition. The main research questions in this dissertation is as follows: to what extent, (if there is any scientifically comparative possibility to do that), can the EU-bound theoretical and practical models be applied onto the ASEAN-originated frameworks? And specifically, can an EU perspective be identified for ASEAN to follow in political, economic and regional integration? In an attempt to answer this research questions and to prove the hypothesis, the paper will analyze the current degree of integration inside the ASEAN. It will analyze institutions, history, politics of the organization, and examine ASEAN’s current state of inter-relations with the People’s Republic of China, the USA, the EU and Japan.

Methodology

This research work focuses on one regional grouping, ASEAN. The participants of this group are the ten full members of the ASEAN: -Philippines, Brunei Darussalam, Cambodia, Lao PDR, Indonesia, Myanmar, Vietnam, Singapore, Malaysia, Thailand. This thesis attempts to compare the two models EU and ASEAN on they regionalization and political integration. It frames up its argument with the help of primary and secondary sources, namely normative documents, speeches, analytical scholarly and studies. In addition, it relies on personal interviews with governmental officials undertaken by reputable scholars, such as Anja Jetschke, for example. In order to compare the two models in details, a brief discussion of the histories of the EU and ASEAN is presented, that will help to better understand ASEAN past and future realm. This paper has examined stated research questions mainly through pursuing process tracing principle and with the comparable analysis between two regional organizations, which is considered classical international relations qualitative research method on the macro level. The stated research questions will be answered through paradigm of the constructivism and considered to be in line with main academic traditional applications of comparable and process tracing research method. The process tracing method will help author to assess the features of both organizations throughout they past and present developments. After process tracing principle, author will compare the evidence and the data collected throughout the theoretical and practical part of the thesis and make the conclusion.

1. EU AND ASEAN HISTORY.

In order to better understand future developments of the ASEAN organization and involvement of the thesis, it is good to start the paper with the brief histories of the comparable organizations the EU and ASEAN. Author will try to show the causes of the ASEAN non-interference politics, which will be discussed in further chapters.

After the traumas of two world wars western European nations came to understand that pursuit of national interest without regard to the impact on other nations in their neighborhood was no longer viable (Gilbert, M. 2012). Europeans were demoralized, emotionally and physically exhausted and looked out onto a bleak future. Nations sought stable peace and an end to the economic malaise that had lingered since the great depression. The goal was to find a way to create peace throughout Europe and to restore economic growth and prosperity (Cini, M. and Borragan, NPS 2013). The Treaty of Paris was signed by six countries at the heart of western Europe. It created to an area of free trade for coal, steel and iron ore and other resource important to industry and the armament industries. The European Coal and Steel Committee (ECSC) that the treaty created was the foundation to create a federation of European nations. The expectation was that politicians in countries that were member states of the federation would ultimately prioritize the interests of the federation over those of their own nation (Haas, E.B, 1958). The United States encouraged the creation of a more unified Europe through the Marshall Plan, which both provided the engine for the recovery of growth, and support for reconciliation between the former axis and allied European states. On 1957 The Treaty of Rome established the European Economic Community (EEC or EC). This created a free trade area between the six countries of the ECSC. The Maastricht Treaty of 1992, signed after long negotiations, moved the EEC to awards a stronger federated political as well as economic union, which currently consist of twenty-eight countries (An overview of European Union official website).

ASEAN was the successor of two Asian international organizations– the Association of Southeast Asia (ASA) and (MALAPHINDO), an abbreviation for Malaysia, Indonesia and Philippines in 1967. International and regional issues played a significant role in its creation. On 8 August 1967, the Foreign Ministers of Indonesia, the Philippines, Malaysia, Singapore and Thailand agreed a Declaration, which created the Association of Southeast Asian Nations (ASEAN). The ASEAN Declaration, its official title, became known as the Bangkok

Declaration. All Southeast Asia countries became member states of ASEAN by 1999, removing the divisions that had existed. It has been the major contribution to regional stability. In December 2008, the ASEAN country leaders signed a Charter that was designed to build one community. ASEAN is still a community that could be described as in development, despite being in existence for half a century. Nevertheless, it is regional fine example of the creation of an integrated regional community (An overview of ASEAN official website, History of the founding of ASEAN).

In short to compare the development of the EU to today known ASEAN, The European Communities was created by the Treaty of Rome in 1957, building on the Paris Treaty of six years earlier that established the ESCS. ASEAN was founded in ten years later by the Bangkok Declaration. Although the EU predates ASEAN by a decade, the economic and political environments in Southeast Asia and Western Europe were far from similar at the time of their births and it would be a naive analysis to state that ASEAN was a protégé of the EU, though it undoubtedly had a significant influence on ASEAN's formation.

ASEAN was founded primarily for security and strategic reasons. The end of conflict between Indonesia and Malaysia in 1966, helped in the maturing of concepts within governments regarding co-operation between the countries that comprise the region of Southeast Asia. The fear of communism, which lead to ASEAN formation and development were the factor that moved forward for the co-operation in the region. In all ASEAN member states the elites feared the increasing influence of communist forces within their own and neighboring countries. The Malaysians were facing the insurgent Malayan Communist Party (MCP). The Communist Party of Thailand (CPT) by 1970 had 30,000 members who were effectively subjugating hundreds of thousands of people (Alexander, R. J. 1999). Thirty thousand communist insurgents were fighting in the Philippines. The US Central Intelligence Agency warned of 'vast social upheaval' imminently (Keefer, E. C. 2001), a fear of communist forces gripped Singapore (Lee, K. Y. 2000). In Indonesia, the Suharto regime had used a pogrom against communism as its strategy to gain power (V. D. Kroef, J. M. 1970, 34–60). The imperative behind ASEAN was the defense of the existing social order.

Singapore's prime minister explained:

'The unspoken objective was to gain strength through solidarity ahead of the power vacuum that would come with an impending British and later a possible US withdrawal . . . We had a common enemy – the communist threat in guerrilla insurgencies, backed by North Vietnam, China and the Soviet Union. We needed

stability and growth to counter and deny the communists the social and economic conditions for revolutions.’ (Lee, K. Y. 2000, 369).

Formation of ASEAN is also believed to be encouraged by the Vietnam War's uncertain ending, and the need for non-communist countries to create solidarity within Southeast Asia as they faced the increasing likelihood of a possible end of the United States military's involvement in the region. The Association was clearly established to address the political-security concerns of its members. In addition, the Bangkok Declaration cites the promotion of economic, social, and cultural co-operation as aims for ASEAN, supporting the political-security concerns. It was nine years after the Bangkok Declaration, in a Summit in Bali, that the first real programs for economic co-operation were agreed. They were further strengthened in 1977 at a Summit in Kuala Lumpur. In its first nine years, ASEAN's priorities were mainly for members to get to know each other and develop trust and understanding as the building blocks for co-operation. It was also the time to create a consensus from the various strategic views about the region, which contained real differences among the members. Among the member countries, only Indonesia was genuinely non-aligned with a foreign power (Simon, S., Tay C., Estanislao J. P. and Soesastro, H. 2001, 25-34). Described developments explaining a lot, why non-interference politics was a main pillar in ASEAN formation in the relation between member states.

In 1980's, similarly as in the EU history, communism was on the brink of defeat, which opened a new chapter for ASEAN. Southeast Asia went through a major transformation in the late 1980s. A new elite leadership, nurtured by ASEAN's anti-communist member states, replaced the alliances of the military and bureaucracies, and increased their own wealth and power. Non-interference was reconfigured. Powerful internal domestic was not subject to the same pressures to liberalize, unlike the events in the European Economic Community (EEC). Anti-communist military actions were reduced so as to allow the businesses to develop new markets. Conflicts between new elite groupings sustained the interference in countries' domestic affairs.

The Marcos dictatorship in the Philippines was ended in 1986. The socialist challenge to his rule became muted which facilitated the return of 'elite democracy' dominated by rich and powerful families (Hutchison, J. 2006, 39-73). There were two changes for 'non-interference' that arose from the end of the dictatorship. First, as communist forces were beaten, and the Cold War between the west and the Soviet Union ended – non-interference's anti-communist rationale was removed. ASEAN states illiberal, unjust and corrupt regimes

were pressured by an alliance between reformist non-elite groups demanding liberalization and Western democracy, social justice and improved human rights. As Malaysia's prime minister warned:

“Before, it was the Communists who stirred up rebellion everywhere ... Now we have the liberal democrats doing exactly the same in the same manner, complete with supplies of arms. Whether it is a communist or a liberal democratic insurrection, the people suffer not one bit less.” (Mahathir, M. speech 1999, 29 September.)

Non-interference was now re-deployed to protect ASEAN's member states' governance regimes from challenges, and the 'Asian values' discourse, which was designed to serve the same purpose (Robison, R. 1996, 309–27).

The Thai military and their business friends linked to the state, inhibited the normalization of relations of ASEAN with Myanmar and Cambodia. The military and their associates had made significant profits from the conflicts, smuggling arms and other goods using several Bangkok regimes funded guerrilla groups. The black-market trade with Cambodia in just one province has been estimated in 1989 at \$15m–\$20m per month (V. D. Kroef, J. M. 1990, 227–38). The total value of drugs and military arms traded by through Burmese rebels was estimated at \$5 billion per annum at that time (Lintner, B. 1999, 58). Thailand's business–military groups refused to cease this highly profitable trade. They continued to provide support to the Khmer Rouge political party (KR) in Cambodia into the late 1990s to sustain the supply of resources that the KR controlled. The support was such that the KR could restart Cambodia's civil war in 1994 (Jones, L. 2007, 523–50.; Rungswasdisab, P. 2006, 103–11). Similar Thai networks continued involvement with Burma's rebel groups. Thai army units were open to receive payment to engage in fighting along the border. This added to Myanmar's internal instability (Maung, A. Myoe 2001, 50). In comparison to the history of South East Asia, there were no similarities in Europe at any time since 1950's. Despite the difficulties referred to above, ASEAN was able to found strength and the will to expand. In 1995, Vietnam joined ASEAN. In 1997 Lao People's Democratic Republic and Burma/Myanmar became members. Social conflict within ASEAN nations continued to create unhelpful interference in other nations, even against ASEAN official policy. For example, Thai oligarch Thaksin Shimabara's ShinCorp was implicated, together with members of Thailand's National Security Council, in an attempted coup against Cambodian Prime Minister Hun Sen in 1994. The attempted coup was intended to assist the business interests of Thaksin and his business partners (An overview of Adams, B. 1997). These events

added to the internal strife within Cambodia's coalition government, which was a reinvented incarnation of the former communist regime, the Cambodian People's Party (CPP). ASEAN was able to assist in resolving the crisis by delaying Cambodia's entry to the organization and requiring a list of conditions to be met prior to entry. Despite these conflicts and crises in the region, Cambodia joined ASEAN in 1999. But as Cold War-era interventions were being reduced, conflicts within ASEAN states continued to produce meddling in other member country's affairs. This clearly indicates that there is a lack of legal framework and cooperation between member states.

Not too long after these unrests in Cambodia, Burma and Myanmar there were some positive developments for ASEAN unity. The Asian financial crisis of 1997 had plunged Southeast Asia into economic chaos. Currencies collapsed and economies sharply contracted. Indonesia saw many years of development reversed - five million jobs were lost in and the level of absolute poverty rose to 70 per cent. The International Monetary Fund's (IMF) bailout conditions added to the crisis and they criticized the region's corrupt state/business relations; social unrest erupted across many parts of the South-East Asia (Sukma, R. 1999). The frequency of financial crises in the region helped states to see that ASEAN and organizations of similar structure could help to create an environment where countries out of mutual interest and could reduce regional financial instability. Siazon explained that, if one has to recognize that ASEAN is logical because of a shared experience and a recognition of the inter- linkages during the financial crisis. These financial crises played an important role in encouraging states to see that ASEAN could be an important contributor to countries leaning inwards and supporting each other. They were a key driver in the establishment of the ASEAN+3 meetings in 1997 and launching policies and creating agreements that improved financial stability in both countries and the region (Acharya, A. 2000, Personal interview of an author with Siazon, D. Jr).

