



**THE ROLE OF CIVIL SOCIETY ORGANIZATION IN SHAPING
AN ASEAN IDENTITY**

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ABSTRACT

ASEAN is a gathering of 10 countries with diverse political, developmental, religious and ethnic backgrounds, hence, it is hard for this Association to find its identity. If the EU has three common identities, including Christianity, democratic principles and free economic institutions, ASEAN has only one thing in common, which is anti-communism. However, with the collapse of the Soviet Union, this common point has come to an end. Now, ASEAN must build on its new identity. ASEAN leaders have chosen to build the “we” feeling by building ASEAN Community. It is believed that besides economic and institutional progress, any community must build an open society that must ensure social cohesion. It is also necessary to build a society where people have confidence, always participate in the process of development and policy-making. ASEAN now has not achieved it yet, although ASEAN is oriented towards people-oriented and people-centered communities. The tool to make this possible is the civil society because civil society always deals with grassroots problems where the government is sometimes helpless and at the same time reflects the immediate response of public needs. This paper focusing on tackling the research question is: “Why engaging civil society in ASEAN is necessary for enhancing the intra-integration and the shaping of identity, although ASEAN still operates primarily as an elite club?”. This is an important issue as civil society is playing an increasingly important role, whereas previous studies have only assessed the role of civil society at the national level rather than the regional level. Besides, a proper assessment of the role of civil society can help policymakers find appropriate coordination between civil society and ASEAN in the future.

Keywords: *ASEAN, Identity, Civil Society, CSOs*



1. CIVIL SOCIETY: DEFINITION AND CONCEPTS

1.1. Definition of civil society and civil society organizations.

According to Alexis de Tocqueville's observations of the early days of American democracy, the success and necessity of association societies are important to a thriving American society in which people were increasingly engaged in political life. In the United States, these organizations were more successful than anywhere else in the world. By participating in association organizations, U.S. citizens who share the same opinions or beliefs could overcome their lack of influence when they act as a single individual. As organizations became bigger, the political subjects had to pay attention to them and recognize the needs of their members. These associations are precursors of today's civil society organizations (CSOs). (Woldring 1998)

Civil society is a wide array of non-state actors which operate in the public sphere, notably those working for the mutual interests and values, whether in the cultural, political, religious or scientific field. CSOs include community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations (World Bank 2002).

Another definition was given in the 2012 "ASEAN Guidelines on Accreditation for Civil Society Organization". ASEAN, in this official document, defines a CSO as "a non-profit organization of ASEAN entities, natural or juridical, that promotes, strengthens and helps realise the aims and objectives of the ASEAN Community and its three Pillars". (ASEAN 2012)

CSOs have three main characteristics. The first one is autonomy. CSOs are self-governed, which means they are independent from the government. Besides, they are operated based on voluntary and self-organized principles. Last, they are non-profitable organizations that only focus on benefit of the society. (Umlin 2009)

CSOs have been playing an important role in every society as it educates citizens and raises their awareness for greater civic engagement and participation. They are also considered as an useful tool to counter-balance against power abuses by the government and mobilize social resources for the development and benefit of all citizens (Marchetti 2018).

1.2. CSOs in ASEAN

Although in the founding declaration, all the ASEAN country members promised that they would "raising of the living standards" and "secure for their peoples [...] for the blessings of peace, freedom, and prosperity". (Alan 2007) However, ASEAN has been operated as an elite club, in which national security is the first priority. The non-interference principle facilitates the national building and elite protection, but it restrains a liberal and people-centered ASEAN community. (Baviera and Maramis 2017)

ASEAN started to give accreditation to CSOs from 1979 and officially adopted new guidelines for affiliation in 1986. Under this guideline, 55 non-state organizations were given accreditation by this association. However, all the granted CSOs, such as the ASEAN Law



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Association or ASEAN Federation of Accountants have to follow the mandate and objectives of ASEAN. (Chandra 2017). On the other hand, CSOs have been actively participated in activities of ASEAN since the 1997 financial crisis. Regional networks were established. These networks include ASEAN-Institutes for Strategic and International Studies (ASEAN-ISIS), ASEAN People's Assembly (APA), ASEAN Civil Society Conference, ASEAN People's Forum, Solidarity for Asian People's Advocacy (SAPA) and other CSOs. (Human Rights in ASEAN n.d.)

