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## ASEAN vis-à-vis Myanmar: what influences at play?

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## **ASEAN vis-à-vis Myanmar: What Influences at Play?**

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### **Abstract**

*Myanmar has recently made abrupt changes showing to detach itself from the label of pariah state and undemocratic regime. This paper focuses on the changing attitudes of the Association of South East Asian Nations (ASEAN) to Myanmar. A specific question is posed: was ASEAN's position on Yangon military junta 'constant' over time since 1991 when the European Union started to engage in sanction policy-making, or where there 'changes' in ASEAN's attitude to Myanmar? Whereas many scholars have hinted at the non-interference issue characterising the Association's conduct vis-a-vis Myanmar, this paper, by contrast, places emphasis on ASEAN itself affecting Myanmar's transformation, thus revealing the originality of its contribution.*

### **(1) Introduction**

Myanmar has recently made abrupt changes showing to detach itself from the label of pariah state and undemocratic regime.<sup>1</sup> The reform process initiated in 2011, the 2012 by-elections and transfer of power to a civilian military-sponsored government, and the chairmanship of the Association of South East Asian Nations (ASEAN) in 2014 produced a novel image of Myanmar. The Association and its member states pledged to observe the non-interference principle in a member's internal affairs. Has ASEAN remained all the time observant of that principle? This paper will focus on the changing attitudes of ASEAN to Myanmar. A specific question is posed:

Was ASEAN's position on Yangon military junta, the SLORC/SPDC, 'constant' over time since 1991 when the European Union started to engage in sanction policy-making, or where there 'changes' in ASEAN's attitude to Myanmar?

Official documents issued at the ASEAN and Asia-Europe meetings (ASEM) and speeches from leaders of the ASEAN member states, together with secondary sources, contribute to this empirical investigation. Myanmar has become the focus of increasing attention among scholars and observers alike. However, an observation of the evolution of ASEAN behaviour within the Association's interactions with regard to Myanmar, through the reading of official documents, aimed at shedding light on changes in the ASEAN's conduct, is not yet available. This paper intends to contribute towards filling that gap. Whereas many scholars have hinted at the non-interference issue characterising the Association's attitude to Myanmar, the

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<sup>1</sup> The coup d'état of 1962 brought to power a military junta (under the official name of the State Peace and Development Council, SPDC, successively changed into the State Law and Order Restoration Council, SLORC, and again into the SPDC) which ruled the country until 2011.

originality of this paper lies, by contrast, on placing emphasis on ASEAN itself affecting Myanmar's transformation.<sup>2</sup>

## **(2) ASEAN's distinct approach**

The policy of 'dialogue' between the ASEAN,<sup>3</sup> which established itself as a regional group in 1967, and Myanmar developed more consistently in 1996, with Myanmar entering the Association as a new member the following year.

ASEAN regional group adopted a distinct approach to its member states. The compliance with the non-interference norm to its members' conduct of internal affairs was one of the principles ASEAN held, as a signatory of the 1976 Treaty of Amity and Cooperation (TAC). The ASEAN members placed great emphasis on the belief in 'mutual respect for independence, sovereignty and territorial integrity and national identity'.<sup>4</sup> They declared loyalty to the principles of the United Nations Charter,<sup>5</sup> and adherence to 'justice and the rule of law' as ideals to defend when they undersigned the Bangkok Declaration of 1967, constitutive of their group.<sup>6</sup> This approach was to apply also to Myanmar.

ASEAN had not interpreted the political repression in Myanmar (suppression of domestic dissent, imprisonment of the junta's political opponents, repression of ethnic minorities and use of forced labour) as an issue of democratic rights. Repression was an internal problem that, eventually, could be dealt with bilaterally.<sup>7</sup> ASEAN developed a 'quiet' and informal style of diplomacy to Myanmar that showed respect, tolerance for diversity and a commitment to non-criticism of the junta.<sup>8</sup>

ASEAN opposed the discourse on good governance and democratic issues. This line of opposition grew steadily. Paradoxically the balance of preferences within the Asian group was inclined to favour states which were governed by authoritarian regimes. The latter were keen to exclude attempts to enter into an intra-regional debate on governance and humanitarian themes. Yet there were exceptions, such as ASEAN states developing national, liberal-democratic, political frameworks (Philippines and Thailand) and non-state actors engaged in different fields of social activism. Notwithstanding this intra-regional debate's fragmentation, the rejection of the 'external other'<sup>9</sup> was the common pattern uniting both the supporters of democracy and authoritarianism.

