

ASEAN's "Constructive Engagement" Policy toward Myanmar

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There have been mainly two kinds of attitude and policy toward Myanmar in the international community since massive political conflicts broke out in that country in 1988: the policy of sanction in varying degrees pursued by the Western countries headed by the United States and the engagement policy in various forms taken by states symbolized by the neighboring countries of Myanmar. Of the various engagement policies toward Myanmar, the "constructive engagement policy" pursued by the Association of South East Asian Nations is the most representative. This article attempts to make a study and analysis of ASEAN's "constructive engagement" policy toward Myanmar since 1997.

I. Connotation and Features of the Policy

"Constructive engagement" refers originally to the policy taken by the Reagan Administration of the United States in the early 1980s toward South Africa that practiced apartheid. The United Nations General Assembly and the world anti-apartheid

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movement executed a policy of economic sanction and isolation toward South Africa while the Reagan Administration advocated for active engagement with South Africa with a view to encouraging it to change its apartheid policy. In 1991, the then Thai Foreign Minister proposed to implement a "constructive engagement" policy toward Myanmar which was approved by the ASEAN Foreign Ministers' Meeting in the same year. Since then, ASEAN has been consistently pursuing this policy, hoping to promote and accelerate the democratization process of Myanmar by means of such ASEAN-type engagement and ASEAN's own influence.

ASEAN's "constructive engagement" policy toward Myanmar is implemented chiefly on two levels, namely, the multilateral level of regional organizations and the bilateral level of relations between the ASEAN member states.

The acceptance of Myanmar by ASEAN as its member is the most important and fundamental embodiment of the engagement policy. ASEAN hopes that Myanmar after joining ASEAN would open more widely to the outside world, carry out necessary reforms and adopt ASEAN's values, code of conduct and traditional practices so as to promote the resolution of the Myanmar issue. Since acceding to ASEAN in July 1997, Myanmar has involved, in an extensive way, the building of the ASEAN Community and signed a considerable number of agreements and treaties on integration cooperation in the political, security, economic, social, cultural, and other fields. In the meanwhile, Myanmar has also entered the system of various Free Trade Areas formed between ASEAN and China, Japan, India, the Republic of Korea, Australia, and New Zealand as well as the various dialogue and cooperation mechanisms that ASEAN has set up with countries and regions outside of the region. Hence, in spite of the sanctions and isolation imposed by the Western countries on Myanmar, ASEAN succeeded in

helping Myanmar establish lot of channels of contact with the outside world through its own effort and the various political and economic cooperation mechanisms and platforms it formed with many countries.

ASEAN failed to give due importance to the Myanmar issue in the first few years after Myanmar was admitted into the organization. On May 30, 2003, bloody conflicts occurred between supporters of the military government and those of Aung San Suu Kyi, leader of the National League for Democracy

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(NLD), when she was carrying out political activities in northern Myanmar, causing big casualties. In the wake of the incident, the government detained Aung San Suu Kyi and other leaders of the NLD and closed down the headquarters and branch offices of the NLD. The May 30th incident brought huge pressure on and challenge to ASEAN and damaged its credit and image. Since then, ASEAN employed various multilateral mechanisms to discuss and work for the solution of the Myanmar issue, the principal ones being the ASEAN Summit, the ASEAN Ministerial Meeting (AMM), and the ASEAN Regional Forum (ARF), and in doing so, ASEAN set encouraging and urging Myanmar to accelerate the process of democratization as the key note, calling for the release of Aung San Suu Kyi and other dissidents, stressing and supporting the role played by the United Nations on the Myanmar issue, and emphasizing the role of ASEAN on the issue and the necessity of the engagement policy toward Myanmar.

ASEAN's "constructive engagement" policy also finds its expression in the cooperation and dialogue mechanisms between

ASEAN and its dialogue partners, such as the ASEAN Summit, the ASEAN-U.S. Leaders Meeting, the ASEAN-EU Ministerial Meeting, and the Asia-Europe Meeting (ASEM). The roles played by ASEAN in these mechanisms mainly are: striving to prevent Myanmar from being discriminated against and win more legitimacy for the Myanmar military government in the international community, protecting the effectiveness of ASEAN as a regional organization (for instance, giving support to Myanmar to attend the ASEM against U.S. opposition at the beginning), calling for and supporting partners to engage Myanmar to justify and seek more space for the "constructive engagement" policy, and bringing pressure to bear upon Myanmar in face of constant pressures and especially demands from partner states to give up its non-interference policy.