ASEAN's interest in the grass root issues related to civil society is also reflected in the speech of ASEAN leaders and the drafting of the ASEAN Charter. At the 36th Anniversary of ASEAN in 2003, Indonesian President Megawati Sukarnoputri stated that ASEAN should be more engage CSOs in ASEAN community building and regional identity building (Fort and Webber 2006). Moreover, in the the section "promoting ASEAN as a people-oriented community" of ASEAN Charter did mention about setting up advisory councils for interaction with civil society and ASEAN, attracting representatives from CSOs as well as strengthening relationships with CSOs and using their systems and strengths as strategic partners to build a strong ASEAN Community. (Chong and Elies 2011)

Furthermore, 10 ASEAN country members established Guidelines on ASEAN's Relations with Civil Society Organisations. CSOs, according to this guideline, must promote, strengthen and assist in realizing the mandates and objectives of ASEAN in every field by working closely with the Secretariat and all government of member countries. If those organizations are able to be drawn into the mainstream of ASEAN activities, they will be given chance and privilege of participating in ASEAN issues. (Chong and Elies 2011)

The perception of member states towards CSOs are probably different, but they have one thing in common, which is their attitudes towards the two types of CSOs. On the one hand, governments always provide financial support and encourage CSOs that are directly or indirectly established by the state, and CSOs operate under the direction of the government. On the other hand, ASEAN elites do not encourage or even restrain the activities of independent organizations, especially international NGOs, which are originated from other countries and received external financial support. (Rachel 2014)

Therefore, the involvement of CSOs in the process of building ASEAN identity and enhancing regional integration is highly dependent on the permission of ASEAN leaders. The second part analyzes how ASEAN forms regional identity, and how CSOs find a space to contribute to the forming process.

2. BUILDING A PEOPLE-CENTERED COMMUNITY TO FORGE AN ASEAN IDENTITY

In November 2015, ASEAN state member adopted the Kuala Lumpur Declaration. In this documents, all 10 ASEAN leaders called for the establishment of the ASEAN Community, by realizing four goals of regional integration. They include a politically cohesive, economically



integrated, socially responsible and people-oriented, people-centered ASEAN Community. The ASEAN Community has three pillars, including Political-Security Community (APSC), Economic Community (AEC), and Socio-Cultural Community (ASCC). It demonstrated the recognition of the need for a common identity which can apply for every sector in every country of this association. (Sudo 2006)

2.1. ASEAN Socio-Cultural Community

In fact, ASEAN citizens mainly know each other through economic cooperations, investment, tourism or trade. However, these channels only facilitate the owners-employees relations rather than forge close ties as a community. For instance, the influx of migrant workers from Cambodia to Thailand, from Indonesia to Singapore or from Vietnam to Malaysia can bring economic benefits to ASEAN, but they also create numerous social conflicts and tension between state members. (Vineles 2018)

Political and security aspects are also constrained by national interests. Notably, ASEAN countries have been deeply divided because of the South China Sea territorial disputes to the point that they could not declare a joint declaration at the ASEAN Foreign Ministers Meeting in Phnom Penh in July 2012. (Perlez 2012)

In this context, cooperation in ASCC has become increasingly important. Through working under the framework of ASCC, ASEAN aims to achieve solidarity and long-term unity among ASEAN countries and people through creating a common identity and a shared, uplifting, harmonious and open society where people's lives and wellbeing are secured. (ASEAN n.d.)