As it was observed with regard to its dialogue with the EU,<sup>10</sup> ASEAN rejected censure of Myanmar's regime from other actors throughout the 1991-1997 period.

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<sup>2</sup> The answer to this paper's question draws from this author's published research: Marchi, L. (2014 forthcoming) 'Obstinate and unmovable? The EU vis-à-vis Myanmar via EU-ASEAN', *Australian & New Zealand Journal of European Studies*.

<sup>3</sup> ASEAN is formed by Indonesia, Malaysia, the Philippines, Singapore and Thailand, which are the five founding states, to which later Brunei, Vietnam, Laos, Myanmar and Cambodia also joined, totaling ten members

<sup>4</sup> ASEAN Treaty of Amity and Cooperation, 1976. Available at: <http://www.asean.org/1217.htm>

<sup>5</sup> United Nations, 1945. Available at: <http://www.un.org/en/documents/charter/chapter1.shtml>

<sup>6</sup> ASEAN Declaration, Bangkok, 8 August 1967. Available at: <http://www.icnl.org/research/library/files/Transnational/bangdec.pdf>

<sup>7</sup> Manea, M. G. (2009) 'How and Why Interaction Matters: ASEAN Regional Identity and Human Rights', *Cooperation and Conflict*, Vol. 44, No. 1: 27-49, 35.

<sup>8</sup> See: Hughes, C. (2007) 'New Security Dynamics in the Asia-Pacific: Extending Regionalism from Southeast to Northeast Asia' *The International Spectator* Vol. 42, No. 3: 319-335, 321-2.

<sup>9</sup> Manea (2009), *op. cit.*, 35, 45.

<sup>10</sup> Marchi, L. (2014, forthcoming), *op. cit.*

Later, during the years that span between 1998 and 2006, the Association appeared to distance itself from rejecting censure of the regime. Subsequently, throughout the 2007-2012 period, ASEAN encouraged better governance. The respective developments characterising these three phases will now be explored.

### **(3) The first phase: 1991-1997**

It is worth remembering that in 1991, sanctions against Myanmar were prompted by the European Union for the junta's failure to recognise the results of the May 1990 elections. These earned Daw Aung San Suu Kyi's National League for Democracy (NLD) 59 per cent of the votes, and would have guaranteed 80 per cent of the parliament seats. Suu Kyi was under house arrest since 1989 and several NLD members were imprisoned. ASEAN was critical of those actors (such as the European Union) which expressed their interest in democracy (and human rights) and employed these arguments to disapprove of the junta's governance. The Association was even irritated at a number of events, as it was noted<sup>11</sup> at the meetings in Kuala Lumpur in 1990, Luxemburg in 1991, and Manila in 1992.

In 1994 in Karlsruhe<sup>12</sup> for example, ASEAN Foreign Ministers simply expressed the hope that 'ASEAN's policy of constructive engagement' ... 'will eventually contribute to achieving more sustainable improvements in all fields' (paragraph 34). The Association's commitment towards non-criticising Myanmar was apparent. ASEAN's policy of constructive engagement was explained as 'a mix of moderate diplomacy and greater economic interaction' which was respectful of the non-interference ideology.<sup>13</sup>

No intrusion within the member states' domestic matters, no emphasis on global freedom, prominence of voluntarism *vis-à-vis* cooperation (and exclusion, or a very low level of institutionalization) remained the dominating features of the ASEAN in its attitudes to Myanmar (as well as to regional integration).

The Association's Heads of State according full ASEAN membership to Myanmar characterized the year 1997. ASEAN had no strict criteria for membership and had 'never made it conditional to political reform'.<sup>14</sup> With the Association's inclusion of Myanmar together with Laos, and previously (in 1995) of Vietnam, ASEAN was becoming more representative of the region.

At that time, and precisely in 1996, Singapore's Prime Minister (Goh Chok Tong) proposed a multilateral framework to dialogue with the European Union and its 15

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<sup>11</sup> Manea, M. G. (2013) 'The Institutional Dimension of EU-ASEAN Plus Three Inter-regional Relations', in Christiansen, T., Kirchner, E. and Murray, P. (eds) *The Palgrave Handbook of EU-Asia*, Houndmills: Palgrave, 313-329, 321.

<sup>12</sup> Joint Declaration at the 11<sup>th</sup> EU-ASEAN Ministerial Meeting on 23 September 1994, Karlsruhe.