"Constructive engagement" is the collective stand taken by ASEAN on the Myanmar issue; the individual policy of different member states keeps in line with this policy with some variations. The ASEAN member states follow a similar principle on developing economic relations with Myanmar. By September 30, 2004, Singapore, Thailand, Malaysia and Indonesia were leading investors in Myanmar, with Singapore ranking the first and Thailand the third. From 2006 to November 2010, Thailand had been Myanmar's largest investor. According to IMF statistics, from 2000 to 2010, Myanmar's export to ASEAN countries amounted to 43.7% of its total volume of foreign trade, and import 45.7%. From 2001 to 2010, Thailand, Singapore and Malaysia had been the leading trading partners of Myanmar, with Thailand being Myanmar's largest export destination and Singapore (from 2001 to 2004) and Thailand (from 2005 to 2010) being Myanmar's second largest source of import. Therefore, ASEAN countries, its old members in particular, hold a significant position in Myanmar's external economic relations, which is the direct embodiment and result

of the various ASEAN countries implementing the “constructive engagement” policy as well as a challenge to the policy of sanction pursued by the West.

The old ASEAN member states have paid greater attention to and been more vocal on Myanmar’s internal political situation, and even tried to break through the principle of non-interference in internal affairs. In 1998, the then Thai foreign minister Surin Pitsuwan proposed to substitute the non-interference principle with the “flexible engagement” policy at the ASEAN Foreign Ministers Meeting, asking ASEAN to intervene in the Myanmar issue. No consensus was reached, however, among the ASEAN countries on this proposal and in the end “enhancing interaction” was adopted as a compromise plan. This means that the ASEAN countries could “openly criticize” and put pressure on Myanmar for its domestic problems such as democracy and human rights, but such criticism was only an expression of the stand of the individual countries but not that of ASEAN. Since then, along with the increasing turbulence in the internal situation of Myanmar and enhanced pressures from the international community and especially after the May 30th incident, the old ASEAN countries gradually toughened their attitude. The Indonesian foreign minister proposed to launch the “Troika” mechanism to intervene in the Myanmar issue, and Malaysia, dissatisfied with Myanmar for failure to implement democratic reforms, also adjusted its policy toward Myanmar, starting to take a tough attitude and openly criticize the military government. Mahathir even suggested that Myanmar be expelled from ASEAN if it refuses to release Aung San Suu Kyi. In November 2004, some parliament members of the old ASEAN countries formed the “Myanmar Affairs Group of the ASEAN Parliamentary Union and lobbied the government of their respective countries to adopt tough attitude toward Myanmar. Before and after the Myanmar authorities sentenced

Aung San Suu Kyi in 2009, Thailand, Singapore, Malaysia, and the Philippines all issued statements to pressure on Myanmar, and Senior Minister Goh Chok Tong of Singapore went to Myanmar to hold talks with Senior General Than Shwe and Prime Minister Thein Sein for mediation.

In comparison, Kampuchea, Laos and Viet Nam have less influence on the Myanmar issue and hence less interest in getting involved. Their actions of supporting the democratization process of Myanmar are confined to encouraging the Myanmar government to push forward political transformation by itself. Besides, the new ASEAN countries are firmly opposed to revising the principle of non-interference in other's internal affairs provided in the ASEAN Charter and are against foreign countries intervening in the international affairs of Myanmar by means of human rights, democracy and other issues.