Despite the past decades of uncertainty and unrests, In November 2007, the ten member states of the ASEAN signed the ASEAN Charter, which committed them to cooperate more closely. The charter gave ASEAN a legal status and with the Charter, ASEAN became a Community of three sub – communities (An overview of ASEAN Economic Community Blueprint. Annex to the ASEAN Charter signed on November 20 2007. Jakarta: ASEAN Secretariat, Article 9.). The Political - Security Community is

responsible for overseeing that the citizens of ASEAN member states benefit from good governance and better protection of their human rights.

ASEAN has established new institutions and redefined old ones (An Overview of ASEAN 2008, ASEAN Charter. Jakarta: ASEAN Secretariat). The Charter provides ASEAN with a 'European Union style' structure. It is suggested that Southeast Asian countries modelled an economic and political union based on that of the European Union' (An overview of Philipps L. 2009). The aim is to create a single economic market throughout the ASEAN Economic Community (AEC) by 2017, and an ASEAN Community (AC) in the ASEAN Charter (An overview of ASEAN 2007, ASEAN Economic Community Blueprint), which came into effect in December 2008. The AEC includes currency cooperation, capital account liberalization, financial services liberalization and capital markets cooperation. But there is still no sign of development for the free movement of people, as there is within the EU.

The 30-page Charter is a landmark in ASEAN's 40-year development – and is known as ASEAN's 'constitution' (Termsak, C. 2009, 101). ASEAN's cooperation covers three main areas: security; economic; and socio-cultural, and they are referred to as the 'three pillars'. The Committee of Permanent Representatives (CPR), was created to improve ASEAN's efficiency. It oversees the work of the ASEAN Secretariat and the Ministerial Councils in each of the three Communities (economic, security and Social and cultural).

In conclusion to the chapter, it is evident that the motivations which were leading to develop regional communities of ASEAN members compare to the EU were quite different. The founding fathers of the European Community had an original idea to assist in creating lasting peace between Germany and France, they suggested that their economies should become more inter-connected, which is a big difference between ASEAN non-interference strategy. The EC motivation was political, but the means to achieve that was through the economic integration. The reason for the creation of ASEAN was a completely different matter. The threat of creeping communism seems to have been the major motive at the beginning driving the need for the ASEAN creation of the Charter and cooperation for the five founding members of ASEAN.

2. ASEAN REGIONALIZATION AND INTEGRATION.

The following chapter argues that ASEAN members are adopting EU-style integration and regionalization approaches in theories (Acharya, A. 2009). This adoption can be perceived as both lesson learning and normal emulation of the EU's processes of development (Johnston, A. I. 1999, 287–324). However, this has not led to complete and systematic mirroring of EU institutions by ASEAN in the course of the journey to integrate the complex region. In the last ten years, ASEAN arguably has become a unique model in its own right, rather than a copy of the European paradigm (Katzenstein, P. 2005). The differences between ASEAN and EU states in respect of the economy, government structures, history and also religion (Capanelli, G. Jong-Wha Lee, and Peter A. P. 2010, 125–61). There was a wide consensus, that it was unlikely that 'anything comparable' to the EU would 'develop in the South-East Asia' (Mattli, W. 2009, 369–86). But nevertheless, ASEAN adopts some methods and terms that strike a chord with EU integration, such as 'free flow of goods and services' or drive to improve competitiveness and the harmonization of regulation, laws and standards (ASEAN 2007. ASEAN Economic Community Blueprint. Annex to the ASEAN Charter signed on November 20, 2007. Jakarta: ASEAN Secretariat). ASEAN's constitution lays emphasis on respect for the sovereignty, non-interference in affairs of member states and their territorial integrity.

Functionalist approaches to regional integration and cooperation are expected to increase the role of ASEAN's institutions as a result of the demands from within the members. Further integration is being demanded in areas such as trade (e.g. intra-regional trade) and finding a common response to collective problems. In such situations, states typically attempt to devise new processes or institutions to address problems. The null hypothesis is therefore: the institutions that ASEAN members have created have arisen from internal demands for the processes and functions that are peculiar to the ASEAN region and are not related to those appertaining in the EU. However, it is important to reflect on a comment by the former ASEAN Secretary-General Rodolfo Severino that ASEAN 'must first aim at the integration of the regional economy', which does emulate the EU approach (Severino, R. 2008).

Many commentators have voiced the view that absolute non-interference in internal affairs has become the central pillar of ASEAN's policies. The core policy of non-interference

for ASEAN states is proclaimed by academic scholars from all of the theoretical persuasions. Constructivists claim that ASEAN created regional order in by cultivating the ‘ASEAN way’, a structure of norms to be complied with. A regional identity was created, they state, where member states have been conditioned into a socialization to change their identities interests, identities, and conduct. The new required norms include consultation, decision-making by consensus, and avoidance of the use of force. However, non-interference is ‘the single most important principle underpinning ASEAN regionalism’ (Acharya, A. 2001, 3–4, 16–21, 24–6, 57). For example, Chin K. W. claims that ASEAN’s ‘security community’ is based upon on ‘the so-called ASEAN modus operandi of non-interference’. Additionally, he points to a soft approach to domestic interventions rather than the use of force employed in former times (Chin, K. W. 2007, 395–405). Constructivists downplay the role of interventions as merely ‘testing’ non-interference (Acharya, A. 2001, pp 108–16). Realists argue that regional stability depends crucially on power balancing, and that ASEAN itself plays a small role as a forum that moderates local tensions (Leifer, M. 1989).

2.1. Construction of ASEAN Community through different theory approaches.

International Relations theorists have been arguing for a while about the debatable ASEAN success, but it seems that the most successful IR theorists rather challenging the progress of the entity. In the debates of the scholars they tempt to theories over the weak or missing of the ASEAN intergovernmental cooperation. It appears that the liberal theorists most common obstacle for development is the missing of the democratic governments, or troublesome half democratic authoritarian regimes of some member states. Institutionalists and functionalist are struggling to find set of rules and binding agreements within the organization members, the obligations are missing, that supposed to support the successful partnership between opposing states. Comparatists finding it hard to find commonalities and unity due to the diverse culture of the member states (Ba, A. A. (2009a), 2).

ASEAN infrastructure is considered problematic, but nevertheless, it is playing an important role in Southeast Asian politics. It outlived many others regional entities around the changing world, it is believed to serve its purpose for the member’s through flexibility of organization (Kahler, M. 2000, 551). Constructivist explaining that Southeast Asia’s diverse

region has been shaping ASEAN norms and regulations, ‘standards of behavior defined in terms of rights and obligations.’ (Acharya, A. 2001. Kratochwill quoted, 24). That institution framework was created to uniquely suit regional problems. When members gathering to solve individual state level issues. For example, such approach can only solve issues in a short-term cooperation and inapplicable for a constructive long term partnership (Nabers, D. 2003, 114). Wendt A. explanation on a principle of reflected judgements, that states reflecting and transforming its principles of law through continued interstate unions. According to Wendt statement, it is likely that if one state treats other with dignity, then most certainly they become allies (Wendt, A. 1999, 327; Nabers 2003, 115).

Constructivist supporting the idea of focusing on state norms and not only on the actions, because it helps to unravel the aims of the member state through process of common approach inside the union (Adler, E. in Carlsnaes, W., Risse, T., Simmons, B.A. (eds) 2002, 96). Partnership between the union members is not only active social process, where actors negotiating about the particular issues and just thinking about forming the new norms in the relationship. Constructivists believe that international organizations are much more than just negotiation or bargaining about the state interests, but they also offering more than just benefits or collective punishment in order to constraint state behavior (Ba, A. A. (2009b), 21). But instead organizations are the social environments for the states, where they can debate over occurred issues to solve them collectively and also discussing the new ideas through the member state different identity approaches (Johnston, A. I. 2001, 494).

In author opinion, previous description fits ASEAN perfectly well during the Cold War era. It all became a reality through an idea and needs of Southeast Asian states to face and solve various issues in the region collectively. They been sharing the similar path in history and had geographically defined region, which was vulnerable to communism intervention (Ba, 2009, 29). Former Singaporean Prime Minister, Lee Kuan Yew, quoted:

‘The unspoken objective was to gain strength through solidarity ahead of the power vacuum that would come with an impending British and later a possible US withdrawal . . . We had a common enemy – the communist threat in guerrilla insurgencies, backed by North Vietnam, China and the Soviet Union. We needed stability and growth to counter and deny the communists the social and economic conditions for revolutions . . .’ (Jones, L. 2007, Lee K. Y. quoted, 525).

The common enemy and a threat against foreign interventions created the base and purpose for ASEAN creation. Famous scholar A. Acharya described three main pillars of ASEAN guide of norms in order to successfully protect its members from foreign

interference. First, principal of non-interference, which we will discuss closer in the following chapter. Secondly rejection of any military agreements in order to prevent using any force and last aim, was a creation of the regional collective autonomy of its member states (Eaton, S. & Stubbs R. 2006, 47-8).

Described pillars by A. Acharya are best highlighted in 1971 Zone of Peace, Freedom and Neutrality Declaration, Adopted by the Foreign Ministers at the Special ASEAN Foreign Ministers Meeting in Kuala Lumpur, Malaysia on 27 November 1971. In that declaration was requested for the United States, China and Soviet Union to respect the freedom, dignity, neutrality and peace of Southeast Asian states (Eaton, and Stubbs 2006, 147). But ASEAN states also had to avoid any security measures in the region in order not upset the communist next door neighbors (Eaton, S. & Stubbs 2006, 212). Acharya A. is convinced, that the principle of non-interference in member states foreign policies has been most destructive for the creation of ASEAN common regionalism (Acharya, 2001, 57). For the outside world ASEAN were associated by a low efficiency of its institutions and legal framework, which was serving gains of its elite leaders (Acharya, 2001, 57). Throughout the times of the Cold War, ASEAN served as an umbrella protecting the interests of its member governments from either capitalistic American influence or Soviet Union backed communism. Ironically, against liberal and constructivist theories of cooperation, it was undermining developing of the regionalism, but it was still fitting ASEAN overall agenda. Jusuf Wanandi claimed that if each member state can succeed on its national developments and fight eternal threats in alliance with its allies, then regional resilience can result in the same way, like the chain derives its overall strength from the strength of its separate individual parts (Wanandi J. 2006, 86). It explains that managing the conflict together, instead of just solving it will strengthen the links between members (Weiffen, B., Dembinski M., Hasenclever A., Freistein K., and Yamauchi M. 2011, 408). It is becoming obvious that non-interference policy is stopping ASEAN of successful community building.

2.2. ASEAN further integration and regionalism after the Cold War.

David Kang, for example, observes that theories like Waltzian neorealism, have developed from a relatively a subset of world phenomena— the Cold War strategic rivalry between the United States and former Soviet Union (Kang, D. 2003/4, 170). This has ‘defined away the tremendous diversity that exists within the international system’ (Hamilton-Hart, N. 2009, 57). As a result, Neorealists can be especially ‘indeterminate as regards the behavior of secondary powers’ (Goh, E. 2007). Higgott R. referring to theory’s difficulty in addressing Asia, comments that in Southeast Asia, East Asia and the Asia-Pacific, where new institutions and processes have arisen in the without a central leadership of considerable power, ‘smaller power initiative and statecraft . . . have [had] an importance not commonly understood in European and North American analyses of the region’ (Higgott, R. in Richard Higgott, Leaver R. and Ravenhill J. (eds) 1993, 299).

One example is the process that created East Asian Economic Caucus (EAEC) in the region, another is the concept of ASEAN+3. The creation of the EAEC idea, which was the child of Prime Minister Mahathir of Malaysia in the early 1990s, there was no strong conceptual framework for regionalism in East Asia as a whole. Mahathir explains what initially motivated his EAEC proposal:

“Suppose Malaysia goes alone to Brussels to lodge a complaint against European protectionism. Our voice would simply be too small. Nobody would listen. But if the whole of East Asia tells Europe that it must open up its markets, Europeans will know that access to the huge Asian market obliges them not to be protectionist.” That was the reasoning behind the EAEC proposal (Ishihara, S. and Mahathir M. 1995, 44).