2.2. An ASEAN Identity

According to the ASEAN Vision 2020, the main reason why ASEAN elites wanted to establish the ASCC is because they desired to create a regional identity: "We envision the entire Southeast Asia to be, 2020, an ASEAN community conscious of its ties of history, aware of its cultural heritage and bound by a common regional identity". (ASEAN n.d.)

An ASEAN identity consists of socio-cultural norms and legal norms. There are four legal norms which are necessary for building an ASEAN identity, which are non-use of force and peaceful settlement of disputes; regional autonomy and collective self-reliance; the principle of non-interference; and rejection of an ASEAN military pact accompanied by a preference for bilateral defense cooperation. These norms are originated from official documents of ASEAN, such as the 1967 Bangkok Declaration, the 1971 Kuala Lumpur Declaration on the Zone of Peace (Baba 2016).

More importantly, the cultural and social norms, which formally known as the ASEAN Way, distinguish ASEAN from Western forms of multilateralism. ASEAN Way refers to "Cultural elements in which some values of each country are similar". It is believed that ASEAN Way was originated from the Treaty of Amity and Cooperation in Southeast Asia adopted in Bali, Indonesia in 1976. The treaty consists of 6 basic principles of ASEAN: (1) to respect the independence, sovereignty and territorial integrity of all nations; (2) each state has the right to lead its existence



without interference, subversion and external pressures; (3) not interfering in each other's internal affairs; (4) resolve differences and disputes by peaceful means; (5) to give up the threat of force and (6) to cooperate effectively. (Nguyen 2013)

The ASEAN Way and legal norms have created a distinct identity for ASEAN, but they also limit the role of CSOs in promoting the identity of this association. In the field of politics and security, the role of CSOs is almost nonexistent, given the non-interference principle of ASEAN. In the economic field, because CSOs are considered to operate outside the market, the role of these organizations compared to government and the private sector is inconsiderable. Such conditions lead to the fact that most CSOs can only play an active role in the socio-cultural sector. Therefore, leaders of ASEAN member countries also actively associate civil society with ASEAN activities in the ASCC.

3. THE ROLE OF CSOS IN BUILDING AN ASEAN IDENTITY AND ENHANCING REGIONAL INTEGRATION

ASEAN Secretary-General Surin Pitsuwan once affirmed that ASEAN should expand and deepen the relationship and interaction with NGOs and CSOs in the region, as they work closely with the people and have the greatest advantage in expressing the needs of ASEAN citizens. (ASEAN 2007)

Moreover, as stated by the ASEAN Deputy Secretary-General for Socio-Cultural Community Vongthep Arthakaivalvatee, with the establishment of ASCC, CSOs have more room to contribute to the realization of ASEAN Vision 2025, as well as to build a community and regional identity. He also stressed that ASEAN wants to cooperate and communicate more with CSOs towards building a people-centered, people-oriented ASEAN (ASEAN 2016). It is believed that a people-centered ASEAN does not simply mean that the government explains its meaning to their citizens. It also needs to open more spaces for people to experience ASEAN and participate in regional integration. Supporting and allowing all stakeholders and citizens to join in joint programs in the region is a crucial way to educate people about the regional identity and the regional community (Baviera and Maramis 2017).

3.1. Civil society - a bridge in the context of political and economic divisions

ASEAN is currently severely polarized. The main cause for this internal divide originates from the Chinese factor. In the past, there have been a number of cases where ASEAN can not make a joint declaration on the South China Sea as a matter of consensus. Thanks to financial support in the framework of Belt and Road Initiative, Beijing has successfully put pressure on the Cambodian and Lao governments and actively improved bilateral relations with one of the parties in the South China Sea territorial disputes - The Philippines. Meanwhile, Vietnam has been aggressively lobbying for a "legally-binding" Code of Conduct in the South China Sea. This problem, together with intra-bloc territorial disputes such as the Preah Vihear issue, has deepened the division between ASEAN member countries. (Heydarian 2017)