A review of ASEAN's Myanmar policy since 1997 reveals that the most prominent feature of the policy is non-confrontational persuasion. In its contacts with Myanmar, ASEAN mainly uses the means of persuasion, encouragement and advising, seldom making tough-worded statements. This feature finds its evident expression in the statements and communiqués issued by ASEAN in its various dialogue mechanisms for the resolution of the Myanmar issue. For example, the wording of the statements issued at the ASEAN Summit, the AMM and the ARF on the Myanmar issue is always mild and inclusive, often using such words as "encourage", "urge" and "welcome" to express its stand. Though these meetings called on the Myanmar authorities on many occasions to release Aung San Suu Kyi and other leaders of the NLD, the expression of "detainees" instead of "political prisoners" is often used. Such prudent attitude taken by ASEAN shows that ASEAN is reluctant to over-irritate Myanmar. Besides, the statements relating to the Myanmar issue made by ASEAN only make a description of, not comment on, the

situation in Myanmar.

ASEAN's Myanmar policy also bears the feature of being responsive. At the time of Myanmar's admission into ASEAN, the then U.S. Secretary of State Albright declared that in recognizing Myanmar as a member, ASEAN must assume greater responsibilities, for the Myanmar issue was now an issue for ASEAN. In spite of the fact that ASEAN has tried to play the role of coordinator and mediator on the Myanmar issue, the reality shows that the role it played has often been a passive and responsive one. ASEAN has expected that after joining in the organization, Myanmar would conform to it and open wider to the outside world, yet it seems that ASEAN has converged more toward Myanmar. The call against the international community pressurizing Myanmar raised by ASEAN reveals by and large the responsive nature of this organization.

II. Reasons for Adopting the Policy

By "constructive", it usually means that firstly, the actor must have the sense of innovation and is able to put forward new plans and lines of thought for resolving the relevant issue, and secondly, the proposals and plans must be feasible and effective. The features of "constructive" and "engagement" embodied in ASEAN's Myanmar policy are attributable to ASEAN's long-accumulated experience and confidence in successfully pushing forward the resolution of the Kampuchean issue. In spite of the fact that both Kampuchea and Viet Nam were not yet member states of ASEAN, ASEAN did not choose to evade and keep silent on the Kampuchean issue but actively involved in and made mediation for the matter. ASEAN learned to overcome internal differences and coordinate stands to speak with one voice to the outside world. ASEAN's crisis-resolving ability, attitude and approaches displayed in its engagement with various parties

within Kampuchea and dialogues and consultations with different forces outside the country won the recognition and acclaim of the international community. The plan formulated by ASEAN for the settlement of the Kampuchean crisis was not only acknowledged by the majority of countries and various parties in Kampuchea but also proved to be effective. The "constructive" role played by ASEAN and the successful attempt at "engagement" made by it not only enhanced its internal cohesion but also greatly raised its prestige and international standing as a regional organization, which exerted a significant impact on ASEAN later on in setting the goal of Greater ASEAN integration and in building up the confidence and will for regional crisis settlement.

Following the peaceful settlement of the Kampuchean issue, ASEAN quickened the process of Southeast Asian integration in an attempt to build a Greater ASEAN and become a leading force in the region. To achieve this goal, it is essential to admit Myanmar into ASEAN. The formulation of ASEAN Vision 2020 and the setting of the goal to build the ASEAN Community further strengthened the status of Myanmar as an indispensable actor in regional integration, which determined that it was impossible for ASEAN to put Myanmar aside and isolate it. To solve the Myanmar issue in a "constructive" way is not only the intrinsic meaning of ASEAN integration but also ASEAN's endeavor in further displaying its regional governance capacity, enhancing its political influence and establishing its dominance over regional affairs. Therefore, ASEAN regards the implementation

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Engagement is a foreign policy instrument opposite to sanction. ASEAN chooses engagement instead of sanction because of such factors as the organization’s realistic interests, its values, and its organizational principles.

First, the security and economic interests of ASEAN and its member states associated with the Myanmar issue are its main considerations in engaging Myanmar. ASEAN is worried that the protracted national conflicts in Myanmar would lose control and affect regional security. At the same time, the impact of drug trafficking, arms smuggling, refugees and other cross-border crimes in Myanmar on the neighboring countries also drives ASEAN to accept and engage Myanmar. ASEAN hopes that Myanmar’s integration into the regional system would better prevent and settle those problems. The rich natural resources as well as the market in Myanmar are another impetus for ASEAN. Out of geopolitical considerations, ASEAN does not want to see Myanmar detached from it, and it fears that continued exclusion of Myanmar would allow China and other major powers to play more roles in the region. Should ASEAN follow the West to impose sanctions on and isolate Myanmar, it would contradict and conflict with ASEAN’s goal and interests mentioned above.

