NTS ALERT

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EXAMINING ASEAN CAPACITY IN THE CONTEXT OF THE THAI-CAMBODIAN BORDER DISPUTE

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Amidst heightened expectations regarding ASEAN's contribution to international order, particularly in the context of a trend towards multilevel security governance, ASEAN is attempting to transform itself into a more proactive and effective organisation. Under Indonesia's chairmanship, it has approached the border dispute between Thailand and Cambodia as a significant opportunity to develop its capacity for conflict management and resolution. However, the ensuing diplomatic saga in the Thai, Cambodian and Indonesian capitals has served to remind us of the many obstacles that ASEAN invariably faces in this endeavour, not least of which are powerful domestic interests and actors with divergent motivations.

Cambodian soldiers at the Preah Vihear temple weeks after clashes between the Thai and Cambodian militaries, 15 March 2011.
Credit: TrojanTraveler/flickr.

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Introduction

There is a growing expectation that ASEAN, as a regional organisation, will contribute more effectively to international order, particularly in terms of regional security governance. Drawing on the intended role of regional organisations under Chapter VIII of the UN Charter, the notion of these organisations increasingly assuming roles that are complementary to that of the UN within a multilevel system of global governance has been emphasised in several significant UN documents in recent years, including the report of the High-level Panel on Threats, Challenges and Change (UNGA, 2004) and the Outcome Document of the 2005 World Summit (UNGA, 2005). The drive towards greater regional-global security cooperation finds ultimate expression in the term 'security regions'. Indeed, when it comes to multilevel governance, a common sentiment is that '[r]egional security is a new reality [and] security governance must respond to

it' (Felicio, 2007:56). Interestingly, Hurrell (2007:145) goes so far as to posit that there is a conviction among politicians and analysts alike that regional cooperation 'has to move forward and has to be *made to work* – despite [for instance] … ASEAN's difficulties in adjusting to a harsher regional environment' (emphasis added).

In conflict situations, ASEAN's role has traditionally been limited to conflict prevention, or at best, conflict management, rather than conflict resolution. However, expectations are mounting that it play a more proactive role in addressing sensitive security issues such as inter-state disputes among ASEAN member states, specifically the border conflict between Thailand and Cambodia, as well as extra-regional challenges such as territorial disputes in the South China Sea and the issue of North Korean nuclear disarmament. In ASEAN's case, heightened expectations are moreover expressed in the context of its driving role in an ever-expanding range of regional institutions, such as the ASEAN Regional Forum (ARF), the ASEAN Plus Three (APT), the ASEAN Defence Ministers' Meeting (ADMM), the ADMM-Plus, and the East Asia Summit (EAS). Thus, as ASEAN pushes ahead with its expansion of Asia-Pacific regionalism, critiques are growing as to its institutional ineffectiveness and its legitimacy as the setter and enforcer of the wider regional agenda. Echoing a common lamentation, Bower (2010) argues that 'if [ASEAN] wants to be the glue for enduring architecture in Asia, it must be strong and integrated … if ASEAN is weak, regional structures built on the principle of ASEAN centrality will be weak'.

ASEAN's constraints as a collective involve more than the organisation's perceived unwillingness to move beyond its norms and modalities of non-interference and consensus; its agenda is significantly influenced by domestic – state and non-state – actors, which although often acknowledged, are not taken into adequate account in the formulation of both expectations and critiques of ASEAN. Nonetheless, 'ASEAN' (through thought leaders in the Secretariat, state capitals and think tanks) has recognised that it must be more proactive in both intramural and extra-regional security challenges if it is to maintain its international credibility (Yudhoyono, 2011; SIIA, 2011). The frequency with which ASEAN officials (re)affirm ASEAN's 'centrality' and its status as the 'most acceptable driver' of Asia-Pacific regionalism intimates a strong sense of insecurity about its legitimacy as the driver of regional institutions given perceptions of its institutional weakness and ineffectiveness. Moreover, its cognisance of the expected complementary governance role of regional organisations is demonstrated by the ASEAN-UN Comprehensive Partnership agreement drafted under Indonesia's leadership (RSIS, 2011).