<sup>13</sup> Haacke, J. (2007) 'Myanmar and ASEAN' *The Adelphi Papers* 46: 381, 41-60, 42.

<sup>14</sup> From ASEAN's viewpoint, Myanmar's accession had a main justification into balancing its dependency upon China. Haacke (2007, 58) 'Myanmar and ASEAN', *op. cit.*; Blankert, J. W. (2012) 'ASEAN and the EU: Natural Partners' in Novotny, D. and Portela, C. (eds) (2012) *EU-ASEAN Relations in the 21<sup>st</sup> Century. Strategic Partnership in the Making*, New York, Palgrave, 139-154, 149. Nuttin, X. (2012) 'EU-ASEAN Relations in the 21<sup>st</sup> Century: In search for Common Values to Forge a Partnership', in Novotny *et al* (eds) (2012) *op. cit.*, 166-178, 175.

member states, the Asia-Europe Meeting (ASEM).<sup>15</sup> At the first ASEM meeting of Foreign Ministers, the Chairman's Conclusive Statement<sup>16</sup> laid emphasis on some general issues ('cooperation in the field of human resources development' was an important component of Asia-Europe ties) and the following Chairman's declaration<sup>17</sup> included a seminar on labour relations among the new initiatives to be taken in that year. In none of ASEM's conclusive official documents did ASEAN make explicit reference to Myanmar or to the situation there.

#### **(4) The second phase: 1998-2006**

The second phase is more complex and more dynamic. In 1997, a combination of external influences and domestic dynamics contributed towards changing ASEAN's attitude towards Myanmar.

##### *The causes*

The Asian financial crisis of 1997-98 led ASEAN members to question the ability of their group to provide a solution to several problems, throwing the Association's collective identity in disarray.<sup>18</sup> Indonesia, and particularly Thailand and the Philippines increasingly criticised ASEAN's practice of refraining from interference, and called for a policy of 'flexible engagement'. The latter intended to allow ASEAN to address the regional crisis caused by the domestic situation. The de-legitimisation of the argument of 'good government without democracy', which was central to ASEAN's policy, contributed to the fall of the Suharto regime in Indonesia in 1998 and also to its democratisation. These developments forced a revision of the non-interference dogma,<sup>19</sup> and also opened up the field of the human rights discourse among ASEAN countries. The Association's reaction to the consequences of the economic crisis supported a new input on integration (ASEAN vision 2020 and Hanoi Plan of Action, respectively issued in 1997 and 1998). These evolutions encouraged ASEAN to distance itself from rejecting censure of the regime.<sup>20</sup>

Also, in Myanmar, matters were evolving. In particular, from 2000-2002, the desire to improve relations with the wider international community prevailed,<sup>21</sup> with a decision that was supported by the former prime minister (General Khin Nyunt) and his readiness to approach the political stalemate with the NLD and its general secretary.<sup>22</sup>

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<sup>15</sup> ASEM was conceived by Singapore and France in 1994. ASEM (which included also the European Commission's President and the ASEAN members) had the advantage of accepting also China, Japan and South Korea, and allowed for the incorporation of India and Pakistan.

<sup>16</sup> ASEM1, Bangkok, 1-2 March 1996.

<sup>17</sup> ASEM2, London, 3-4 April 1998.

<sup>18</sup> Jetschke, A. (2013) 'Regional Integration Support by the EU in Asia: Aims and Prospects', in Christiansen *et al.*, *op. cit.*, 226-243, 233. Jetschke quotes Ruland, J. (2000) 'ASEAN and the Asian Crisis: Theoretical Implications and Practical Consequences for Southeast Asian Regionalism', *The Pacific Review*, Vol. 13, No. 3: 421-451.

<sup>19</sup> Though taking distance from the risk of diffuse pro-democracy changes in the region.

<sup>20</sup> Manea, M. G. (2008) 'Human rights and the interregional dialogue between Asia and Europe: ASEAN-EU relations and ASEM', *The Pacific Review*, Vol. 21, No. 3: 369-396, 386, 391; Manea (2009) *op. cit.*, 39.

<sup>21</sup> Haacke (2007) 'Introduction', *op. cit.*, 10.

