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Editorial

Demokratisierung, Sicherheit und Gerechtigkeit: Einleitende Anmerkungen zu aktuellen Trends in Südostasien

Democratisation, Security, and Justice: Preliminary Remarks on Current Trends in South-East Asia

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ASEAS Redaktion / ASEAS Editorial Board

Mit Beginn des neuen Jahrtausends traten sogenannte Farbrevolutionen in verschiedensten Teilen der Welt auf – Serbien im Jahr 2000, gefolgt von Georgien 2003, der Ukraine 2004 sowie Kirgisistan und dem Libanon 2005. Anfang 2006 gingen dann auch in Thailand „gelbe" DemonstrantInnen der Volksallianz für Demokratie (PAD) auf die Straßen, den damaligen Premierminister Thaksin Shinawatra der Korruption anklagend und lautstark seinen Rücktritt fordernd.

Selbstverständlich sind Bürgerproteste in Südostasien keine Erfindung der letzten Jahre. 1997/98 begehrten in Indonesien hunderttausende Menschen friedlich gegen das autoritäre

Since the start of the new millennium, so-called colour revolutions have developed in various parts of the world – Serbia in 2000, followed by Georgia in 2003, Ukraine in 2004, as well as Kirgizstan and Lebanon in 2005. In early 2006, 'yellow-shirted' demonstrators of the People's Alliance for Democracy (PAD) protested in Thailand, accusing the then Prime Minister Thaksin Shinawatra of corruption and demanding his resignation.

As a matter of course, civil protests in South-East Asia have not just suddenly appeared in the last few years. In 1997-98, hundreds of thousands demonstrators peacefully

Suharto-Regime auf und brachten es zu Fall (vgl. Aspinall, 2005). Die Philippinen kennen erfolgreiche, wenngleich blutige Bürgerrevolten und zivilgesellschaftliche Proteste, die bis 1986 zurückreichen, als der „People Power" Aufstand unter Corazon Aquino zum Sturz von Diktator Ferdinand Marcos führte, der seine politische Karriere einst als demokratischer Hoffnungsträger begonnen hatte (vgl. Thompson, 1995). In der Militärdiktatur Burma/Myanmar kamen 1988 an die 3.000 Menschen während Protestmärschen in Rangun und anderen Städten des Landes ums Leben, wobei die Zahl der Toten niemals genau bestätigt werden konnte (Fink, 2001, S. 56). Auch der letzte größere Aufstand, die von Mönchen mitgetragene „Safranrevolution", endete 2007 blutig. Frühere Massenproteste in Thailand pendelten zwischen Erfolg und Niederlage – die Euphorie des triumphalen Aufstandes vom 14. Oktober 1973 endete spätestens mit dem Blutbad vom 6. Oktober 1976, als studentische Proteste am Gelände der Thammasat Universität von Armee, Polizei und paramilitärischen Milizen brutal niedergeschlagen wurden. Im „schwarzen Mai" 1992 wurden tausende Menschen in den Straßen Bangkoks erschossen und hunderte weitere Zivilisten verletzt. Den-

went to the streets in Indonesia, bringing an end to the authoritarian Suharto regime (cf. Aspinall, 2005). Also the Philippines has experienced successful, albeit bloody, protests and incidents of civil unrest going back to 1986, when the 'People Power' revolution under Corazon Aquino led to the overthrow of dictator Ferdinand Marcos, who himself had started his career as the great democratic hope (cf. Thompson, 1995). Under the Burmese/Myanmarese military dictatorship, as many as 3,000 people were killed in Rangoon and other cities during the 1988 protests, even though the exact number of casualties could never be verified (Fink, 2001, p. 56). The last anti-government rebellion, with Buddhist monks at the forefront and referred to as the 'saffron revolution', was bloodily suppressed too. Earlier mass uprisings in Thailand oscillated between success and defeat – joy about the triumphal uprising of 14 October 1973 was brought to an end by the bloodbath of 6 October 1976, when student protests at Thammasat University were brutally put down by the army, police, and paramilitary militias. During the 'Black May' of 1992, again hundreds of people were shot in the streets of Bangkok and thousands of civilians were wounded.

noch, oder gerade deswegen, waren die darauf folgenden Jahre eine Zeit der Demokratisierung Thailands: Die Bedeutung des Militärs in der Politik wurde durch die Verfassung von 1997 zurückgedrängt (Baker & Pasuk, 2005, Kap. 9) und erst die Novelle von 2007 stärkte das Militär wieder.