Secondly, ASEAN holds that imposing sanctions for the sake of democracy and human rights is equivalent to interfering in other’s internal affairs, which is harmful to the promotion of democracy on which peace and stability rest. This is not the best option for the settlement of the Myanmar issue; on the contrary, it would only hurt the Myanmar people and the ASEAN countries. Such a view derives from ASEAN’s human rights concept, that is, ASEAN opposes the ideas of universal human rights advocated by the West but holds that the economic, social, civil and cultural rights are “inseparable” and

“equally important” rights in the body of human rights, that the promotion and protection of human rights should not be politicized, that sovereignty stands above human rights and hence the sovereignty and territorial integrity of various countries should be respected and their internal affairs and conditions should not be interfered with when protecting and promoting human rights. The ASEAN Intergovernmental Commission on Human Rights formed in October 2009 declared that it respects the independence, sovereignty, equality, territorial integrity and state identity of all member states, sticks to the principle of non-interference in internal affairs, and respects the rights of the member states against foreign intervention, subversion and intimidation. The policy of sanctions against Myanmar pursued by the West comes into conflict with ASEAN’s value concept on human rights, which believes that the Western actions not only impair the economic right and development right of the Myanmar people but are intervention in the internal affairs of Myanmar. The Joint Communiqué issued at the 42nd ASEAN Foreign Ministers Meeting in 2009 even plainly expressed the inner voice of Myanmar that external pressures and economic sanctions are hindering the democratization and development of Myanmar. ASEAN believes that only through engagement can Myanmar’s social and economic development as well as opening to the outside world be promoted and democracy and freedom be gradually realized in Myanmar but not by setting human rights as a precondition for free trade.

And thirdly, imposing sanctions on Myanmar does not fit in with ASEAN’s historical tradition and norms and principles. From the ASEAN Declaration to the Treaty of Friendship and Cooperation in Southeast Asia and the ASEAN Charter, ASEAN has all along in its development emphasized and adhered to the principle of non-interference and made it the political basis for ASEAN’s existence and development as well as the guarantee

for the maintenance of regional peace. To be more important, this principle is assigned with legal status by Article Two of the ASEAN Charter. Besides, ASEAN has always adhered to settling regional problems within the region. One of the principal purposes in sticking to the non-interference principle is precisely to prevent external intervention by major powers. Should ASEAN impose sanctions on Myanmar, it would mean interference in the internal affairs of Myanmar, which runs counter to the relevant clauses of the Charter and the principle of regional self-rule.

III. Achievements of the Policy

For years, the public objectives of the major policies toward Myanmar pursued by the international community, i.e. sanctions and engagement, are for the Myanmar authorities to carry out political and economic reforms, improve human rights conditions and realize democracy. The military government in Myanmar has not been indifferent to outside pressures, encouragements and urging. On August 30, 2003, Myanmar announced the Seven-point Roadmap, planning to achieve “orderly democracy” in Myanmar by seven stages: one, resuming the National Assembly that has been in adjournment since 1996; two, gradually establishing procedures for genuine and orderly democratic system on the basis of the successful convening of the National Assembly; three, drafting the new Constitution in accordance with the basic principles and detailed rules formulated by the National Assembly; four, adopting the Constitution by national referendum; five, holding free and fair parliamentary elections in line with the new Constitution; six, convening the Parliament in the light of the new Constitution; and seven, electing state leaders, the government and other central organs to lead the nation in building a modern, developed

and democratic country. ASEAN believes that the roadmap is a pragmatic plan that deserves understanding and support.

The new Constitution Myanmar promulgated in 2008 clearly defined the special status and rights and interests of the military in the future political development, which incurred wide-spread criticism from Western countries. But ASEAN continued to encourage Myanmar to move forward on this basis and take bolder steps toward peaceful transition to democracy. Since then, ASEAN requested Myanmar

on a number of occasions to release Aung San Suu Kyi and other political prisoners and let them participate in the elections so as to ensure that the general election is free, fair, inclusive and transparent and win the trust

from the international community. Myanmar's general election in November 2010 was widely criticized by Western countries for failing to meet their standards and requirements. Though it also fell short of the requirements of ASEAN, yet ASEAN, acknowledging such change was positive, kept on encouraging Myanmar and expressed its support to Myanmar's steady progress and political development since the general election as well as the new parliament and government formed in line with the Seven-point Roadmap.