<sup>22</sup> During that short period, the junta exhibited more cooperative behaviour as in relations with non-state actors, such as allowing the International Committee of the Red Cross as well as Amnesty International to visit detainees. *Ibid.*

### *Early signs*

Signs of change were provided by ASEAN modifying its language. This change was manifested at ASEM3, held in Seoul in 2000, in the Chairman's Statement (where 'leaders committed themselves to promote and protect all human rights, including the right to development, and fundamental freedoms, bearing in mind their universal, indivisible and interdependent character'<sup>23</sup> as expressed at the World Conference on Human Rights in Vienna' (paragraph 8)). Myanmar was not cited, but problems similar to those in Myanmar were mentioned. Again, no particular indication concerning that country was given by ASEAN in ASEM4's conclusive Chairman's Statement in 2002.<sup>24</sup>

### *Confirming the change*

An attitudinal change among the Association towards the military junta was induced by the events of 30 May 2003 (the Depayin incident, i.e. attack on the supporters of the opposition leader and Suu Kyi's reinstated house arrest). The Association was now openly speaking out about transition in Myanmar in the Joint Communiqué of ASEAN ministers of June 2003, delivered in Phnom Pen (see note).<sup>25</sup> 'Democracy' was a new word which entered the Association's official documents. The junta's domestic conduct and particularly the treatment of Suu Kyi now became an 'issue' in ASEAN's relations with Myanmar.

The State Peace and Development Council (SPDC) antagonised several ASEAN member states either because they were trying to sharpen the new democratic credentials, because they were distracted from deepening integration, or due to the increasing external pressure upon them regarding Myanmar's observance of the international demands.

The attitudinal change was confirmed by ASEAN's members, notably by Malaysia's Prime Minister (a 'staunch opponent of pressure on humanitarian issues'), who argued that Myanmar should be expelled from ASEAN if it 'did not release Suu Kyi and another 1,400 political prisoners'.<sup>26</sup> Very distinctively, the Thai Prime Minister 'offered to mediate' between the junta and the broader regional and international community, and discuss a 'roadmap toward democracy' by bringing together all of the countries concerned.<sup>27</sup> Also, the media reacted to the incidents (by calling on 'every ASEAN leader to send a strong individual message to Yangon'),<sup>28</sup> as well as

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<sup>23</sup> These concepts (which were included in the Vienna Declaration of 25 June 1993) were going to influence ASEAN's international action, its regional policy in Southeast Asia and interaction among its members.

<sup>24</sup> Fourth Asia-Europe Meeting in Copenhagen on 23-24 September 2002.

<sup>25</sup> 'We discussed the recent political developments in Myanmar, particularly the incident of 30 May 2003. (...) we urged Myanmar to resume its efforts of national reconciliation and dialogue among all parties concerned leading to a peaceful transition to democracy. We welcomed the assurances given by Myanmar that the measures taken following the incident were temporary and looked forward to the early lifting of restrictions placed on Daw Aung San Suu Kyi and the NLD members'. ASEAN ministers Joint Communiqué at their 36<sup>th</sup> Ministerial Meeting in Phnom Pen, on 17 June 2003.

<sup>26</sup> Myanmar (Burma): Year In Review 2003. Available at: <http://www.britannica.com/EBchecked/topic/916894/Myanmar-Burma-Year-In-Review-2003>

<sup>27</sup> Haacke (2007) 'Myanmar and ASEAN', *op. cit.*, 52.

<sup>28</sup> Lim Kit Siang, from the Malaysian Democratic Action Party. Available at: <http://dapmalaysia.org/all-archive/English/2003/sep03/lks/lks2650.htm>

advocacy groups and the ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC, that started to work publicly in 2004), which spoke out strongly against Myanmar.<sup>29</sup>

#### *ASEAN behaviour in 2004*

The principle of ‘performance legitimacy’ was thoroughly reconsidered by ASEAN leaders in the Bali declaration (Concord II) of October 2003,<sup>30</sup> and soon afterwards in the ASEM5 Chairman’s Statement in Hanoi of October 2004, where they made recommendations to the SPDC.

The Hanoi (ASEM5) 2004 statement was the most complete declaration that ASEAN issued regarding expectations related to Myanmar.<sup>31</sup> The precursor to this shift has been noticed in 2000 (in Seoul, with the insertion of the ‘right to development and fundamental freedom’ issue in the intra-regional discourse as well as in the wider discourse with the ASEM partners), and subsequently became more visible in 2003 (in the Phnom Pen Joint Communiqué asking Myanmar to open up a dialogue leading to a ‘peaceful transition to democracy’), and took an even more important turn in 2004 (in Hanoi, by suggesting measures that Myanmar should follow).