As for economic integration, ASEAN has been witnessing a developing split between Cambodia, Laos, Myanmar and the rest of the association. Institutional capacity, human resources, and physical infrastructure have constrained regional projects. Moreover, some people argue that globalization and economic integration are likely to benefit lower-skilled workers in developing economies, therefore they assist in creating a regional identity. However, evidence suggests that it is not always true. Several lower-skilled workers cannot take advantage of regional integration because they are lack of required skills or language abilities. (Mordecai 2015) Even if they are able to move to other markets to work, several social issues will occur, such as illegal immigration, unsafe working environment, prostitution or human trafficking. Obviously, the AEC promotes regional development, but it is not able to help narrow the inequality and move towards a common identity. (ASEAN Studies Program, n.d.)

In this context, cooperation in socio-cultural issues are easier to reach consensus and engage CSOs. At the same time, CSOs have also contributed to strategic planning as well as designed specific proposals for submitting to Action Plan for Implementing ASEAN Vision 2025. (ASEAN 2017) It is undeniable that CSOs are a crucial factor in promoting regional cooperation and regional identity when there are still internal conflicts.

3.2. Tackle non-traditional security threats

ASEAN today is facing an increasing number of non-traditional security issues, such as the environment, migration and human rights. In the process of building an ASEAN identity in the context of the great cultural and social differences between member countries, ASEAN leaders have encountered many difficulties in finding common approaches that ensure the interests of the people. CSOs, organizations that directly work with people and possess several experts in non-traditional security issues, are an indispensable factor in addressing non-traditional security issues in the region.

First, human right is a sector that ASEAN governments have always tried to avoid. It is because ASEAN elites fear that external forces, particularly the United States and the EU, may use human rights to interfere in the internal affairs of the association. But in order for ASEAN communities to truly become a people-centered and people-oriented community, human rights are the first thing that needs to be guaranteed (Chachavalpongpun 2018). Therefore, CSOs, which are directly in touch with the people and understands the needs and concerns of the people, should contribute to promoting the development of human rights. However, the scope for civil society engagement in the human rights cases within member countries depends on the degree to which the governments open to non-governmental space (Chong and Elies 2011).

CSOs have been active across all members of the association in terms of promoting all rights of human being. At the regional level, CSOs provided their input mainly through the ASEAN Civil Society Conference. Additionally, CSOs want to develop a "consultative relationship" with the AICHR because the national law of each member often violates human right. By doing so,



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CSOs call on AICHR to address human rights violations and put more pressure on member states. (Davies 2016)

It is also necessary to mention the ASEAN Parliamentarians for Human Rights (APHR) because it was established to strengthen the cooperation between CSOs and governments. In 2016, APHR sent a letter to US President Barack Obama at the US-ASEAN Summit to call for Obama's human rights priorities in his talks with ASEAN leaders (Santiago 2016). On April 25, 2018, APHR also urged ASEAN leaders to address pressing human rights concerns in Southeast Asia, including taking steps to reform and strengthen regional human rights mechanisms (ASEAN Parliamentarians for Human Rights 2018). APHR also released their report on Rohingya crisis in Myanmar. The report gives suggestions to the association on how to put pressure on the Myanmar government and how to improve its capacity to handle similar cases in the future (ASEAN Parliamentarians for Human Rights 2018). Furthermore, CSOs are entitled to submit the review process that reflects their perspective on human rights abuses. These contributions, though not enforceable by national governments, provide important information for public dissemination of cases involving human rights (Deinla 2013).

The *second* field which CSOs have been greatly contributing is migration management. Migration is one of major feature of Southeast Asian, as ASEAN accounts for nearly 10 percent of global migrants. (United Nations 2017) At the regional level, CSOs assist in undertaking regional advocacy, monitoring actions of member countries, and cultivating ASEAN elites with a deeper understanding of migration problems. The integration of the region has made the flow of labor from one country to another became widespread. This is followed by the struggle of governments in managing regional migration and related social issues. To address those problems, CSOs have been providing assistance to regional migrants. At the same time, CSOs also actively coordinate with governments, international organizations, employers and workers at the ASEAN Forum on Migrant Laboratories to discuss, share hand-on experience and build consensus in protection migrants in the area (Chheang 2015).