Although ASEAN countries had no common interest in EAEC nor took any real initiatives to give substance to the EAEC concept, they did respect the Malaysia prime minister’s EAEC proposal to maintain solidarity. They consciously acted to avoid destroying the proposal. During the 27th ASEAN Ministerial Meeting (AMM) in Bangkok, in July 1994, ASEAN foreign ministers and the foreign ministers of China, Japan and Korea gathered at the so-called informal ‘6+3’ lunch and ‘discussed aspects of EAEC’ (Sunhyuk, K. & Hans S. 2012, 473-494). This was the first ministerial meeting between Northeast and Southeast Asia, otherwise known as ‘East Asia’. The next ASEAN Ministerial Meeting (AMM) was held in Brunei in July 1995. The 1996 AMM in Jakarta agreed that in future the ASEAN 7 plus China, Japan and Korea would meet as a group at all future ASEAN ministerial meetings (An overview of Buszynski, L. 1997).

Previous ministerial meetings of emerging ASEAN, led to the acknowledgement of the new emerging region by China and Japan. The other major development in the 1990s was the emerging visibility of constructivism as a rival approach to realism and liberalism. Constructivism's focus on ideas, identities and social processes made leaders and influencers reflect on how and nations chose to relate with one another within institutional frameworks. Much thinking also went into the roles and structures that are appropriate for institutions to work effectively to deliver ASEAN's objectives. Constructivist approaches were appealing to those reflecting at a time of unexpected ASEAN growth. Especially given the limitations of the existing theories to explain it. Constructivists argue that growing sense of an identity among countries in a region, (such as was created by ASEAN) is an important component in generating regional cooperation and arguably regional integration. Wendt A. writes that 'actors acquire identities . . . by participating in . . . collective meanings', which can be developed and flourish within such an institution (Wendt, A. 1992, 339–72). Yet if a region does not exist, it is not possible to define it in a manner that facilitates the creation of regional institutions. For example, if Brazil joined the free trade agreement with the United States and Canada, it could be the North America Free Trade Agreement (NAFTA).

Constructivist claim that regions are subjectively constructed by humans, and that they do not exist in nature. Regionalism draws lines, inevitably, positioning borders between member states and non-members. In fact, the existence of non-members contributes to distinguishing members of the club from those that are not members, from 'them' and this enhances the identity within the club. During the Cold War, confrontation with the Soviet regional bloc helped the definition of the identity of 'the West'. Because 'it is the nature of identification that determines how the boundaries of the self are drawn' (Wendt, A. 1994, 356). Hellmann D. attributed an additional factor that contributed to the creation of the new region, 'shared experiences of turbulence and change, brought on primarily by the political, cultural, and economic impact first of Western colonialism and then of the cold war [which] encouraged the nations of East Asia to view themselves as a distinct group' (Hellmann, D. 1972, 29). Countries of East Asia had common experience of a region-wide problem: the Asian Financial Crisis. The crisis exposed the need for regional approach to the financial crisis and raised the awareness of the mutual interdependence of countries in the North-east and South-east Asian areas.

The former Filipino foreign minister, Domingo Siazon, commented ‘EAEC . . . provided the initial rationale for the establishment of an East Asian grouping’ (Buszynski, L. 1997.) Until that time, East Asia had been understood to refer to Northeast Asia, consisting of Japan, China, South Korea, Hong Kong and Taiwan. Southeast Asia referred to the ASEAN members (Singapore, Indonesia, Thailand, the Philippines, Malaysia and Brunei) and Indo-China (Vietnam, Laos, Myanmar and Cambodia), which were generally excluded from the definition of ‘East Asia’, partly due to ideological disagreements during the Cold War era. The failure was connected with the difficulty for countries in accepting the ‘East Asia’ concept. APEC existed as a regional institution and many countries in East Asia thought an additional institution was unnecessary. The creation of another concept of regionalism considered to be being rushed (Terada, T. 1998, 3–63).

ASEAN+3 meetings was a substantial development for the region. It was emphasizing the importance of the birth and adaptation of East Asia as a concept, identifying factors the Asian financial crisis and the development of regionalism elsewhere, which assisted the promotion a club, non-club distinction. This strengthened the identity of East Asia. The strengthened ties between the regional countries can be attributed in part to the establishment of the ASEAN+3 meetings. The 2000 Finance Ministers Meeting in Chiang Mai developed new mechanisms for cooperation on financial matters, including currency swap arrangements. The Leaders’ Meeting, in Singapore (November 2000), initiated an examination of the viability of an East Asian Free Trade Agreement (FTA) and an East Asian Summit. The region has 1.9 billion people and a gross domestic product of \$2 trillion, it is expected by many observers that the ASEAN+3 meetings will eventually lead to the emergence of an enormous single market, possibly leading to the creation of a tripartite world economic system (Bergsten, F. 2000).

In addition, Asia Europe meeting (ASEM), has increased momentum in developing the identity of the East Asian region. When ASEM was founded in 1995, Europeans had the EU, whose fifteen members, consulted each other. No similar group existed to bring together Northeast and Southeast Asia. At the APEC 1995 Osaka meeting, there was a lunch arranged by the Thai government, where ‘ASEAN 6+3’ leaders prepared for the first ASEM meeting in Bangkok in 1996. Tommy Koh, a member of this project, said:

‘ASEM forced Northeast and Southeast Asians to meet and be consolidated into “Asian” side participants of ASEM, commencing to develop the habit of meetings that included China, Japan, Korea and Southeast Asia’ (Koh, T. 2009, 211).

Japan's finance minister, Kiichi Miyazawa, also states: 'these talks with Europe [through ASEM] are helping us build up our own Asian identity' (Webber, D. 2001, 357).

The development of regionalism elsewhere also helped the East Asian identity to grow within member states. The decision that a Free Trade Agreement (FTA), with a total of thirty-four nations in North, South and Central America and the Caribbean should be created by 2005, was concluded at a conference in Chile in April 1998 (An overview of the First and Second Summits of the Americas, June 2009). The EU was anxious to ensure that Estonia, Hungary, Poland, the Czech Republic and Slovenia became members. These events helped to clarify the *raison d'être* of membership of the club and contributed to collaboration. According to Webber D. the creation of 'an at least limited sense of identity among East Asian states' was in part caused by 'the perception of sharing a common opponent in APEC conflicts' (Webber, D. 2001, 357). Cronin B. stated that, 'Both individual and institutional actors continually compare themselves to others . . . in part to better define who they are and . . . who they are not' (Cronin, B. 1999, 25).

As mentioned before, ASEAN chose to economic integration as the driver towards common identity and regionalism. In order to succeed and to make agreements of free trade with the big economies ASEAN signed a joint FTA. For instance, China's interest in signing FTAs is believed to have been spurred by Japan's negotiation of an FTA with South Korea, announced in October 1998 (An overview of personal interview with Katsuhiko, U. 2002, Tokyo). These negotiations made China feel isolated in FTA developments in East Asia. China finally entered this arena by entering an FTA with ASEAN in November 2001. Koizumi's Singapore speech and treaty to create a Japan-ASEAN economic partnership were reactions to the China-ASEAN FTA proposal. It was a huge step forward for ASEAN economic integration, but also a threat to their markets and employment outlook, because of the cheap Chinese goods.

Neoliberal institutionalists claim that the participant's states were eager to be members of a regional institution because they felt acting in unity would bring economic benefits to all member states. It was a key role for national leaders to find common interests and manage conflicts where interests were not aligned, if necessary, a leadership style called directional leadership (Terada, T. 2001, 195-220). China and Japan understood these concerns of ASEAN members, and both concentrated on alleviation them. China agreed to allow access to its agricultural markets first, including palm oil, timber and tropical fruits. All of these are key

export products of Malaysia and Indonesia which were thought to be cool to the idea of an FTA with China (Kuroda, A., Chugoku K., Chugoku H. Y. 2002, 58–67). These developments indicate that there is increasing motivation to complete FTAs with Japan and China, – as a precursor to the eventual establishment of an East Asian FTA through the consolidation of existing regional and bilateral FTAs within the region. Bilateral agreements of the ASEAN states to deal in trade and foreign policies in comparison with the EU multilateral agreements in areas like trade, are considered one of the major current differences in these two organizations.

This chapter shows that integration and regionalization processes though different theory approaches, mainly constructivism, which was supportive for ASEAN way of non-interference and a rival theory to common liberalism and realism in the 1990s. The application of functionalist theory was helpful at that time, in order to create institutions in ASEAN to solve problems on further integration. The chapter also discussed the neorealist approach, which developed a sound argument regarding secondary powers behavior. The approach provided a good overview of the development of regionalism and regional identity through the (EAEC) and ASEAN+3. Constructivism explained how the regions were formed and which factors lead to regionalism. In ASEAN case, it was mainly problems that were faced by several countries that was the catalyst for formation of the regional institution. ASEAN working with Japan and China played a positive role in developing economic integration in the region and lead to acknowledgment and to credibility and recognition of ASEAN around the world as a respected international institution.

3. ASEAN INSTITUTIONILSATION.

ASEAN developed norms and processes largely in isolation of the influence of any expectations from dominant world powers (Berger, M. 1999, 1013–1030). In the 1990s, when theorizing by constructivists encourage thinking about different institutional models (Higgott, Richard and Phillips N. 2000, 359–379). The financial crisis similarly precipitated challenges to the concept of ASEAN as an alternative model of regional institutionalism. And the 2000s was time characterized by great power pressures and a move towards functional' theories in academic discussions about ASEAN (Rhodes, M and Higgott R. 2000, 1–19).

Increased interest of academia and international actors lead to the ASEAN-style institutionalism, which places emphasis on sovereign, equality and unity (Eaton, S. and Stubbs R. 2006, 135–155). These values were important in creating the non-interference principle, consensus based decision-making and a non-binding regionalism institutionalism that was minimalist. They also suggest a model of regionalism, influence and power, that is different from the usual models (Nesadurai, H. 2008, 225–239). ASEAN—via the ASEAN Regional Forum (ARF), the ASEAN+3 and the East Asia Summit (EAS)—provides a unique example of an organization, outside the western hemisphere zone, that has attempted to promote its institutional norms and practices outside its own region (Southeast Asia) to other more powerful nations such as the US, Japan and China (Acharya, A. 2001). The resultant moves by institutions demonstrate the difficulties of diverging from established models, in particular that of the European Union, as well as US-led cooperative agreements.

3.1. EU influence on ASEAN.

Against the backdrop and difficulties of ASEAN, scholars have suggested that this can be attributed to the influence of the European Union (EU) as a 'model power'. This idea seems to be deep in the psychology of some European policy-makers and also scholars (Jetschke, A. 2009, 407–426.; Zielonka, J. 2008, 471–484). The impression of the EU as a model power is based on the notion that 'Europe's history is a lesson for everybody' (Jokela, J. 2009, 40). Javier Solana's asserted, that ASEAN looks from the outside, like a loose 'European model ', in a way as organizing our societies and in approaching international

affairs. Other organizations around the world are paying close attention, for example, The African Union, Mercosur, ASEAN—these are all examples of strengthening regional regimes. They are explicitly taking their inspiration from the EU experience. Nevertheless, there can be no simple export of whatever we think the European model is, but the EU is seen as a source of inspiration. And of course, imitation and adaptation are easier than invention (An Overview of Solana, J. 2004).

Robles A. argues, that the EU provided little pressure/coercion (or even agenda-setting influence) on ASEAN in the course of the FTA negotiations. ASEAN's neoliberal model was similar to the EU's; and the EU decided to avoid making its human rights a priority issue in the negotiations (Robles, A. 2008, 541–560). The EU does not operate with the emotional affect or soft-power attraction that a model power stimulates inside an actor (Zielonka, J. 2008, 479; Yeo L. H. 2010). Rather the EU exercises a disproportionate influence sub-consciously on the design and development of one of Asia's key organizations, ASEAN. The EU essentially is a reference point for ASEAN (Sepos, A. 2012). Arguably the most important example of this is the structuring of the ASEAN Charter in 2007 (Jones, David M. and Smith M. 2007, 148–184). This paper disagrees with scholars who reduce ASEAN's institutionalization to an imitation of the EU form without the substance for example (Jones, David M. and Smith M. 2002, 93–109). As it is simply not enough of substance of institutionalization to compare ASEAN level of integration with the EU (Jetschke, A. 2009, 115).