The above shows that neither sanctions imposed by the West nor engagement made by the East has compelled Myanmar to accept the external demands on the two hallmark and key points of Constitution drafting and general election. The military government in Myanmar accomplished the Roadmap along to the line it set. That ASEAN's policy failed to bring about changes in Myanmar on the two points mentioned above is largely attributable to the limitations of this policy.

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Speaking from the point of system and structure, ASEAN is an organization founded on the basis of norms and rules without many obligations on its member states, which means it will not evolve in a short period of time from an organization of sovereign states to a transnational body. To become an influential regional organization, it is necessary that the member countries transfer part of their sovereignty and perform their due duties. The principle of not interfering in the internal affairs of member states emphasized by the ASEAN Charter does not match with the principle of upholding democracy, rule of law and good governance and respecting and protecting human rights and basic freedoms it claimed. The member countries will reject outside pressures and intervention on matters of democracy and human rights that are considered as internal affairs except they accomplish the above-mentioned objectives on their own initiative. Besides, there are no punitive clauses in ASEAN's treaties and agreements for conduct of violation on the part of the member states, and hence the building of the ASEAN Community lacks the compulsory and binding force. The conflict between ASEAN's attempt to develop into a powerful regional organization and the member countries' adherence to independent sovereignty is a crucial problem in ASEAN's development and such conflict finds its vivid expression on ASEAN's relations with Myanmar.

From the point of mechanism-building and means to exert influence, ASEAN lacks the effective means to resolve the Myanmar issue. In spite of such mechanisms and platforms as the ASEAN Summit, the AMM, the ARF and the ASEAN Standing Committee with which consultations and discussions on the Myanmar topics are conducted, the differences among the member states and the principle of non-interference in internal affairs and consensus through consultation pursued by ASEAN made it difficult for ASEAN to adopt common and

essential measures on Myanmar. The Troika is only an important emergency mechanism for ASEAN to address matters affecting regional peace and harmony but not a decision-making body, whereas the ASEAN Intergovernmental Commission on Human Rights that is committed to promoting and protecting the human rights and basic freedoms of the people of ASEAN countries is just a consultancy organ. Both institutions uphold the principle of consensus through consultation or non-interference in internal affairs. If the member countries have difference in their attitudes in face of a crisis, the Troika would either be difficult to start work or impotent. The Indonesian foreign minister proposed to get the Troika involved in the May 30th incident after it broke out but it failed to play any role due to opposition from Myanmar. The Commission on Human Rights, too, uses the constructive and non-confrontational means to promote and protect human rights and lacks the execution and correction ability when violations of human rights happen in one country. The Myanmar Affairs Group of the ASEAN Parliamentary Union is chiefly devoted to do lobbying and making pressure within ASEAN and outside the region without any execution power.

From the point of regional self-rule and its results, it can be seen that internal divergences and pressures from the partners have constrained the effects of ASEAN's Myanmar policy. Opposing intervention by the major powers is an important objective of the Myanmar policy pursued by ASEAN, which hopes that regional problems will be settled within the region. In its diplomatic work, however, ASEAN tends to use Western powers to balance China's and India's influence in the region and hopes to seek political and economic interests through cooperation with the West. Therefore, while developing relations with dialogue partners, the organization is inevitably constrained by the international relations norms and principles dominated by the Western countries and must bear the

pressure from the West on the Myanmar issue. The fact that ASEAN member states practice divergent political systems, have different understanding and feelings on the Myanmar issue, seek different political, economic, security and strategic interests from Myanmar, and have different political, economic and interest relations with and degrees of dependence on the Western countries leads naturally to disagreements within ASEAN as a whole and among its various member states as well as conflicts between the interests of individual countries and the collective interests of ASEAN, thus impairing ASEAN's decision-making and action-taking ability on the Myanmar issue.