Auch Indonesien erfuhr nach dem Rücktritt Suhartos 1998 einen grundsätzlich bemerkenswerten Aufschwung der Demokratie, wenngleich die gewalttätigen Unruhen innerhalb des Landes (Aceh, Molukken, Papua, Sulawesi) und die blutigen Übergriffe auf die Zivilbevölkerung im Zuge der Unabhängigwerdung Osttimors keineswegs ignoriert werden sollten (zum Thema strafrechtliche Verantwortung für die Menschenrechtsverletzungen und zum Versöhnungsprozess in Osttimor siehe den Beitrag von Madalena Pampalk). Gerade Thailand veranschaulicht, dass sich das Blatt in einem solchen, recht erfolgreichen Demokratisierungsprozess wieder schnell wenden kann. Prozedural war Thaksin mit demokratischen Mitteln an die Macht gekommen, doch sein Führungsstil war autoritär und seine Regierungszeit von Menschrechtsverletzungen geprägt; dass diese nicht Hauptpunkt der Anklage gegen ihn waren, sondern Korruption und Miss-

Despite, or rather because of these events, the years following were a period of democratisation in Thailand: the military's weight in politics was pushed back by the 1997 constitution (Baker & Pasuk, 2005, ch. 9), and only resurged with its 2007 amendment.

Indonesia experienced an impressive rise of democracy after Suharto's resignation in 1998, even though the violent conflicts inside the country (Aceh, Moluccas, Papua, Sulawesi) and the attacks against the civilian population in the course of the East Timorese declaration of independence should not be ignored (concerning the achievement of accountability for the human rights atrocities and the East Timorese reconciliation process; see Madalena Pampalk's paper). Especially, developments in Thailand illustrate that the tide in a quite successful process of democratisation may indeed turn rapidly. Even though Thaksin came to power by procedurally democratic means, his style of leadership was authoritarian and his rule was accompanied by human rights violations. That it was not these things, but rather corruption and misgovernment that he was accused of, meant that further infractions of human and civil rights under future governments

wirtschaft, ließ ähnliche Bürger- und Menschenrechtsverletzungen unter zukünftigen Regierungen vorausahnen. Der Militärputsch vom 20. September 2006 brachte mit Thaksins Absetzung zwar das von der PAD geforderte Ergebnis – Ruhe im politischen Geschehen des Landes kehrte jedoch keine ein (vgl. Ferrara, 2010). Nach der Besetzung des Bangkoker Flughafens durch die PAD vom 25. November bis 2. Dezember 2008 (siehe Marja-Leena Heikkilä-Horns Beitrag) und der umstrittenen Regierungsübernahme durch die Demokratische Partei unter Premierminister Abhisit Vejjajiva, weitete die 2006 nach dem Putsch in Opposition zu den „Gelbhemden" gegründete Nationale vereinigte Demokratiefront gegen Diktatur (UDD) (auch als „Rothemden" bezeichnet) ihre Proteste aus. Die Auseinandersetzungen eskalierten an den Songkran-Feiertagen 2009, dann erneut am 10. April 2010 und zum Zeitpunkt der Drucklegung dieses Leitartikels (17. Mai 2010) werden erneut Zusammenstöße mit mindestens 30 Toten, unter ihnen der militante UDD-Stratege Generalmajor Khattiya Sawasdipol ('Seh Daeng'), in Zentral-Bangkok gemeldet.

Demokratie ist ein gängiges Schlagwort beider Bewegungen, während man sich gegenseitig der Diktatur

were highly likely to occur. Even though the PAD's requests were met when the 20 September 2006 *coup d'état* dismissed Thaksin, there has still been no solution to the political turmoil (cf. Ferrara, 2010). After the PAD occupation of Bangkok airport from 25 November to 2 December 2008 (see Marja-Leena Heikkilä-Horn's paper) and the controversial transfer of government to the Democrat Party under Prime Minister Abhisit Vejjajiva, members of the 'red-shirted' United National Front for Democracy Against Dictatorship (UDD), founded in 2006 in opposition to the 'yellow shirts', intensified their protests. Conflicts escalated around the 2009 Songkran holidays, on 10 April 2010, and, at the time when this editorial goes to print (17 May 2010), once again at least 30 fatal casualties, among them the militant UDD strategist Major-General Khattiya Sawasdipol ('*Seh Daeng*'), have been reported from protest sites in central Bangkok.

Democracy is a common keyword of both movements, and the other side is regularly accused of siding with dictatorship – a dictatorship of the masses, the elite, or of money. Yet it is obvious that since the 2006 coup Thailand's politics is again increasingly being influenced by military

beschuldigt – der Diktatur der Masse, der Elite oder des Geldes. Offensichtlich ist jedoch, dass es seit dem Putsch von 2006 wieder vermehrt zu Interventionen des Militärs in den politischen Entscheidungsprozess und zu weitreichenden Einschränkungen der BürgerInnenrechte im Namen von „Recht und Ordnung" sowie „nationaler Sicherheit" in Thailand kam. Entsprechend bezeichnet der weltweit erhobene *Freedom of the World Index 2010* (Freedom House, 2010) Indonesien als die einzige wirklich freie Demokratie in Südostasien. Osttimor, Singapur, Malaysia, Thailand und die Philippinen werden als teilweise frei klassifiziert und die übrigen südostasiatischen Staaten als autoritär.