In order to understand the relation between the EU and ASEAN, it is necessary to look back at the history of the relation between these two organizations. The European Community was ASEAN's first partner in dialogue when formal relations between the two were established in 1978. Some analysts suggest that 'this was probably because ASEAN found it logical at that time to anchor its external relations on its partnership with another regional organization' (Severino, R. 2006, 329). By getting the EEC to link up with it, ASEAN was recognized by a major international actor for the first time. EC's Vice-President and Commissioner for External Relations held meetings between 1972 and 1974 in Brussels, Bangkok and Jakarta between ASEAN and EU representatives. Later this was formalized as the ASEAN-EC Ministerial Meeting (or AEMM), meeting approximately every 18 months. In 1979, the EC opened a diplomatic office in Bangkok, its first in Southeast Asia (Haacke, J. 2003). Many observers of ASEAN identify a real distinction between the formal and legalistic

approach of Europe and the consensual, consultative and informal *modus operandi* in ASEAN, often referred to as the ‘ASEAN Way’ (Caballero-Anthony, M. 2008, 71–85). ASEAN scholars and statesmen frequently comment that the EU model is too ‘legalistic’ and formal for ASEAN. They argue that the environment in the 1950s that led to the setting up of supranational institutions in Europe was different to that in Southeast Asia. But more recent history points out that post the Asian financial crisis, ‘ASEAN is moving towards more institutionalization and . . . in the case of AFTA [ASEAN Free Trade Area], more legalization’ (Severino, 2006, 4–6).

ASEAN, has become substantially more ‘institutionalized’ since 1992, like the EU or Mercosur, and grown from six to seven members in 1995, nine in 1997 and ten in 1999. Another way to view institutionalization qualitatively, as an increasing commitment to an organization that is rule based. Further, author of the thesis will look into the level of the centralization and independence of institutionalization. For example, if we used a rational, interest-based approach to multilateral institutionalization, we could find two separate processes: centralization and independence (Abbott, K. W. and Duncan S. 1998, 30–32).

Independence involves a greater amount of autonomy from direct intervention by states. Greater independence creates an International Organization (IO) with enhanced efficiency and legitimacy (Desker, B. July 2008). ‘Diluted Charter digresses from vision of new ASEAN’). John Duffield identifies four types of ‘institutions’: the conception of institutions as formal organizations; institutions as practices, the sociological view; the rationalist type, of institutions as rules; and the view of institutions as behavior-influencing norms – a constructivist model (Duffield, J. 2007, 1–22, Figure 1).

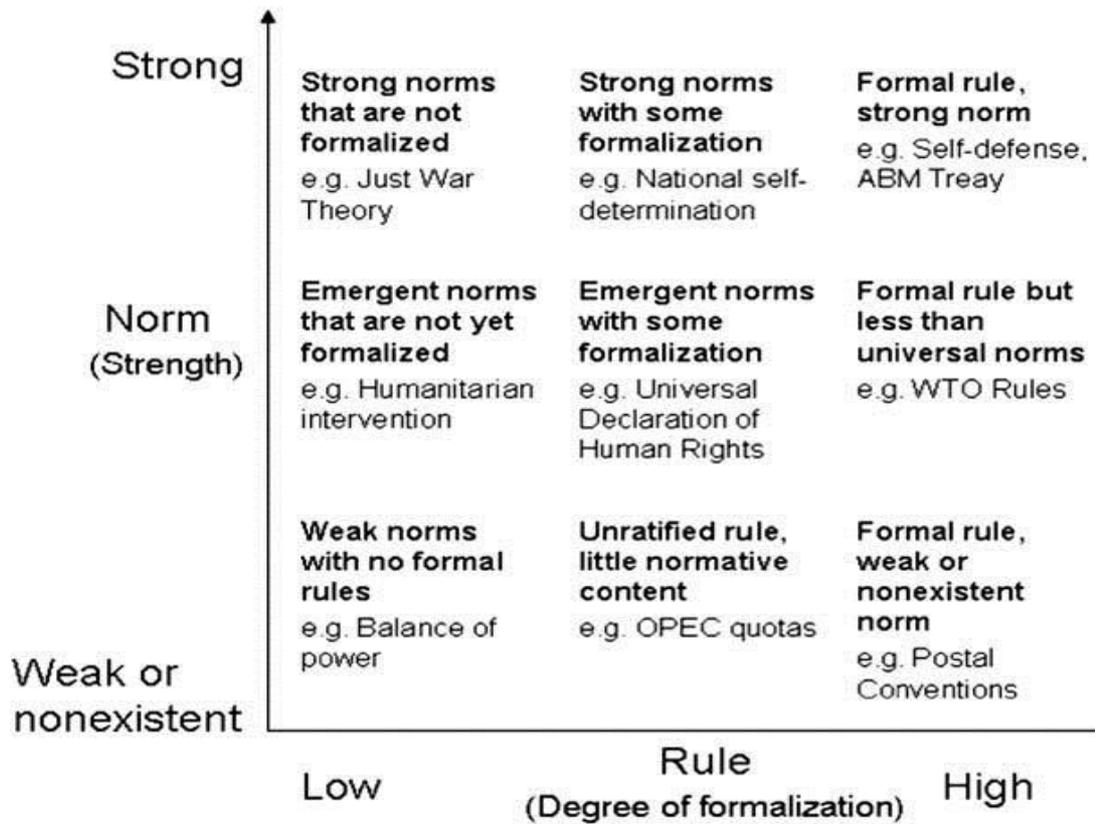


Figure 1. A typology of institutions based on norms (y-axis) and rules (x-axis). Adapted from Duffield (2007)

It is evident in the discussion of the ASEAN Charter below that ASEAN has moved away from the ‘politics of accommodation’ (Antolik, M. 1990). Regional reconciliation and internal balance of power and started to increase centralization and institutionalization of its structure and practices. Initiatives to create a single to economic regional have proved of limited success in the ASEAN Free Trade Area. ASEAN set a modest goal (achieving no more than a free trade area), rejecting ambitious EU-style projects such as the single currency or free movement of peoples (Emmers, R. 2003). Political cooperation and human rights ambitions have also been set at moderate levels. Developments on the ASEAN Charter, which started at a low base and a human rights commission for the region are revolutionary by the standards of an organization known its adherence to a norm of strict non-interference.

It is possible to argue that ASEAN has moved from a position of weak norms: pre-AFTA in 1991; Box 2, or emerging informal norms: pre-ASEAN Charter in 2007; Box 5, to a position where formal rules are in position covering many aspects of the organization (Box 6, Figure 2).

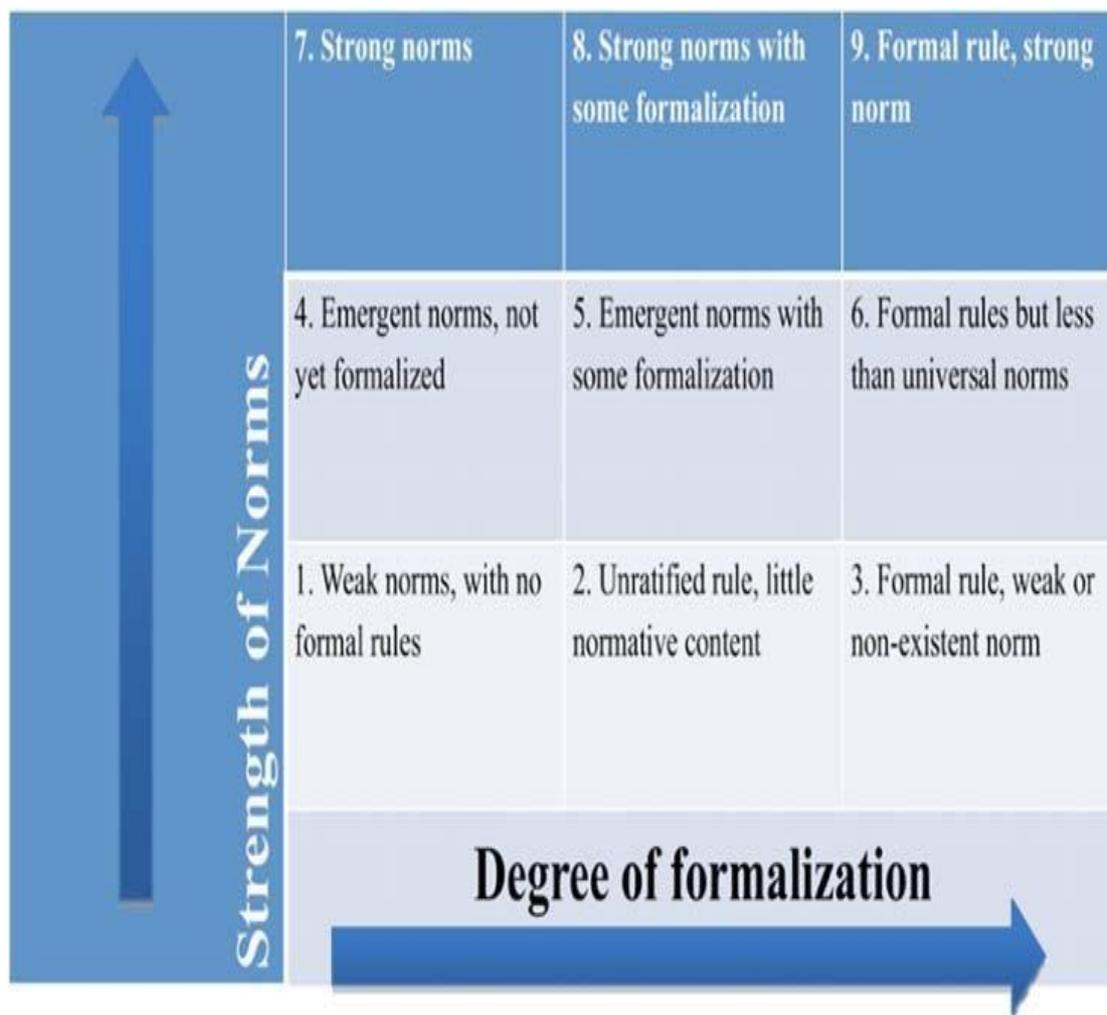


Figure 2. ASEAN’s movement from weak norms and rules to the 2007 ASEAN Charter (Figure 2).

Some scholars and states representatives in ASEAN recognize that the EU has been an ‘inspiration’ and model for reference for the modernization and development of ASEAN (Yeo, G. 2007, 11). Its Charter is important to ‘promote compliance with ASEAN commitments, not only in the economic field, but also on security, the environment, and communicable diseases’ (Severino, R. 2008, 106).

3.2. ASEAN Charter

The creation of ASEAN’s Charter—is instructive. The High-level Committee appointed by ASEAN’s leaders to write the draft Charter visited Berlin and Brussels in March 2007 to learn from EU experience (Koh, T., Manalo R. G and Manalo W. (eds) 2009, 211).

In accounts and reflective notes on the 10-month duration and the 13 meetings that it required to make the ASEAN Charter (February-November 2007), about half its member

(a Task Force of ten representatives aided by the ASEAN Secretariat)—wrote that the EU was a valuable reference model reconciliation and integration of nations within a region. Walter Woon, the Singaporean representative, commented that the dispute resolution mechanism in the ASEAN Charter could:

‘Take heart from the European example...after dragging themselves out of the rubble and ashes, the Europeans foreswore war as a continuation of policy by other means and consciously set out to build a system based on peaceful resolution of disputes. If the Europeans with their history of bellicosity and imperialism, can achieve this in the space of less than two generations, there is no reason why ASEAN cannot do the same.’ (Woon, W. Koh, T. 2009, 72).