At the national level, the CSOs expertise and officials engage people in advocacy, represent migrant workers in working with local authorities and attract public attention. At the regional level, CSOs have been more active in working on immigration issues. Notably, Task Force on ASEAN Migrant Workers (TFAMW), a network of trade unions, human rights and migrant rights organizations and migrant worker associations, has been facilitating CSO's participations in the ASEAN Forum on Migrant Labour. The Task Force published "Civil Society Proposal for the ASEAN Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers" which created a framework to promote equal and appropriate employment protection, payment of salary, and adequate access to decent working and living conditions for migrant employees. (Geiger 2015). Besides, 192 recommendations of TFAMW were also used at the ASEAN Forum on



Migration and subsequently published as a means of uniting CSOs in their efforts to engage in issues of migrant workers. (Rother 2018)

Environment is the *third* area which CSOs make great contributions. At the regional scope, CSOs have mainly been engaging under the framework of ASEAN Senior Officials on the Environment (ASOEN). ASOEN acknowledged the need for sustained and cooperative engagement between CSOs and ASEAN bodies, therefore they assisted in establishing the ASEAN Civil Society Organisations Forum on Environmental Protection and Sustainable Development. Through it, ASEAN CSOs can bring up environmental concerns ASEAN leaders and urge them to tackle. Those organizations are also able to support the government in designing and implementing environmental projects, name and shame companies or organizations which have a negative influence on the regional environment. (ASEAN 2015)

3.3. Provide experts and consultations

Under the framework of ASCC, CSOs provide expertise and advice to government agencies so that they can develop appropriate and consistent policies. Surin Pitsuwan, the former Secretary-General has promoted consultations with CSOs on sensitive issues such as human rights. Article 7.1 of the ASEAN Intergovernmental Commission on Human Rights' (AICHR) ToR states that the Secretary-General may "bring relevant issues to the attention of the AICHR". (AICHR 2009) In order to ensure that the issues discussed at the AICHR would include the views of the CSOs, Pitsuwan met two human rights groups, proposing meetings between the parties. This has helped the opinions of CSOs to be heard by ASEAN officials (Gerard 2012).

Besides, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) has also held consultation with civil society. Many scholars believe that the reason why representatives of the ACWC support the consultation of CSOs is that many members of the commission have been or are working in the CSO sector, including Manka Vajrabhaya, a formal Chairwoman of the ACWC. In the past, the ACWC consulted many CSOs on the drafting of its ToR on 29 April 2009. As such, the frequency of CSOs consultations of this association has been significantly increasing. (Gerard 2012)

4. PROSPECT FOR CSOS IN REGIONAL IDENTITY EVOLUTION

4.1. Opportunities

Reviewing the historical development of ASEAN, it can be seen that the relationship between ASEAN and CSOs has improved markedly. Accordingly, the importance of CSOs in jointly promoting a people-oriented community and a common identity has been boosted.

Until now, the number of CSOs recognized by ASEAN is still small comparing to the number of existing CSOs in the region. Nevertheless, ASEAN leaders have encouraged CSOs who are not yet qualified to register to continue their activities and contribute to building regional identity and promoting regional integration. For example, with the GO-NGO Annual Forums, the



list of participating CSOs is not only comprised of recognized organizations. Independent CSOs which share the same passions and visions with ASEAN can also participate (Gerard 2015).