ASEAN’s principle of non-interference in its members’ affairs was relatively relaxed at that point (or, as Haacke put it, it qualified as ‘enhanced interaction’, explaining it as a public articulation of ASEAN’s shared concerns).<sup>32</sup> The substance of the Hanoi message was new, with all stakeholders engaged in Myanmar being invited to join forces to guarantee positive consequences for reconciliation. It gave weight to the NDL, its leader and to other movements which opposed the junta, and indicated that there were forums to be freed up for a ‘genuine debate’. These positions were strengthened by the emphasis on the SPDC needing to ‘lift restrictions’ on persons and parties, ‘in accordance with the assurances’ previously given.

#### *A paradox?*

Together with expressing concern about the SPDC, the 2004 Hanoi (ASEM5) Statement ‘warmly welcomed the Union of Myanmar’ at the Asia-Europe Meeting (p. 10). This meant Myanmar’s accession to ASEM.

Why were ASEAN members tolerating such a pariah state to the point of offering inclusion at the Asia-Europe Meeting after the uneasiness about Yangon had been demonstrated during the Depayin repression?

On ASEAN’s side, there had been preparatory talks on its admittance prior to the Hanoi summit. The Indonesian Foreign Minister (Hassan Wirajuda) pretended to instruct that no political conditions had to be attached. The Cambodia Prime Minister (Hun Sen) affirmed that his country would not have joined ASEM without the other

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<sup>29</sup> AIPMC was constituted by regional lawmakers, from both ruling and non-ruling political parties across Southeast Asia, working towards peace in Myanmar. Available at: <http://www.insightonconflict.org/conflicts/burma/peacebuilding-organisations/aipmc/>

<sup>30</sup> ‘The ASEAN Security Community is envisaged to ... ensure that countries in the region live ... in a just, democratic and harmonious environment’ (p. 3). Declaration of ASEAN Concord II, in Bali on 7 October 2003, [www.icnl.org/research/library/files/Transnational/2003Declaration.pdf](http://www.icnl.org/research/library/files/Transnational/2003Declaration.pdf) See also Hughes (2007), *op. cit.*, 322.

<sup>31</sup> ASEM in its Tenth Year’, European Background Study, University of Helsinki, 2006, *op. cit.*

<sup>32</sup> Haacke (2007) ‘Myanmar and ASEAN’, *op. cit.*, 43. There has been an intense debate on ‘when’ and ‘whether’ the non-interference principle has been abandoned. Lee Jones (2008) argued that ASEAN’s policy on Myanmar has never been one of strict non-interference. Jones, L. (2008) ‘ASEAN’s Albatross: ASEAN’s Burma’s Policy, from Constructive Engagement to Critical Disengagement’, *Asian Security* Vol. 4, No. 3: 271-293.

two new ASEAN members (Laos and Myanmar) being accepted at the same time. Before the Hanoi summit, in August 2004, Myanmar's Prime Minister (General Khin Nyunt) met Vietnam's Prime Minister (Phan Van Khai) to discuss Yangon's participation. The meeting was attended by Hanoi-based ambassadors and ASEAN members' diplomats, all demonstrating the extent of ASEAN's great solidarity.<sup>33</sup>

It seems a paradox, although several reasons supported that decision, primarily ASEAN's determination to build a completely inclusive Southeast Asian community. ASEM was an emanation of the Association and was seen as consolidating its existence. Secondly, there was 'the conviction that China's rise could positively shape East Asia only if successful counterbalanced'<sup>34</sup> and, thirdly, the preoccupation that Myanmar could definitely turn to China as an alternative source of support. Myanmar was by now, 2004, firmly integrated into regional international society.

#### *Rebalancing the paradox?*

In spite of warming Myanmar's accession to ASEM in 2004, ASEAN opposed the prospect of the SPDC taking its turn as chair of the ASEAN Standing Committee in 2006-7. ASEAN members claimed that the 'road map towards democracy' (originally proposed by the Thai Prime Minister in 2003) made no visible progress, and opposed Myanmar's chairmanship.<sup>35</sup> The Philippines, Singapore, Indonesia, and Malaysia also reacted individually, with the latter stressing that 'democracy must be realised' in Myanmar.<sup>36</sup>

The SPDC decided to act in the interest of ASEAN, which was under external pressure over Myanmar. It employed the justification that it wished to focus on the 'ongoing national reconciliation and democratization process',<sup>37</sup> thus placing emphasis on Myanmar's approach to exercise its own sovereign decision and contrast outside interactions, consistently with its constitution.<sup>38</sup>