The Malaysian member of the Task Force, as an example, felt that ASEAN is not about ‘simply copying’ the EU (Razak, Tan Sri Ahmad Fuzi bin A. in T. Koh, RG. Manalo and W. Woon (eds). 2009, 25–26). Others have suggested that the EU is an ‘inspiration’ but not a ‘model’ (Chalermphanupap, T. In Koh T., Manalo RG. and Woon W. (eds) 2009, 132–133; Acharya 2009, 496). The ASEAN secretariat, which may be somewhat less than objective, has commented that ASEAN has some characteristics that make it a superior institution to the EU. For example, the ASEAN Charter (only 53 pages) is much shorter than both the aborted Treaty Establishing a Constitution for Europe (482 pages) and its replacement the Reform Treaty (around 250 pages); there is a single working language (English) in ASEAN; the ASEAN motto; and the ASEAN anthem. The EU could only dream of using one official language, and it had to drop the proposed motto ‘United in diversity’ and proposed anthem ‘Ode to Joy’ because some of the EU members saw them as trappings of a ‘super European State’. But nevertheless, EU was an inspiration and the point of reference for ASEAN institutionalization. As Singapore’s Foreign Minister Yeo G. said:

‘Eminent Persons appointed by the ASEAN Leaders received excellent briefings on the European Union in Brussels which influenced them in the way they crafted their recommendations’ (Yeo, (2007), p 11).

Ong Keng Yong, who was the Secretary-General when the Charter was drafted, voiced his view that the EU model was developed on the principle of devotion to the institution-building and the rule of law. Such a strong political commitment was missing in ASEAN. The Charter was not an over-riding rules-based regime, but wherein the Southeast Asian tradition of consensus decision-making is degraded too early. Tommy Koh, the Singaporean senior diplomat who had chaired the high-level drafting committee for the

Charter, came to its defence saying that it was not perfect but a good start to progress for the region (Koh, T. 2008).

With intense scrutiny from outsiders and ASEAN observers, officials involved in drafting the Charter have had to defend it, justify its shortcomings and remind people that it is a living document which was to be reviewed in five years (2012) and could well be strengthened at that time (An overview of Razak, T. S. A F., Chalermphanupap T., Jasudasen, T. 2010). The humanitarian and democratic values promoted in the ASEAN Charter are now the remit of the ASEAN human rights commission. They could become the precursor for the organization to develop into a genuine rules-based institution. Centralized bodies may become more empowered to initiate new policies. This may allow ASEAN to evolve into an institution with more formal rules and stronger (albeit not universal) norms (Abbott, K. W. and Duncan S. 1998, 16, Figure 1).

3.3. ASEAN Intergovernmental Commission on Human Rights (AICHR)

The ASEAN Intergovernmental Commission on Human Rights (AICHR), which was founded on 23 October 2009, under Article 14 of the ASEAN Charter, is considered a significant development in institutionalization in organizations (An Overview of ASEAN 2009, Cha-Am, H. H. Declaration on the Inauguration of the ASEAN Intergovernmental Commission on Human Rights). The primary purpose of the working group was the creation of an intergovernmental human rights mechanism in Southeast Asia. The foreign ministers, supported by nongovernmental organizations (NGOs), the governments of Thailand and the Philippines, and think tanks in the region, agreed that ASEAN should consider the establishment of a regional mechanism for human rights (Caballero-Anthony, M. 2005, 247).

Progress was slow until two events occurred: Suharto's fall from power in Indonesia, after the 1997 financial crises; and the rise of democracy in major countries such as Indonesia, Thailand and the Philippines.

The workshops gathered together officials, members of NGOs, scholars and national human rights commission members. The role of the ASEAN Human Rights Commission is to promote human rights. It does not have powers to investigate impose sanctions on member governments. A statement released by the Thai government declared that the Commission would 'promote and protect human rights by promoting public awareness and education' (An

overview of *New York Times*, 2009). If we draw on the theoretical framework set out by the categorization work of thinking on ‘cognitive priors’ (Börzel, T. A., and Risse T. 2012, 1–19), we can investigate whether Southeast Asian governments have created institutional structures in ASEAN that are similar to the EU, and to what extent (Schimmelfennig, F. 2003). ASEAN succeeded to create its model of institution with its own structure.

But nevertheless, although the EU has strong emphasis on human rights, there is little to suggest that ASEAN’s human rights mechanism (ASEAN Inter-Governmental Commission on Human Rights- AICHR) is based on the EU model (Acharya, A. 2009). There was a demand that was functional driven by ASEAN’s largest state Indonesia, to develop ASEAN into a human right promoting organization. This effect has been described as a ‘lock-in effect’ (Moravcsik, A. 2000, 217–52).

In short, the issue-arena of human rights has experienced a real breakthrough, in terms of the formalization of human rights as explicitly laid out in the Charter, and by the formation of a regional human rights commission.

3.4. Comparing the ASEAN institution framework with the EU.

But ASEAN is still remains not comparable with the EU institutional structure. Furthermore, the EU unlike ASEAN, which has a rather simple organization, has four main institutions. The Council of Ministers is the central body which oversees most of the work of the EU. It is a political and a legislative body. It is the institution where decision making takes place. It meets once each month and consists of foreign ministers. The foreign minister is his country's main representative in the Council, but other ministers such as agriculture, economy, finance, social affairs, transport, industry, environment also meet, but less frequently.

The Maastricht Treaty made this Council responsible for intergovernmental cooperation in the EU, i.e. the creation of a common foreign and security policy and justice and home affairs. Heads of government (or state) also meet twice a year together with the president of the commission. This group is called the European Council, and its members are accompanied by their foreign ministers. The presidency of the Council rotates between member states, each presidency lasting for a six-month period.

The council of ministers of ASEAN is similar to that of the EU, though it normally meets only once a year. This council shapes common positions amongst member states. There is no role for it to create legislation, which is a significant difference between ASEAN and the EU institutions (An overview of UN University lecture, H.E. Mr. Lim, C. B. 1997). There is one type of institution in ASEAN that is similar to the EU. ASEAN has used the model on the EU's Committee of Permanent Representatives (COREPER) to design its Committee of Permanent Representatives (CPR). It also uses the EU economic integration process as a point of reference, because it seeks to create its own ASEAN 'single market'. Selectivity is the aspect of ASEAN's approach to design. ASEAN retains its intergovernmental character.

The Charter re-emphasizes the principles of the ASEAN Way (An overview of ASEAN 2008, ASEAN Charter). So, the changes that we see, are mainly at a formal institutional level. There has been no sovereignty transfer (Ravenhill, J. 2008, 469–506). Looking further into the ASEAN CPR, it deliberately adopted a copy of the EU COREPER, according to Ong Keng Yong (Jetschke, A. Personal Interview by Anja Jetschke 2010). Wanandi J. of the Centre for Strategic and International Studies in Jakarta was an advocate for the elevation of the ASEAN Standing Committee to consist of permanent representatives from each member-state that are accredited to ASEAN to represent its countries in a Committee (Wanandi, J. 2006, 86).

Article 12 of the ASEAN Charter provides that the CPR supports the working of the ASEAN Community Councils and ASEAN Sectorial Ministerial Bodies; coordinates with ASEAN National Secretariats and other ASEAN Sectoral Ministerial Bodies; liaises with the ASEAN Secretary-General and ASEAN Secretariat; facilitates ASEAN cooperation with external partners; and performs other functions as determined by the ASEAN Coordinating Council. It has no decision-making responsibilities. COREPER forms part of the EU's decision mechanisms.

Comparing the EU and ASEAN, it is clear that the EU type of framework has very little to do with ASEAN institutional future development, partly because of the role played by superpowers around the region who heavily influence regional politics. The EU has the ability to coerce or bribe states in its neighborhoods, economic and geographic, (Central and Eastern European candidate countries for the 2004 and 2007 enlargements, ACP member states, and some Mediterranean and Middle Eastern states). However, the EU's abilities to impact is

much weaker in Southeast Asia, where the competitive influences of the United States, Japan and China are dominant (Zielonka, J. 2008). But nevertheless, the EU was on top of its existence during the Asian financial crisis in 1990s, when ASEAN credibility came under a heavy attack. It was logical for ASEAN to look into the EU model ability to attract foreign investment due its integrated economy (Jetschke, A. 2009, 417). Some elements in this process indicate that rational learning is the underlying ASEAN mechanism, such as the financial and political crisis and the response thereto. However, these crises did not necessarily determine the structure of EU institutions as effective solutions. It is more that they led to the search for external ideas.

In the case of ASEAN, members were concerned about their international image, and using the structure of institutions from a highly regarded regional organization was an attractive option. And the logical development led ASEAN members to adopt the Charter because it offered what ASEAN was missing: external recognition as a legitimate actor that was relevant. The result was an inflow of foreign direct investment (FDI), which was needed. Until 1997 Asia's model of regionalism was based upon unilateral trade liberalization measures by national governments (most importantly China and Japan) in a competitive bid for FDI (Baldwin, R. E. in Kiratsuka D. and Kimura F. (eds) 2008, 45–81). There was no unified regional approach, especially in the 1990s. By the mid-1990s the success of East and Southeast Asian economies had made the region of East Asia a model for promotion by international financial institutions (Stieglitz, J. E. 1996, 151–77). Their development had exposed the institutional weakness of Southeast and East Asian regionalization (Jones, M. D. 2008, 735–56). This was one of the reasons behind why the ASEAN took EU's framework into account and as a point of reference for its future development.

As De Lombaerde P. concludes, the theoretical problem for other regions is that 'European integration theory and practice', in providing the basis for theories of regionalism and organization, has become the paradigm from which all other views are judged (D. Lombaerde, P. Soderbaum, F. Langenhove, L. V. and Baert, F. 2010, 737). The 'EU style institutionalization', a presumed progressive model has become the standard or perhaps the starting point for the comparison and assessment of regional projects elsewhere in the world (Breslin, S., Richard Higgott and Rosamond B. (eds) 2002, 11). Assessed against this 'quasi-hegemonic' European standard, ASEAN is often thought of as 'weak' or even a 'failure' (Breslin, S. 2002, 9). Beeson M. conclude that, 'the emphasis on institutionalization as the

dominant explanation of regional diversity betrays the influence of the EU model of regional governance on theorizing' (Beeson, M. and Jayasuriya K. 1998, 312).

The functions and outputs of the ASEAN bodies differ from those of the EU. The EU produces binding legislation, unlike ASEAN. It is too early to evaluate whether ASEAN may develop approaches in this area that are similar to the EU. The EU has close connections between COREPER and the Council and with each state's ministry of internal affairs, and this is embedded in the EU system. Despite these differences, COREPER served as a point of reference. For example, the financial transfers ASEAN institutions in the period of 2006-2014 was estimated to \$56 millions (Börzel, Risse 2012, 12). Regardless to mentioned above transactions, it is still too early to tell that ASEAN is adopting specific EU methods or institutions. They are considered rather helpful tools for achieving a common target on creating ASEAN community (Martin, D. 2009). ASEAN examined the EU's integration, first, to address the problem of institutionalizing ASEAN and to provide greater integration of its member states that they considered they needed as a result of the financial crisis and also the increasing economic threat from India and China (lesson-drawing). They concluded that ASEAN members needed a distinguishing feature and is where the ASEAN Charter comes in.

In conclusion to this chapter it is evident that ASEAN has experienced significant transformation over the past decade. It has overhauled its institutional structure and functional design in ways that allow it stand comparisons with the European Union, even if ASEAN is – and will probably continue to be – an intergovernmental organization (Murray, P. in Bello, V. and Gebrewold, B. (eds) 2010, 155–70).