In addition, the ad-hoc consultations also allow ASEAN to interact informally with ASEAN officials so that they are not controlled by the ASEAN Committee of Permanent Representatives. The GO-NGO Forum seems to provide opportunities for CSOs to consider policy and policy shaping according to their agenda, such as the TFAMW recommendation (Gerard 2015). More importantly, this mechanism is limited to some soft issues in the social and cultural pillars, and it is difficult for CSOs to address more sensitive issues in ACSC and AEC. Therefore, CSOs should focus more on addressing emerging issues related to ASCC's mandate and activities. (Worldwide Movement for Human Rights 2012)

4.2. Challenges

In order to serve as a bridge between ASEAN people versus authorities and people versus people, civil society is facing several challenges. *Firstly*, as mentioned above, CSOs are limited in their scope of activity. Governments only favor CSOs established by or under their agencies. Therefore, most CSOs, especially foreign-based CSOs, or receiving foreign aid play a very limited role in making policy recommendations or contributing ideas through official channels or forums. Currently, ASEAN leaders only allow CSOs to operate officially through ASEAN Civil Society Conference/ASEAN Peoples' Forum (ACSC/APF) and some commissions with limited authority such as ASEAN Intergovernmental Commission on Human Rights (AICHR) Meetings, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) Meetings and the ASEAN Forum on Migrant Labour. (Chong and Elies 2011) Furthermore, CSOs are also struggling to find an approach which aims to harmonize with ASEAN processes; and advance their needs for representing in ASEAN governance structures. If CSOs cannot participate in formal meetings, the role of CSOs in building the ASEAN identity is very limited.

Secondly, according to the definition of ASEAN Guidelines on Accreditation for CSO, a CSO need to promote, strengthen and help realize the aims and objectives of ASEAN Community and ASEAN activities. This definition runs counter to internationally accepted definitions of CSOs as independent of direct government control and management. It leads to an understanding that CSOs is only working for the goals of elites rather than help the whole Association realize its people-center goals. (Tadem 2017).

APF also lays down a challenge. It is one of the most important mechanisms in the region as it has been held annually in parallel with the ASEAN summit. However, the APF process and the meeting between civil society representatives and the ten heads of state are often dominated by two factors. The first problem is the interference of governments in selecting CSOs representatives. The second one is the tension between the national government and their civil society. Therefore, many meetings are boycotted or canceled as that some civil society representatives are appointed by the government. Even in some countries, the meeting was not included in the agenda because the



government assumed that civil society was not representative of the people of ASEAN (Khan and Sumaryono 2016).

Thus, relations between civil society organizations and government of member countries are still turbulent. It depends on the desire of the organizers of APF and the government rather than the code of conduct between the state and civil society. If ASEAN leaders truly want to promote a people-centered community and an ASEAN identity, an open and effective dialogue mechanism between CSOs and ASEAN countries is necessary. It should be based on democratic, equitable and participatory principles. This is the reason why ASEAN should promote the "Dialogue Guide between ASEAN and civil society" as an important, concrete and practical step to promote the ASEAN community building. Only when CSOs are really engaged into policy-making and plan execution process will an ASEAN identity be successfully achieved.

CONCLUSION

After the 1997 financial crisis, CSOs started to actively involve in ASEAN activities, including a people-centered community building and a regional identity building. Therefore, the role of ASEAN CSOs in achieving an ASEAN identity has attracted scholars' attention.

The paper first provides definitions and characteristics of civil society. Then, CSOs in ASEAN is also mentioned. The second part of this article analyses how building a people-centered, people-oriented community can help achieve a regional identity. The author focuses CSOs under the framework of ASCC. There are three ways in which CSOs are able to contribute to the evolution of ASEAN: performing as a bridge to connect one member countries with other and the people with its respective government; tackling non-traditional security issues; and providing experts and consultations. An ASEAN identity, by doing so, has been evolved and regional integration has been promoted. Lastly, in the process of participating in the ASEAN agendas and activities, CSOs face both advantages and disadvantages.

Based on the findings in this paper, the role of civil society can be accurately assessed and more research on how cooperation between the governments of the ASEAN Member States and CSOs will be conducted in the future.

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