One of the areas in which ASEAN has recently attempted to demonstrate its capacity for security governance is the Thai-Cambodian border dispute. The (re)eruption of the dispute in February, and again in April this year, over 4.6 sq km of territory surrounding the Preah Vihear temple and several other temples along the border, generated fundamental debate over the relevance of ASEAN and its legitimacy as the driver of wider Asian regionalism, given its failure to prevent conflict between its members – considered its very *raison d'etre*. Within this context, this NTS Alert will survey some challenges that ASEAN faces (as a collective of member states) in engendering a more proactive approach to security challenges. In doing so, it may slightly recalibrate our understanding of what 'ASEAN capacity' means in practice.

ASEAN: Towards Multilateral Utility?

ASEAN is often criticised for prioritising great power relations over a coherent, let alone inherently normative problem-solving, agenda. It is said to prefer a strategy of 'omni-enmeshment', engaging as many great powers as possible in order to balance their respective regional influence (Goh in Jones, 2010:97). In many ways, ASEAN can be distinguished from 'multilateral utilities', which are defined by their inherently liberal and normative agendas and their prioritisation of problem-solving capacities (Ruland, 2011:107). Indeed, its contribution to a multilateral international order has been constrained by several factors, including a low-level form of institutionalisation based on soft law rather than binding commitments; the fragile commitment among member states to shouldering the governance costs associated with multilateralism, including domestic political costs; and a tendency to create redundant institutions as a result of neglecting to consider possible replication of institutions or their added value (Ruland, 2011:88).

However, in response to a perceived increase in the costs of non-compliance with international expectations with regard to multilevel security governance – including among its dialogue partners – ASEAN is ostensibly trying to transform itself into a more functional organisation. The ASEAN Political-Security Community blueprint sets out a range of measures aimed at integrating its members 'politically' and into a framework of regional security governance, for instance, through the establishment of a regional network of peacekeeping centres. Tied to this is a commitment to good governance, democratisation and human rights (ASEAN, 2009). However, the dispute between Thailand and Cambodia in 2011 points to some factors that will inhibit the development of a genuine security community, including domestic politics and the influence of powerful domestic non-state socio-political actors.

The Thai-Cambodian Dispute

As ASEAN chair in 2011, Indonesia has in desperation tried to facilitate a resolution to the border dispute between Thailand and Cambodia, with Foreign Minister Marty Natalegawa immediately initiating dialogue with both Phnom Penh and Bangkok following clashes on 4–7 February. On 14 February, ASEAN's mandate as the facilitator of negotiations was bolstered by a UN Security Council (UNSC) judgement (UNSC, 2011). Cambodia had initially requested the intervention of the UNSC and the deployment of a UN peacekeeping contingent, which undermined confidence in ASEAN's capacity to manage problems in its own backyard. However, these concerns were effectively superseded when the UNSC chose instead to support ASEAN's 'active efforts' in facilitating a resolution and endorsed an informal meeting of ASEAN foreign ministers. In response to the course of events in February, Natalegawa's preliminary evaluation was that ASEAN's early engagement reflected a 'seminal development in ASEAN's capacity to deal with a conflict situation' (McCoy, 2011).

People's Alliance for Democracy (PAD) demonstrators march to Bangkok's Temple of the Emerald Buddha to oppose the Thai government's plan to amend the constitution and to pray for the Preah Vihear temple to be returned to Thailand, 2 August 2008.
Credit: Szymon Kochanski/flickr.