4. SUPERPOWERS INFLUENCE ON ASEAN.

ASEAN is recognised for several things: for success compared to other regional organizations in the developing world at bringing stability to relations between nations that were previously in conflict; for expanding cooperation between member states; and for becoming the institutional hub of new regional co-operation arrangements whose member include major powers that are much larger than ASEAN member states (Breslin, Higgott, Rosamond 2002). The trend towards ‘new regionalisms’ at that time—as opposed to ‘globalism’—gave the new institutions frameworks, additional geopolitical importance and relevance and inspired regional comparisons of greater focus (Acharya, A. and Alastair Iain Johnston (eds) 2007, 1–32). Some observers could attribute ASEAN’s limited use as a case study in theoretical debates to the disparity of opinions about ASEAN’s contribution to improving regional security and cooperation. However, as contrast, the EU, like ASEAN, has also been the subject of much debate and disagreements. Nevertheless, this has not hindered extensive theorizing about the EU or its contribution to theories of international relations. Theorizing has also been extensive in the areas of organization and cooperation with large and hegemonic powers, including —its indispensability as a balancer, as a maintainer of security and order as well as its inclusion in the creation and continuing running of international organizations (Baldwin, D. 1993, chapter 4). Although unlike ASEAN the EU has always had at least one permanent UN security council seat, not directly but through a member state’s entitlement to a seat.

4.1. Failed EAEC concept and development of ASEAN+3.

Debates about IR theory were also debates about the directions, and interests of US foreign policy in ASEAN region. Such debates were also about what the US was better equipped than other states to do (Hoffmann, S., Janus and Minerva: 1987, 3–24). For example, US consistently was concerned about the emergence of the East Asian Economic Caucus (EAEC). It was fearful that this could damage the cooperation within the Asia-Pacific region, and thereby America’s economic interests in Asia (Baker, J. 1995, 610). Secretary of State James Baker wrote, ‘in private, I did my best to kill [EAEC]’. Baker J. writes, ‘without strong Japanese backing, EAEC represented less of a threat to America’s economic interests

in East Asia' (Baker, J. 1995, 611). There is an implication from this comment that the United States pressurized Japan not to participate in EAEC. Japan's self-imposed international identity and its US-centered foreign policy. The history of Japan's approaches to regional economic cooperation, reveals no concept of 'East Asia' as an entity. Japan's Asia-Pacific policy in 1967 as regards the economic development of Asian developing countries was based upon cooperation with more advanced nations of the Pacific region, the United States, Canada, Australia and New Zealand. Japan sought to be a bridge between Asia and the Pacific nations. Japan's unsupportive approach arose because it did not see 'East Asia' as a concept for regional cooperation. It maintained its adherence to its conceptual belief of the 'Asia-Pacific' as a basis for promoting regional economic cooperation instead of 'East Asia'. A lack of adequate forces driving the formation of an 'East Asia' regional identity allowed Japan's refusal to become involved in the formation of this regionalism to survive (Baker, J. 1995, 614).

Over time Japan's foreign policies has been changing towards ASEAN. Japan's involvement in the 1997 ASEAN+3 meeting was a milestone for regionalism, given its previous reluctance to be involved in EAEC. In 1999 its Ministry of Foreign Affairs adopted use of the term 'East Asia' and referred to the ASEAN+3 meetings as 'an East Asian summit in a practical sense' (Terada, T. 2001,27). Prime Minister Mori Y. delivered a statement on three principles for improving open regional cooperation in East Asia in Singapore (An overview of Mori, Y. 2000). His successor, Koizumi J. promoted the idea of making 'the best use of' ASEAN+3 to secure prosperity and stability in East Asia in a January 2002 speech in Singapore. In 1997 Prime Minister Hashimoto had spoken of the need for closer ASEAN-Japan relations in the 'Asia-Pacific' region. His successors' comments reflect Japan's growing interest in East Asia. A significant reason behind this change was Japan's understanding that a consensus had developed that the conditions for East Asian regionalism to be created to address regional problems (Koizumi, J. 2002 Speech).

4.2. China influence and ASEAN soft balancing politics.

China's strong economic development and increasing self-confidence led to diplomatic postures in political, economic, and security arenas that became more forceful. As the new superpower emerged in the region ASEAN has to adjust its politics around new

concepts of power distribution. Some scholars have applied the concepts bandwagoning and balancing to their accounts of Southeast Asian countries' strategies towards politics in the region (Kang, D.-C. 2003, 57–85). Importantly, even these accounts demonstrate that pure-balancing and bandwagoning do not account for Southeast Asia's reactions to regional power politics (Acharya, A. Tan S.-S. 2006, 37–59). The vigorous engagement of ASEAN with the fast-growing Chinese economy is rational self-interest aimed at increasing its own economic wealth, not necessarily consciously accepting a subordinate position against China (Ross, R.-S. 2006, 357–365). Southeast Asian states depend on the US security commitments to offset the influence of China. They hope to avoid unilateral intervention in purely intra-regional affairs, which requires a constructive approach to the soft balancing act of the two major powers (Kuik, C.-C. 2008, 159–185).

Soft balancing is defined as a balancing strategy involving non-military tools such as international institutions, economic statecraft and other diplomatic arrangements designed to delay, complicate, or increase the costs of using extraordinary power by a state that has a dominant influence (Pape, R.-A. 2005, 7–45). This concept is that a small state, that has a need to constrain the risk of disruptive impacts that arise from a powerful state's unconstrained exercise of power, tries to promote and develop regional collaboration and institutions. Some academics have applied this concept to Southeast Asian countries' policies in the arena of 'great power' politics (Khong, Y.-F. In: Suh, J.J. Katzenstein P.J. and Carlson A. (eds) 2004, 172–208). Although ASEAN is not a state the basic logic of the model is applicable.

The use of collective diplomatic pressure against major powers is a critical component of Southeast Asia's strategies (Acharya, A. and Tan 2006, 44). The degree to which ASEAN is able to create a common perception of risks associated with a rising China and the extent of unity about responses to such risks has great bearing on the potential for success of ASEAN's strategies. The Southeast Asian states have been able to rely on the US as the guarantor against the Chinese challenge (Chung, C.-P. 2004, 35–53). They hope that Washington will keep an important political and military presence in East Asia to keep in check the risk of Chinese domination. ASEAN states have put in place strategies to cope with China's ascendancy, relying on regional institution-building with involvement from the US. The efficacy of such strategies is heavily dependent on the degree of cohesion within ASEAN and

alignment of the understanding of identity between the US and Southeast Asian states (Goh, E. 2006).

4.3. Development of the EAS, TPP, ADMM+ and EU-ASEAN joint APRIS.

Previously discussed arguments can be tested by examining the development of the East Asian Summit (EAS) and the Trans Pacific Partnership (TPP). The expansion of EAS was one of the significant and most important developments in security and foreign policy for ASEAN. The other important involvement for ASEAN economic security and integration is the involvement and participation on TPP negotiations, a group which includes the original P4 members plus the US, Australia, Vietnam, Malaysia, and Peru, a grouping that accounted for 27% of the world gross domestic product and had a population of 510 million. ASEAN members intended to engage in the US sponsored TPP as an additional instrument to counter the growing influence of China in the region. The creation of clear processes to make this intention a reality has been impaired by a lack of cohesion. Four of the ten ASEAN members have joined the TPP, the rest are less likely to follow the existing approach for a while. The participation of the US and Russia was not significant so much for the expansion of membership as for EAS's increasing competence as the forum for geopolitical security issues including nuclear proliferation, maritime cooperation, and management of disasters. This issue was mentioned in a speech by US Secretary of State Hillary Clinton in September 2010. She referred to the US's commitment to the goals of EAS: the US will be 'encouraging its development into a foundational security and political institution for the region, capable of resolving disputes and preventing them before they arise' (An overview of Hillary Clinton's speech 2010). This is another significant difference from the EU model: the functioning of intergovernmental bilateral agreements within ASEAN members. In general, Southeast Asian states have had a favorable perception of the US identity as a democratic, wealthy and benign power, and the US overwhelming capabilities have been regarded not as a threat to their interests but as a source for peace and stability (Khong, (2004), pp 195–196).

Japanese Foreign Minister Seiji Maehara was like minded in his speech in the US in January 2011. He declared that the role of the EAS should be expanded from the five priority areas of energy, finance, education, disaster management, and measures against avian flu to also include security affairs. Additionally, he said that EAS might function as an oversight

organization for two multilateral talks – the Six-Party Talks in Northeast Asia and the ASEAN Defense Minister’s Meeting Plus, (ADMM+) in Southeast Asia (Long, S.R.J. In M. Borthwick and T. Yamamoto, (eds) 2011, 79–101).

Furthermore, eight out of the 18 EAS members are also members of the G20. This ought to result in discussions and agreements at the G20 summit having a significant influence in world politics. Singapore’s Minister Mentor Lee K. Y. speaking at a meeting in Washington in 2009:

‘The size of China makes it impossible for the rest of Asia, including Japan and India, to match it in weight and capacity in about 20 to 30 years. So, we need America to strike a balance’ (Ba, A. 2009, 127).

Nevertheless, there were some obstacles on the route with cooperation with US on the America foreign policies. Southeast Asian states raised concerns about the administration’s overwhelming focus on the war on terrorism. Washington took advantage of existing institutions for this objective, pushing hard to import a security agenda into the economic-oriented APEC (Searight, A. In Aggarwal V.K. and Lee S., (eds) 2011, 89–120). And as its been described earlier in the chapter about the US stand against the (EAEC). In addition, the administration cast a renewed attention to Southeast Asia as the ‘second front’ in the war on terrorism because of the region’s largest concentration of Muslims in the world. Such a commitment was perceived as being too single-minded, too militaristic, and insufficiently attentive to local politics and conditions in Southeast Asia (Ba, A. 2009, 377). For example, Malaysian government refused to liberalize government procurement because of serious influences on the Bumiputera policy and to accept industrial property rights (IPR) requirements that would have deleterious impacts on the Malaysian society (Smeltzer, S. A. 2009, 13–23).

As we discussed earlier in the previous chapters that EU having a big impact on ASEAN as a role model and a point of reference, but also Southeast Asian region is an attractive market for the EU. Therefore, there is a relatively symmetrical relationship between the EU and ASEAN, excluding the incentive and coercion mechanism. As Börzel and Risse noted, the more our analysis moves away from Europe, the weaker is the EU’s ability to force non-members into compliance with its standards and institutional prescriptions, and the more it relies on other mechanisms, such as ‘soft’ incentives as well as persuasion (Börzel, T. A. Risse T. 2012, 1–19).

In official documents and in interviews for this research, the EU Commission has indicated its willingness to replicate its own integration experience elsewhere, therefore we

can be conclusive that EU plays a role of the advisor for the ASEAN organization (Yeo, L. H. in Balme R. and Bridges B. (eds) 2008, 83). Within the framework of the ASEAN–EU Programme of Regional Integration Support (APRIS) and a Plan of Action signed in November 2007, the EU has offered financial support to ASEAN, aiming particularly at strengthening the institutional capacity of the ASEAN Secretariat and generally fostering regional cooperation. Much of the input into ASEAN’s Vientiane Action Programme of 2004 for an ASEAN Economic Community appears to have come through APRIS (An overview of Personal Interview by Anja Jetschke 2010).

ASEAN proved unable to unify members behind a collective approach to the crisis. Leadership was lacking – and so was a coherent institutional response (Dent C. M. 2008). Other key factors were the political crisis in East Timor (1999) and the challenges posed by Myanmar, which were stopping of ASEAN to develop, as external criticism by the United Nations, the US and the EU and strained solidarity within ASEAN (Cotton, J. 2001, 127–42). UN intervention in East Timor after the population’s vote for independence went against the ASEAN’s norm preventing outsider’s intervention that would take advantage of domestic instability (Dupont, A. 2000, 163–70). That situation clearly shows how much influence having the superpowers over the ASEAN politics and on its past and future developments.

The political and geopolitical circumstances of the last twenty years and a rising threat of rising China over the not settled disputes of South China Sea are bringing alarming prognosis for further development of the relations between China and Many ASEAN member states involved in that conflict. Previous projection is suggesting that ASEAN integration process is far from EU style integration. Therefore, author can agree with Jones D. M and Smith that the perceptive promotion of the Southeast Asian states with ASEAN one identity is currently doubtful and premature (Jones, D.M. and Smith, M. 2007, 165-87).

5. CONCEPT OF ONE ASEAN.

ASEAN 9th annual summit been held in Bali in 2003 October, when leaders issued through Declaration of ASEAN Concord (Bali Concord II), establishment of ASEAN community three pillars. The first pillar was meant for economic cooperation, second political and security and third for the socio-cultural cooperation. That was designed in order to ensure stability, peace and prosperity for the region (An overview of the Declaration of ASEAN. Conchord II, Bali Concord II. 2003).