#### *Departure from non-interference from 2004 onwards*

By now, in 2004 and following years, the ASEAN members had been openly discussing the situation in Myanmar among themselves as well as with their ASEM partners, as reflected in their official documents. They achieved an even greater change in attitude; they expressed the aspiration that Myanmar, as an ASEAN member, might attract the interest of other actors external to the region, as they defined in Kuala Lumpur in 2006.<sup>39</sup>

The SPDC's non-compliance was barely defended.<sup>40</sup> In particular Thailand's Foreign Minister (Surin Pitsuwan) encouraged the move from the norm of non-interference

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<sup>33</sup> *The Vietnam News*, 9 August 2004. Fitriani, E. (2013) 'ASEM and Southeast Asian countries' foreign policy. Study case: The issue of Myanmar in the 2004 ASEM enlargement', ISEAS Singapore, 1-37, 5-8.

<sup>34</sup> Counterbalanced by ASEAN increased integration. Manea (2013) *op. cit.*, 326.

<sup>35</sup> ASEAN meeting of Foreign Ministers in Cebu, in the Philippines in April 2005.

<sup>36</sup> For instance, the National Convention draft of a new constitution excluded nine political parties representing 91 per cent of parliamentary seats. Ibrahim, Z. (2005) 'Turning the screws on Myanmar', AIPMC (ASEAN Inter-Parliamentary Myanmar Caucus), 28 December. <http://www.aseanmp.org/?p=958>

<sup>37</sup> Haacke (2007) 'Myanmar and ASEAN', *op. cit.*

<sup>38</sup> <http://www.scribd.com/doc/7694880/Myanmar-Constitution-2008-English-version>

<sup>39</sup> Joint Communiqué of the 39<sup>th</sup> ASEAN Ministerial Meeting of 25 July 2006, Kuala Lumpur.

<sup>40</sup> The Chairman's Statement (ASEM6) called for a 'transition via an inclusive process to a democratic government in line with the assurances given by Myanmar at the ASEM5 Summit', in Hanoi in 2004. Sixth Asia-Europe Meeting in Helsinki (ASEM6), on 10-11 September 2006.

with internal affairs towards a policy of flexible engagement with Myanmar'.<sup>41</sup> This called for growing interaction with the Burmese leaders, particularly when they took steps towards reform, and aimed to build people-to-people bridges.<sup>42</sup>

Reference to Myanmar in ASEAN and ASEM official documents progressively shifted from a staunch defence of the non-interference principle to mild pressure for reform. This change was largely due to the realization that Myanmar affected ASEAN's international prestige and so, by extension, its integration project. The Association's member states were now focused on transforming their group through the preparation of the ASEAN Charter, which was going to establish ASEAN as a legal entity. The Philippines declared that, were Myanmar not to restore democracy and free Suu Kyi, they would not ratify the Charter.<sup>43</sup>

### **(5) The third phase: 2007-2012**

In 2007, the autumn pro-democracy demonstrations and repression (the Saffron uprising) laid bare ASEAN's impatience with the military junta. ASEAN expressed its irritation in a statement (a joint statement with the European Union)<sup>44</sup> that was non-binding and established no deadlines by which the SPDC must comply.

Myanmar's media, *The Irrawaddy*, argued that the junta's strong man (General Than Shwe) knew 'how to play in a sophisticated way with a weak organisation like ASEAN'.<sup>45</sup> By contrast with ASEAN's alleged low reputation, Singapore's Foreign Minister (George Yeo) indicated that 'ASEAN planned to use its moral authority to get all of the political parties in Burma to engage in a genuine dialogue'.<sup>46</sup> Singapore held ASEAN's chair and was in a position to seek to influence others' views. It clarified 'ASEAN's role and stand' on Myanmar.<sup>47</sup>

The ASEAN members were now striving 'to prevent the Myanmar issue from obstructing' their integration efforts (the ASEAN Charter and the establishment of the ASEAN Community). In a letter to Than Shwe, Singapore's Prime Minister (Lee Hsien Loong) expressed the regional leaders' concern.<sup>48</sup> Myanmar's Prime Minister, Thein Sein, replied that the Burmese situation was a 'domestic affair', reconfirming the junta's traditional code of conduct. These matters were discussed at the 13<sup>th</sup> ASEAN Summit, in Singapore, and were highlighted in the Chairman's Statement (paragraph 16).

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<sup>41</sup> For a discussion on the transformation, see: Jones, L. (2008), *op. cit.*, 275-7.