ASEAN certainly appeared to be modelling the regional-global mechanism envisaged in Chapter VIII of the UN Charter when, against the backdrop of the UNSC's mandate, a historic agreement between Thailand and Cambodia emerged from the ministers' meeting on 22 February. The parties agreed not only on the importance of further bilateral talks with Indonesia's support but that a group of Indonesian observers should be sent to both sides of the disputed border to monitor the unofficial ceasefire. The parties anticipated discussing the observer plan, including its terms of reference (TOR), during the Joint Boundary Committee (JBC) and General Border Committee (GBC) meetings in April. However, after both parties officially signalled their consent to the proposed meetings, dissent emerged on the Thai side. High-level military officials objected to the GBC meeting being held in a third country and rejected the suggestion that observers be given access to the disputed territory. Thus, ASEAN and its chair's efforts to facilitate a resolution and deploy an observer team – a potentially historic development in ASEAN's capacity for conflict resolution – stalled. This disjuncture in the approach of the Thai foreign ministry on the one hand, and the military on the other, concealed a complex web of domestic political motivations that have underlined and often handicapped both the Thai and Cambodian governments' approaches to the Preah Vihear issue since 2008.

On 22 April, armed clashes broke out again, bringing the estimated number of fatalities since February to 28 and causing the further displacement of thousands (O'Toole, 2011). The new clashes occurred approximately 150 km from Preah Vihear, around the disputed Ta Moan and Ta Krabei temples (in Khmer; Ta Mouan Thom and Ta Kwai to the Thai). Although a trilateral meeting on 9 May managed to produce a roadmap for resolving the dispute in the form of a 'package proposal' dealing with issues such as the TOR of the observer mission and troop withdrawal, this also failed to break the standoff both within and among the disputing parties (Abhisit, 2011).

On 18 July, the International Court of Justice (ICJ) – in response to a case brought to it by Cambodia to re-interpret its 1962 decision on ownership of Preah Vihear – ruled that a provisional demilitarised zone be established and that ASEAN-appointed observers be allowed into the zone. While postponing its judgement as to territorial ownership, it explicitly endorsed ASEAN's leadership role in settling the dispute, again intimating a regional-global security partnership (ICJ, 2011). Despite fears over the internationalisation of the dispute, the ICJ's decision – as with the UNSC's ruling – was hailed as 'an affirmation of ASEAN's role' (Adamrah, 2011). Reflecting somewhat of a 'cart before the horse' attitude that often reigns in ASEAN, Natalegawa confirmed that ASEAN would be 'taking the mandate forward' (Adamrah, 2011). Whether it would be able convince both the state parties, as well as other domestic interests, including the respective militaries and powerful political forces, to accept its mandate, remained however to be seen.

Nonetheless, prospects have once again become moderately optimistic. The disputing parties have in principle agreed to hold the long-stalled 8th GBC talks following Cambodian Deputy Prime Minister and Defence Minister Tea Banh's extension of an invitation to Thai Defence Minister Yutthasak Sasiprapa to talks in Phnom Penh (Yutthasak, 2011). The Cambodian government also holds a more positive view towards the new Thai Prime Minister, Yingluck Shinawatra, and her Peau Thai party. Ultimately though, as demonstrated by the drawn-out process in recent months, obstacles can arise in an instant that can confound the official line.

The recent diplomatic saga that has played out in Bangkok and Phnom Penh, and in Jakarta under the auspices of ASEAN, highlights the obstacles faced by the intergovernmental body in its integration efforts. It also demonstrates the inadequacy of the use of the non-interference norm as an overarching explanation for ASEAN's difficulty in managing conflict and other sensitive situations. The course of events validates Jones' (2010) framework for analysing ASEAN's 'capacity', both in and of itself and in the context of ASEAN-led regional institutions. Essentially, contrary to common perceptions (and subsequent critiques) regarding its *institutional* capacity, ASEAN's capacity is still largely relationally derived (Jones, 2010). Specifically, while great power relations may have imbued ASEAN with its wider role, two other key relationships have been brought to the fore in this dispute and have been shown capable of rendering ASEAN ineffective: the relationships among members themselves, and even more decisive, the dynamics between states and their societies – specifically powerful domestic socio-political forces (Jones, 2010, 2011). The complex origins of the Thai-Cambodian border dispute are illustrative of

this, with the tensions often attributed to a mixture of nationalistic as well as more purely economic motivations (Silverman, 2011).