The establishment of the structure, gave the beginning for the ASEAN Economic Community (AEC), to ASEAN Cultural Community (ASCC) and manifested the start of ASEAN Political and Security Community (APSC). That was emphasized the linkage between members through integration within the region by all means, with the aim to fully integrate the Southeast Asia by 2015. Vision of 2020 is supposed to unite the ASEAN community through conscious awareness of its common ties of heritage, history and regional identity (An overview of ASEAN Vision 2020, 1997).

Community have a wide meaning for the ASEAN new policy of ‘One Community’, it explains how they can achieve common identity through multiple activities of the members. Joint commercial ventures are supposed to provide material links, which cause a positive cooperation between parties. Collins stated that community is a cognitive thing, which is more valuable than purely materialistic framework, as it has to be created by human belief and sense (Collins, A. 2007, 203-225). Collins view is quite similar to the constructivist ideas about institutions. It is indeed that ASEANs shared identity caused a lot of institutional and academic discourse.

Nevertheless, ASEANs community project is simply talk but no actions. As Jones stated in his book that current success of the entity of handling the 2008 credit crunch appears like eager enthusiasm for ASEANs unique multilateral approach during the time which lead to the financial crisis of 1997 (Jones and Smith 2007, 167). It is often seems to outsiders that organization is acting like a solid united entity, through its bilateral agreements and summits, but if there is a damaging serious conflict, ASEAN could easily fall apart. As Rülend J. argues ASEAN integration has been barely a success and even taken a negative turn, due to the agreements between the member states about liberalization and deregulations, which are not even binding. In case of the positive integration that set of agreements that been agreed

upon in certain policy areas require a governmental intervention, which is clearly missing in ASEAN states (Rüland, J. 2000, 427). Because of the non-interference policy, it is almost impossible for ASEAN to fully integrate and so far, the community project remains just a mountain of paperwork.

5.1. Economic Community of ASEAN.

The (AEC) conceptualized the beginning of a single market with its own production base and high efficiency, within an evenly developed economic region that is fully participating in the global economy as an integrated actor (An overview of ASEAN Economic Community Blueprint, 2007). Previously described motive is a force behind community building of the organization, but there are big issues with trust between some ASEAN countries. Some entity actors do not trust regional governing mechanisms and take matters into the own hands at every possibility, without discussing it with other ASEAN members. For example, Singapore been unhappy with the liberal economical processes within the union, because of the refusal to extend (FTA) with Australia and New Zealand. That pushed Singapore and some other members to rely on bilateral agreements with external trading partners (Ravenhill, J. 2002, 177). Another significant fact of discoordination within the ASEAN occurred, when in 2006, the Thai central bank changed its currency policy without the consent of other ASEAN members, which caused the crash of the stock markets. The Thai government explained their actions with the following statement, “that if small nation will not protect itself, then no one else would.” (Roberts, C. B. 2012, 150).

Severino R. stated that some members refused to open up their markets for non-tariff trade to all countries, despite signed multilateral agreements between ASEAN member states, they claimed that the organization had transformed to become a multilateral entity, but nevertheless, it is certain that bilateral agreements and policies within the union are still growing (Chesterman S. 2008, 264). In 2012, there were a 103 active FTAs, 64 under negotiations, from which vast majority were bilateral agreements between regional states (Menon R. 2003, 195). All the evidence pointing that ASEAN FTAs are not operating accordingly to its expectations, but there is some positive development too, Asian Free Trade Area (AFTA). Area have legally binding rules and regulations, which is governed by ministerial level Council and is set for the certain range of products that can move freely

within the union. AFTAs governing body has power to settle disagreements and disputes occurred between the actors, but it also is providing some loopholes for members to withdraw from its commitments. Hund argues that the framework of the Dispute Settlement Protocol somehow is not clear as to whether its terms of regulations are compulsory or advisory. That creates confusion between members of AFTA, as it is not clear that council decisions are obligatory. But in certain cases, it suits member states to discuss matters informally on consensus based quasi legalistic collaboration (Hund, M. 2002, 103).

Inclusion of new members of Cambodia, Laos, Myanmar and Vietnam (CLMV) countries, added issues to the organization through huge disparity of economies in terms of GDP per capital between the members of ASEAN. The disparity continues to grow in the last ten years. Even though the organization was trying to help them boost their economies the cleavage is still massive. ASEAN forcing its poorer members to become more competitive and pushing them to open up certain economic sectors and advising them. In order to accomplish that, ASEAN needs to get more involved in helping those poorer countries, by abolishing its traditional approach of strict non-interference and imposing rules and regulations for effective performance and regulatory binding laws to reinforce the development of the CLMV countries (Kurlantzick, J. 2012, 12-13).

5.2. ASEAN Political and Security Community.

ASEAN Political and Security Community (APSC) stated that it should provide for the people of ASEAN member states a democratic and peaceful environment, the rule of law, fair governance, and respect for human rights and fundamental freedoms of its citizens (An overview of ASEAN Political-Security Community Blueprint 2009). Security and political community can only exist between states when both or more actors cooperate through mutual respectful behavior and respecting the rule of law, which acts like assurance for the communal beneficial relationship. That is essential for the member's long term benefit, as is states acting only in their short terms self-interest, even if they have to accept short term sacrifices (Collins, A. 2007, p 206). That gave ASEAN members aspiration and will to create a forum for regional disputes. Developing integration of ASEAN security and political community, seemed like a logical move (Acharya, A 1991, 161).

Despite such aims, ASEAN was failing in promoting its security integration any further than just regional forums in order to discuss regional security matters. The reasons behind those failures are simply the huge divergence of political cultures, level of economies and political systems, which make integration much more difficult (Kurlantzick, J. 2012, 4-5). It is very hard to imagine successful multinational organization, when its member governments consider this entity a backwater policy and send its badly informed weak candidates to the secretariat of ASEAN (Kurlantzick, J. 2012, 14). As Collins stated, that the security community can only be formed if its members can view each other as one team with one purpose (Collins, A. 2007, 210).

According to Jones and Smith, the failure of leading its own integration been caused by the weak ASEAN frameworks structure. The Regional Forum strategy was a consensus diplomacy, where leaders of ASEAN states were managing the security issues rather than solving them. It is believed that the forum was just a showcase and an attempt to demonstrate its security efficiency. Many discussions and gatherings that took place in ARF proved to be fruitless on South China Sea disputes over the reserves of oil and gas (Jones, D.M. and Smith M. 2007, 178). There is not enough evidence that demonstrates APSC efficiency. It transpired from the ASEAN secretariat commissioned report from Eminent Persons Group (EPG). The report recognized the need to adjust the principle of non-interference and advised for future institutionalization of ASEAN dispute settlement mechanism, which shall include enforcement and monitoring bodies (An overview of Report of the Eminent Persons Group 2006). EPG proposed another important recommendation for ASEAN; the suspension of members for serious violations of law, agreements, and core principles of association, like disrespect of human rights and fundamental freedoms. In the end this report did not resulted any further actions and stayed as recommendation for future integration developments (Roberts, C. B. 2012, 152).

The main obstacle for ASEAN further integration remains the associations principle of consensus based decision making and strict non-interference into member state external and internal affairs. Unfortunately, there is not enough clear evidence showing any considerable change in ASEAN principles to the authoritarian governments in many ASEAN countries, who support current protocol. In order to change direction for further integration of One ASEAN policy it is necessary to have consensus between member states (Roberts, C. B. 2012, 152).

CONCLUSION

This paper has based on the comparable analysis between the two organizations ASEAN and the EU. The work included the principles of tracing, hypothesizing with constructivist theory and conceptualizing the ASEAN established framework through its recent and its past developments. The author was comparing the theoretical framework processes mainly through constructivist theories, which was popular concept in 1990s. The common enemy and a threat against foreign interventions created the collective purpose for ASEAN creation. The famous scholar Acharya A. described three main ideas of ASEAN guide of norms as the reasons for the successful protection of its members from foreign interference. First, the principal of non-interference, second the rejection of any military agreements to prevent using any force and last aim, was the establishment of the regional consolidated autonomy of its member states (Eaton, S. & Stubbs R. 2006, 47).

It all became a reality through an idea and the needs of Southeast Asian states to face and solve various issues in the region collectively. They shared a similar path in history and belonged to a geographically defined region, which was vulnerable to communism intervention (Ba 2009, 29). Throughout the times of the Cold War, ASEAN served as an umbrella protecting the interests of its member governments from either capitalistic American influence or Soviet Union backed communism. Ironically, against the liberal and constructivist theories of cooperation, involvement of Americans and Soviets was undermining developing of the regionalism, but it was still fitting ASEAN overall agenda. Jusuf Wanandi claimed that if each member state can succeed on its national developments and fight external threats in alliance with its allies, then regional resilience can result in the much same way, as a chain derives its overall strength from the strength of its constituent parts, (Acharya, A. 2001, Wanandi J., quoted in 58), which explains that managing the conflict together, instead of just solving it will strengthen the links between members. It is becoming obvious that non-interference policy is stopping ASEAN from succeeding in community building.

This thesis explained, that integration and regionalization processes though different theoretic approaches, mainly constructivism, which was supportive for ASEAN way of non-interference and a rival theory to common liberalism and realism in the 1990s. The application of functionalist theory was helpful at that time, in order to create institutions in

ASEAN to solve problems of further integration. The thesis also discussed the neorealist approach, which developed a sound argument regarding secondary powers behavior. The approach provided an overview of the development of regionalism and regional identity through the (EAEC) and ASEAN+3. Constructivism explained how the regions were formed and which factors lead to regionalism. In ASEAN case, it was mainly problems that were faced by several countries that was the catalyst for formation of the regional institution. ASEAN working with Japan and China played a positive role in developing economic integration in the region this lead to acknowledgment and to credibility and recognition of ASEAN around the world as a respected international institution.

According to the constructivist theorists the ASEAN values of non-interference is providing the ASEAN further integration and promoting common identity (Jones, D.M. and Smith, M. 2007, 185). But as many government representatives of Southeast Asia stated regional identity development plans do not necessarily mean success and fruitful cooperation between members, but often mean one states interest (Ravenhill, J. 2002, 175). And as it appeared from the paper it is a hard reality that the plans only remain incentives. ASEAN member states are more interested in bilateral intergovernmental approach and to hold on to their own sovereignty, which is not helping the organization to create binding laws and regulations, which are essentials for further development and integration.

While the ASEAN success in one common identity is doubtful, the special East Asian political realm, which allowing it to take an important role in the regional architecture is a credit to the organization. The rivalries between China, Japan, and the United States create a political space within which ASEAN could potentially exercise significant regional influence (Narine, S. 2009, 370). But ASEAN's ability to use its advantage is not certain due to its internal disunity of the members in many foreign policies. In order to become the strong entity, ASEAN must now disregard its norms of mutual non-interference

ASEAN Charter

Arguably the most important development for ASEAN institutional framework was the establishment of the ASEAN Charter in 2007. This thesis disagrees with scholars who reduce ASEAN's institutionalization to an imitation of the EU form without the substance (Jones, D. M. and Smith, M. 2002, 93–109).

This thesis has proved, that ASEAN framework is still not comparable with the EU institutional structure. Furthermore, the EU unlike ASEAN, which has a rather simple organization, has four main institutions. The Council of Ministers is the central body which oversees most of the work of the EU. It is a political and a legislative body. It is the institution where decision making takes place. It meets once each month and consists of foreign ministers. The foreign minister is his country's main representative in the Council, but other ministers such as agriculture, economy, finance, social affairs, transport, industry, environment also meet, but less frequently.