<sup>42</sup> 'Thailand's Surin Pitsuwan praised as term as ASEAN chief ends' posted at The Royal Thai Embassy Washington DC, 7 January 2013. Available at: <http://www.visetkaew.com/wp/2013/01/07/thailands-surin-pitsuwan-praised-as-term-as-asean-chief-ends/>

<sup>43</sup> Brettner-Messler, G. (2012) 'EU and ASEAN – The Interregional Relationship between Europe and Asia', in Gareis, SB., Hauser, G. and Kernic, F. (eds) *The European Union: A Global Actor?*, Opladen/Farmington Hills: Budrich Publishers: 138-160, 146. deFlers, N. A. (2010) 'EU-ASEAN Relations: The Importance of Values, Norms and Culture', Working Paper No. 1, EU Centre in Singapore, 6-7.

<sup>44</sup> The statement urged Myanmar government to free all political prisoners.

<sup>45</sup> 'Myanmar playing "tricks" with the international community', *Asia News*, 22 November 2007. Available at: [http://www.asianews.it/news-en/Myanmar-playing-"tricks"-with-the-international-community-10873.html](http://www.asianews.it/news-en/Myanmar-playing-)

<sup>46</sup> CAN (20 October 2007). Available at:

<http://www.altsean.org/Research/Saffron%20Revolution/SRInternational1.php>

<sup>47</sup> Singapore requested to lift restrictions on Suu Kyi, release all political detainees, and work towards a peaceful transition to democracy and address the economic difficulties faced by people. Chairman's Statement of the 13<sup>th</sup> ASEAN Summit, 'One ASEAN at the Heart of Dynamic Asia', Singapore, 20 November 2007.

<sup>48</sup> CAN (1 October 2007); Available at:

<http://www.altsean.org/Research/Saffron%20Revolution/SRInternational1.php>

The ASEAN member states also reacted individually to the Suffron incidents. Singapore's senior minister (Goh Chok Tong) threatened to cease investment in Myanmar, regarding political reform as a precondition for their mutual economic interaction to continue.<sup>49</sup> The Philippines' Senate adopted a resolution urging ASEAN to end the SPDC's repression of people.<sup>50</sup> Also, the ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC, through its President, Zaid Ibrahim) called for the expulsion of Myanmar from ASEAN.<sup>51</sup>

Changes have been openly recognised in ASEAN's attitudes: the condemnations of the junta's conduct and the Association's efforts to influence the Burmese authorities to embrace the transition to democracy.<sup>52</sup> The whole pointed at the novel stance of encouraging Myanmar's better governance.

#### *ASEAN encouraging better governance*

In 2007, ASEAN saw no progress in the SPDC's governance, no dialogue with the political parties in Burma, neither political reforms nor a transition to democracy, all of which had been demanded at the Association's summit in Singapore that year.

In Beijing, in 2008, in the ASEM framework, ASEAN leaders encouraged the 'government to engage all stakeholders in a inclusive political process in order to achieve national reconciliation and economic and social development'. They also requested the lifting of restrictions from the political parties and freeing those under detention (paragraph 12).<sup>53</sup>

This attitude of trying to convince the SPDC to embrace changes was developed further at the 14<sup>th</sup> ASEAN's summit in Thailand in February/March 2009. In the aftermath of the Depayin incidence in 2003, the junta embarked on a 7-step Roadmap to Democracy (initially involving the reconvening of the National Convention). Already, by 2005, its failure to set a clear timetable for implementing the plan caused some erosion of the goodwill towards Myanmar in many Southeast Asian states.<sup>54</sup> At the Thailand summit, ASEAN officials felt that they had to encourage the Burmese government to strengthen 'national unity' and contribute to 'peace and prosperity'.

A decisive call for the 'participation of all political parties' (paragraph 42) and for 'free and fair' general elections in 2010 respectively reinforced ASEAN's and ASEM's request for a shift in Myanmar's conduct of domestic affairs.<sup>55</sup> ASEAN's demand that the SPDC engage in promoting consensus was heightened in reaction to the court verdict passed on Suu Kyi, in August 2009, which added 18 months to her house arrest. The Association leaders voiced their desire that, as an ASEAN member,

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<sup>49</sup> Haacke, J. (2010) 'The Myanmar imbroglio and ASEAN: heading towards the 2010 elections', *International Affairs*, Vol. 86, 1, pp. 153-174, 163.