Although it is observed that both Thailand and Cambodia have exploited the Preah Vihear dispute as a 'political weapon' to consolidate domestic power and/or delegitimise political opponents, the linkage between Thai domestic politics and its foreign policy on Preah Vihear illustrates particularly well the role of both domestic power consolidation and/or various non-state socio-political forces in shaping and constraining the regional agenda (Hughes, 2009; Chachavalpongpun, 2009; Jones, 2011).

In the Thai case, analyses tend to revolve around the domestic political crisis that has paralysed the country since 2006, beginning with the ouster by military coup of Thaksin Shinawatra (Chachavalpongpun, 2009). Specifically, the Preah Vihear issue has been appropriated by two main opposing political factions in Thailand – loosely characterised as the supporters of former Prime Minister Shinawatra and those that seek to 'extirpate his legacy and influence', represented respectively by the National United Front of Democracy against Dictatorship (UDD, or the 'red shirts') and the People's Alliance for Democracy (PAD, or 'yellow shirts') (Chachavalpongpun, 2009). In particular, the PAD is singled out for its attempts to arouse animosity towards Cambodia over the Preah Vihear issue in order to evoke nationalist sentiment and achieve momentum for its wider 'anti-Thaksin' agenda (Prasirtsuk, 2009; Dalpino, 2011). Furthermore, it is said that standing behind the PAD is the powerful Thai military establishment, which ousted Shinawatra in 2006 and stands for the interests of the traditional elites (Thailand's General Election, 2011; Chachavalpongpun, 2009). In this vein, analysts suggest that the military's recent problematisation of the border talks was essentially designed to 'create an atmosphere of uncertainty' and destabilise the Thaksin-allied Peau Thai party in view of its potential (and eventual) victory in the July 2011 elections (Chachavalpongpun in Pitman, 2011). Thus, the complex linkage between domestic politics and foreign policy points to the distinct challenges faced by ASEAN in its efforts to be more proactive in regional security governance.

ASEAN Capacity and a Political-Security Community by 2015: Threat or Promise?

Bower (2010) has urged ASEAN 'to decide what it wants to be' lest it become irrelevant. In turn, ASEAN's response to international pressure has been to validate its position by reiterating its centrality in the regional security architecture and to attempt to match its intentions with concrete actions. Under Indonesia's chairmanship, ASEAN approached the Thai-Cambodian crisis as a significant opportunity to try to engender a more effective body vis-à-vis regional security, particularly on more sensitive security issues. Indonesia's efforts, and its successes, although minimal and incremental, do suggest that ASEAN's modus operandi, including its apparent limitations of dialogue and persuasion, certainly has some practical value.

At the same time, the border saga has reminded us that it is more than a mere preference for non-interference that characterises ASEAN's tenuous diplomatic role. Although domestic conditions, particularly in Thailand, are again looking somewhat conducive for a genuine resolution to Preah Vihear, the case illustrates that powerful domestic socio-political forces, which are often mobilised vis-à-vis inter-state dynamics, can be just as critical a factor in resolving – or derailing – wider conflict resolution efforts, and can often effectively handicap ASEAN against 'its' will, even in cases where member state governments are willing to cooperate with its stated agenda.

Accordingly, despite some perceiving ASEAN's 'good governance, human rights and democratization' discourse as a realpolitik strategy, it nonetheless remains that democratisation in particular will be central to ASEAN consolidating a future capacity to at least semi-autonomously chart the regional agenda in accordance with international expectations regarding the evolution of multilateralism and multilevel security governance.

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