ASEAN has used the model of the EU's Committee of Permanent Representatives (COREPER) to design its Committee of Permanent Representatives (CPR). It also uses the EU economic integration process as a point of reference, as it seeks to create its own ASEAN 'single market'. Selectivity is the principle of ASEAN's approach to design. ASEAN retains its intergovernmental character. The Charter re-emphasizes the principles of the ASEAN Way (An Overview of ASEAN 2008). So, the changes that we see, are mainly at a formal institutional level. There has been no sovereignty transfer (Ravenhill J. 2008, 469–506). Looking further into the ASEAN CPR, it deliberately adopted a copy of the EU COREPER, according to Ong Keng Yong, to look more legitimate at that time when it was necessary for ASEAN's prestige among the international political community (Jetschke, A. 2010). Wanandi J. of the Centre for Strategic and International Studies in Jakarta was an advocate for the elevation of the ASEAN Standing Committee to consist of permanent representatives from each member-state that are accredited to ASEAN to represent its countries in a Committee (Wanandi, J. 2006, 86).

Comparing the EU and ASEAN, it is clear that the EU type of framework has very little to do with ASEAN institutional future development, partly because of the role played by superpowers around the region who heavily influence regional politics. The EU ability to

coerce or bribe states in its neighborhoods, economic and geographic, (Central and Eastern European candidate countries for the 2004 and 2007 enlargements, ACP member states, and some Mediterranean and Middle Eastern states). However, the EU's abilities to impact is much weaker in Southeast Asia, where the competitive influences of the United States, Japan and China are dominant (Zielonka, J. 2008).

Some elements in ASEAN integration indicate that rational learning is the underlying mechanism, such as the financial and political crisis and the response thereto. However, the past crises did not necessarily determined the structure of EU institutions as effective solutions. It is more that they led to the search for external ideas. In the case of ASEAN, members were concerned about their international image, and using the structure of institutions from a highly regarded regional organization like EU, was an attractive option. The logical development led ASEAN members to adopt the Charter because it offered what ASEAN was missing: external recognition as a legitimate actor that was relevant. The result was an inflow of foreign direct investment (FDI), which was needed.

The functions and outputs of the ASEAN bodies differ from those of the EU. The EU produces binding legislation, unlike ASEAN. It is too early to evaluate whether ASEAN may develop approaches in this area that are similar to the EU. The EU has close connections between COREPER and the Council and with each state's ministry of internal affairs. This is embedded in the EU system. Despite these differences, COREPER served as a point of reference. For example, the financial transfers ASEAN institutions in the period of 2006-2014 was estimated to \$56 millions (Börzel, Risse 2012, 12). We can conclude that ASEAN states selectively picked some of the EU policies and institutions, but nevertheless their never transferred they sovereignty to the third party. On many occasions the influence of the EU is restrained due to ASEANs often non-democratic mixed political systems in member states, which often is reminding of the Westphalian style sovereignty in the Southeast Asian region (Acharya, A. 2003, 375–90).

ASEAN proved unable to unify members behind a collective approach to the financial crisis. Leadership was lacking – and so was a coherent institutional response (Dent C. M. 2008). Other key factors were the political crisis in East Timor (1999) and the challenges posed by Myanmar, which was stopping the ASEANs development. Also, the external criticism by the United Nations, the US and the EU and strained solidarity within ASEAN,

was an obstacle for further integration (Cotton, J. 2001, 127–42). UN intervention in East Timor after the population's vote for independence went against the ASEAN's norm of preventing outsider's intervention that would take advantage of domestic instability (Dupont, A. 2000, pp 163–70). That situation clearly shows how much influence the superpowers have over the ASEAN politics in its past and future developments. Nevertheless, ASEAN has experienced significant transformation over the past decade. It has overhauled its institutional structure and functional design in ways that allow it stand comparisons with the European Union, even if ASEAN is – and will probably continue to be – an intergovernmental organization (Murray, P. 2010, 155–70).

Superpowers in ASEAN development.

ASEAN is recognized for several things: for success, compared to other regional organizations in the developing world, at bringing stability to relations between nations that were previously in conflict; for expanding cooperation between member states; and for becoming the institutional hub of new regional co-operation arrangements whose members include major powers that are much larger than ASEAN member states (Breslin, Higgott, Rosamond 2002). The trend towards 'new regionalisms' at that time—as opposed to 'globalism'—gave the new institutions frameworks, additional geopolitical importance and relevance and inspired regional comparisons of greater focus (Acharya A. and Johnston A. I. (eds) 2007, 1–32). That trend of the 1990s helped ASEAN to evolve and develop, but it's still has a long way to go.

Southeast Asian states depend on the US security commitments to offset the influence of China. They hope to avoid unilateral intervention in purely intra-regional affairs, which requires a constructive approach to the soft balancing act of the two major powers (Kuik, C.-C. 2008,159–185). The Southeast Asian states have been able to rely on the US as the guarantor against the Chinese challenge (Chung, C.-P. 2004, 35–53). They hope that Washington will keep an important political and military presence in East Asia to keep in check the risk of Chinese domination. ASEAN states have put in place strategies to cope with China's ascendancy, relying on regional institution-building with involvement from the US. The efficacy of such strategies is heavily dependent on the degree of cohesion within ASEAN and alignment of the understanding of identity between the US and Southeast Asian states

(Goh, E. 2006). Nevertheless, China is also playing an important part in ASEANs economy and politics by establishing bilateral trade agreements with many ASEAN states. Because of many uncertainties and threats through the rise of new the superpower in the region ASEAN small states are compelled to build they political and economic interests in a rational and protective manner. It is not an easy task in reality because of the global economic interdependence. These circumstances could be easily used against the poorer and smaller states by the great powers economic might as an instrument to achieve its foreign policy and diplomatic objectives. This reality could be well used to prevent ASEANs further development, because of the superpowers realism approach to maintain its hegemony and control over the region.

The political and geopolitical circumstances of the last twenty years and a growing threat of rising China over the not settled disputes of South China Sea create an alarming prognosis for further development of the relations between China and many ASEAN member states involved in that conflict. ASEAN integration process is far from EU style integration. Therefore, author agrees with Jones D. M and Smith that the perceptive promotion of the Southeast Asian states with ASEAN one identity principles is currently doubtful and premature (Jones, D.M. and Smith, M. 2007, 165-87).

Project ONE ASEAN

ASEAN community project is simply talk but no actions. As Jones stated in his book the success of the entity in handling the 2008 credit crunch appears like eager enthusiasm for ASEAN unique multilateral approach during the time which lead to the financial crisis of 1997 (Jones and Smith 2007, 167).

As J. Rülend argues, ASEAN integration has been barely a success and even a negative impact, due to the agreements between the member states about liberalization and deregulations, which are not even binding. In case of the positive integration that set of agreements that been agreed upon in certain policy areas require a governmental intervention, which is clearly missing in ASEAN states (Rülend, J. 2000, 427). Because of the non-interference policy, it is almost impossible for ASEAN to fully integrate and the community project will remain just a mountain of paperwork.

There are big issues with trust between some ASEAN countries. Some entity actors do not trust regional governing mechanism and are taking matters into they own hands at every possibility, without discussing it with other ASEAN members.

Inclusion of new members Cambodia, Laos, Myanmar and Vietnam (CLMV) countries, added issues and challenges to the organization through huge disparities in terms of GDP per capital between the members of ASEAN. It has continued to grow in the last ten years, even though the organization is trying to help them boost the economies, the cleavage is still massive. ASEAN forcing its poorer members to become more competitive and pushing them to open up certain economic sectors and advising them. In order to accomplish that, ASEAN needs to get more involved in helping those poorer countries. It needs to abolish its traditional approach of strict non-interference and impose rules and regulations for effective performance and regulatory binding laws to reinforce the development of the CLMV countries (Kurlantzick, J. 2012, 12-13).

The main obstacle to ASEANs further integration remains the association principle of consensus based decision making and strict non-interference in member state external and internal affairs. Unfortunately, there is not enough clear evidence showing any signs of change in ASEAN principles, the authoritarian governments in many ASEAN countries support current protocol. In order to move forward with further integration through the One ASEAN approach it will be necessary to create consensus between member states. This looks unlikely achieve in the near future. (Roberts, C. B. 2012, 152).

In author opinion, the stated research questions were answered through paradigm of the constructivism and considered to be in line with main academic traditional applications of comparable and process tracing research. Thesis helped to analyze various theoretical approaches and options for ASEAN further development and behavior in the past and current political environment in comparison with the EU. Research work encouraged for further research of the individual states of ASEAN and they economic dependence and relationship with China, in order to deep-dive into micro analysis of the region.

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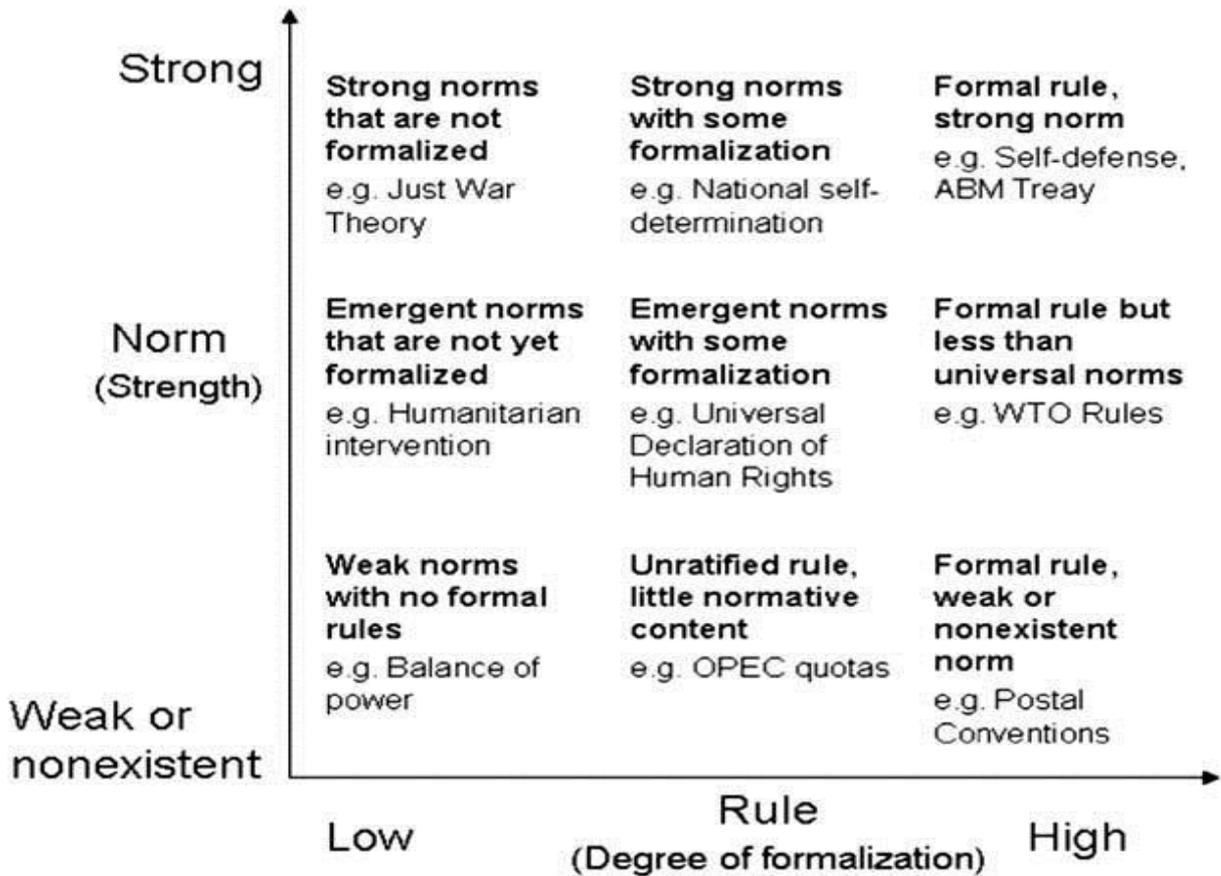
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APPENDICES

Appendix 1.

Figure 1. A typology of institutions based on norms (y-axis) and rules (x-axis). Adapted from Duffield (2007)



Appendix 2.

Figure 2. ASEAN’s movement from weak norms and rules to the 2007 ASEAN Charter, source: ASEAN Charter 2007, <http://www.aseansec.org/21069.pdf>.