<sup>50</sup> Senate of the Philippines Resolution No. 19 adopted September 26, 2007.

<sup>51</sup> ASEAN should expel M. if violence continues, AIPMC, 28 September 2007. Available at: <http://www.aseanmp.org/?p=1222>

<sup>52</sup> Council of the European Union, Council Conclusions on Burma/Myanmar, 2824<sup>th</sup> General Affairs and External Relations Council Meeting, Luxemburg, 15-16 October 2007, *op. cit.*

<sup>53</sup> Chair's Statement of the Seventh Asia-Europe Meeting (ASEM7), Beijing, 24-25 October 2008.

<sup>54</sup> Haacke (2010) *op. cit.*, 156, 160.

<sup>55</sup> Chairman's Statement of the 14<sup>th</sup> ASEAN Summit 'ASEAN Charter for Asian Peoples', Cha-am Hua Hin, Thailand, 28 February–1 March 2009.

Myanmar should behave in such a way as to be ‘well respected in the international community’.<sup>56</sup>

The ASEM partners prompted Myanmar’s authorities to step ‘towards a legitimate, constitutional and civilian system of government’ (Paragraph 73).<sup>57</sup> The ASEAN argument that the elections must convince the international community that they were transparently prepared was a further reminder issued in late 2009 (paragraph 46).<sup>58</sup>

Yet, faulty party registrations, defective laws and the boycott of the NLD regarding the November 2010 elections were the specific focus of the meeting of ASEM Foreign Ministers held in Hungary in June 2011.<sup>59</sup>

By contrast, the reforms initiated by Thein Sein in his new role of President since March 2011 and the subsequent April 2012 by-elections showed Myanmar’s willingness for change being put into practice. These transformations were publicly recognized by ASEAN as ‘a significant step towards further democratisation in Myanmar’ (paragr. 87).<sup>60</sup>

## **(6) Conclusions**

This paper sought to answer the question: was ASEAN’s position on Yangon military junta, the SLORC/SPDS, ‘constant’ over time since 1991 when the European Union started to engage in sanction policy-making, or where there ‘changes’ in ASEAN’s attitude to Myanmar? This investigation has found that ASEAN’s behaviour *vis-à-vis* Myanmar displayed crucial elements of changes. These have been identified as falling into three different phases.

First, ASEAN insisted on rejecting the censure of Yangon’s regime and shown inflexibility in defending the Association’s opposition to ‘external interferences’ and the good governance claim with a setting that was well-established during 1991-1997.

Second, ASEAN distanced itself from refusing the condemnation of the regime. It demonstrated a change by starting to discuss Myanmar’s problems during its meetings, expressly making recommendations and progressively relaxing the non-interference principle. The paper upheld that the latter change was backed by the Association’s preoccupation with the fact that Myanmar’s affairs might negatively impact on ASEAN’s integration project and standing. These changes occurred during 1998-2006.

Third, ASEAN encouraged Myanmar’s better governance. Several times it insisted to the military junta that a transition to democracy was expected by the Association. These policies evolved during 2007-2012.

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<sup>56</sup> ASEAN Chairman’s Statement on Myanmar, 11 August 2009, Bangkok.

<sup>57</sup> Chair’s Statement of the Eight Asia-Europe Meeting (ASEM8), Brussels, 4-5 October 2010, ‘Greater well-being and more dignity for all citizens’.

<sup>58</sup> Chairman’s Statement of the 15<sup>th</sup> ASEAN Summit ‘Enhancing Connectivity, Empowering Peoples’, Cha-am Hua Hin, Thailand, 23-25 October 2009.

<sup>59</sup> The ministers’ expectations regarded a ‘constitutional civilian system of Governance’, ‘dialogue with all parties’, an ‘inclusive national reconciliation process’, and yet the ‘release of Suu Kyi’ and those under detention (paragraph 90). Chair’s Statement, Tenth ASEM Foreign Ministers’ Meeting, Budapest, 6-7 June 2011.

<sup>60</sup> Chairman’s Statement of the 20<sup>th</sup> ASEAN Summit, Phnom Penh, 3-4 April 2012.

Informed in particular by the official documents issued at ASEAN and Asia-Europe meetings and by ASEAN leaders' speeches, this paper has found that ASEAN contributed to Myanmar's change. Whereas many scholars have hinted at the non-interference issue characterising ASEAN's attitude to Myanmar, no emphasis was laid on ASEAN itself affecting Myanmar's transformation. This is the original contribution of this paper.