The new Myanmar government has carried out a series of reforms aimed at democratization since its establishment, such as releasing political prisoners, legalizing the NLD, and allowing Aung San Suu Kyi to participate in the parliamentary by-elections to be held in April 2012, which received the recognition and positive response from the Western countries. In view of the developments in Myanmar, ASEAN supported the reforms implemented by the new government in an active way, encouraging Myanmar to achieve democracy in light of the Seven-point Roadmap. The approval given by ASEAN on November 17, 2011 for Myanmar to serve as rotating Chairman of the organization in 2014 is a prominent expression of this attitude. On January 11, 2012, ASEAN once again called on the West to remove sanctions against Myanmar and advocated that there was no need to hold an international conference on the Myanmar issue outside Myanmar in view of the good progress made in the democratization process in Myanmar.

Myanmar's democratization reform, whatever its original aim, has initially demonstrated both the positive and negative effects of the engagement and sanctions policies toward Myanmar pursued by the international community for long. In the views of the West, the principal aim of Myanmar's reform is to realize

normalization of relations with the outside world, extricate itself from the plight of being isolated and sanctioned and reverse the political predicament in the country, which however cannot be achieved without the engagement efforts made by ASEAN and other regional organizations and countries. The formation of democratic ideology and culture is a long process of accumulation and in the process exchanges and contacts with the outside world play an irreplaceable role. The democratization reforms in Myanmar have been implemented under the promotion of the reformers headed by President Thein Sein, and the emergence and growth of reformers within the military will be impossible without interaction and engagement with the outside world. The engagement policy pursued by ASEAN has, first of all, ensured the basic pattern in Myanmar of opening to and engaging with the outside and prevented it from falling back to the closed state during Ne Win's time. This policy has at least enabled Myanmar to integrate partly into the international community and normalize part of its relations with the outside. On the other hand, in the interactions with the ASEAN countries in the economic, diplomatic, military, security and other fields, Myanmar has also deeply felt the fruits and benefits brought about by such normalization. In particular, Myanmar has, in the course of enhancing ASEAN integration, to actively or passively accept the extensive influence from within and outside the region. For example, hundreds of cooperation and dialogue meetings on various subjects were held every year in ASEAN and quite a number of them were hosted by Myanmar. Therefore, in spite of the fact that ASEAN's engagement policy failed to accomplish immediate results in its initial stage, yet ASEAN has been cultivating the conditions for democracy in a mild and subtle way and guiding Myanmar to evolve in the direction of democratization. The prospects and benefits of overcoming difficulties and implementing reforms brought to

Myanmar by the “constructive engagement” policy have served to certain extent as an encouragement and guidance to the policy-makers in Myanmar. The annoy of being forced to give up the rotating Chairmanship of ASEAN for 2006 and the joy in getting this position for 2014 bear testimony to such role both positively and negatively.

IV. Conclusion

It is impossible to judge at the moment whether the political changes in Myanmar are the beginning of genuine democracy or a “democracy show” Myanmar put up in an attempt to exchange for political recognition and lifting of economic sanctions by the West, nor to predict how long the changes will last, yet what people can envision is that there will be no significant changes in ASEAN’s “constructive engagement” policy toward Myanmar but instead this policy will be further reinforced in the course of the Western countries adjusting their policies toward Myanmar. U.S. engagement with Myanmar and Western countries’ adjustment in Myanmar policies shall reduce the international pressures borne by ASEAN on the Myanmar issue. At a time when the Western countries are evaluating Myanmar’s reforms and adjusting their Myanmar policies, ASEAN shall loose no time in calling for the West to remove the sanctions against and encourage the reforms in Myanmar so as to justify its policy toward Myanmar and enhance its appeal to and authority over Myanmar. Acting as rotating Chairman of ASEAN for 2014 is both an opportunity for and a challenge to Myanmar, and ASEAN on its part shall help Myanmar to meet all sorts of challenges during the Chairmanship and genuinely acquire the full qualification of ASEAN membership, thereby demonstrating in bold relief ASEAN’s capacity in settling regional problems and its dominance over regional affairs. ^①