Auf regionaler Ebene ist deswegen auch Jakarta, gefolgt von Manila, der glaubwürdigste Anwalt einer weiteren Demokratisierung in Südostasien. Nicht nur haben indonesische und philippinische ParlamentarierInnen Kritik an der Militär-Junta in Myanmar geübt, Jakarta ist auch als aktiver Verfechter von „menschlicher Sicherheit" aufgetreten. Sollte der Demokratisierungstrend in Südostasien anhalten, so hält Donald Emmerson es für möglich, „[that Indonesia] will draw more support from fellow members for enlisting regionalism, carefully and cau-

interventions and that a far-ranging curtailing of civil rights in the name of 'law and order' as well as 'national security' has taken place. Accordingly, the globally surveyed *Freedom of the World Index 2010* (Freedom House, 2010) designates Indonesia as the only free democracy in South-East Asia. East Timor, Singapore, Malaysia, Thailand, and the Philippines are classified as partly free, while the remaining South-East Asian countries are still authoritarian.

For these reasons, on a regional level, Jakarta – followed by Manila – is the most credible advocate of a further democratisation in South-East Asia. Not only have Indonesian and Filipino members of parliament criticised the military junta in Myanmar, Jakarta is also an active proponent of 'human security'. Should this trend of South-East Asia-wide democratisation continue, Donald Emmerson considers it possible "[that Indonesia] will draw more support from fellow members for enlisting regionalism, carefully and cautiously, in support of democracy in a reasonably 'liberal' form – or in support of human rights, better governance, and the rule of law without reference to the contentious 'L' word" (Emmerson, 2008, p. 54).

While 'human security', despite its

tiously, in support of democracy in a reasonably 'liberal' form–or in support of human rights, better governance, and the rule of law without reference to the contentious 'L' word" (Emmerson, 2008, S. 54).

Während „menschliche Sicherheit" trotz seiner Vielschichtigkeit ein angemessenes theoretisches Konzept zu sein scheint, um die neuen, nicht-traditionellen Herausforderungen zu analysieren, welche die Menschen in Südostasien bedrohen (seien es Klimawandel, Umweltkatastrophen, Vogelgrippe, Finanzkrise oder Terrorismus; siehe dazu die Beiträge von Alfred Gerstl und Naila Maier-Knapp), ist es aus politischer Sicht umstritten.

Dieses vom *United Nations Human Development Report 1994* popularisierte Konzept beinhaltet nämlich neben eher unpolitischen Aspekten wie sozioökonomischer Entwicklung auch eine starke politische Dimension: Für eine erfolgreiche nachhaltige Entwicklung benötigen Menschen, so sagt es etwa der Wirtschaftsnobelpreisträger Amartya Sen (1999), politische Rechte, um sowohl ihre eigenen Ansprüche formulieren als auch Kontrolle über die Durchführung entwicklungspolitischer Programme ausüben zu können. Die Gewährleistung politischer Rechte ist jedoch für autoritäre Regime

complexity, seems to be an appropriate theoretical concept for analysing the new non-traditional security challenges in South-East Asia (be they climate change, environmental catastrophes, avian influenza, financial crises, or terrorism; for more on this, see the papers of Alfred Gerstl and Naila Maier-Knapp); from a political point of view, the concept is disputed.

Popularised by the *United Nations Human Development Report 1994*, besides such non-political aspects as socioeconomic development, this concept also includes a strong political dimension: for successful sustainable development, according to Economics Nobel laureate Amartya Sen (1999), humans also need political rights to formulate their own demands and control the implementation of development programs. However, for authoritarian regimes in South-East Asia – just as in other parts of the world – guaranteeing political rights is a sensitive topic. Correspondingly, the term 'human security' did not enter the 2007 Association of Southeast Asian Nations' (ASEAN) Charter. National and transnational civil society organisations have harshly criticised this omission and, hence, it has become clear that 'human

in Südostasien – wie auch in anderen Teilen der Welt – ein heikles Thema. Dementsprechend fand der Begriff „menschliche Sicherheit" keine Erwähnung in der Charter der Vereinigung südostasiatischer Nationen (ASEAN) von 2007. Nationale und transnationale zivilgesellschaftliche Organisationen haben dieses Versäumnis scharf kritisiert und damit deutlich gemacht, dass menschliche Sicherheit ein Konzept ist, das nicht von oben verordnet werden kann, sondern von den BürgerInnen durchgesetzt werden muss.

security' is a concept which cannot be enacted top-down, but has to be achieved by the citizens themselves.

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Aktuelle Südostasienforschung / Current Research on South-East Asia

Accountability for Serious Crimes and National Reconciliation in Timor-Leste: Progress or Wishful Thinking?

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In 1999 – after 24 years of Indonesian occupation – the people of Timor-Leste voted for their independence. However, Timorese anti-independence militias and the Indonesian military reacted with widespread and systematic attacks against the civilian population in the form of murder, rape, torture and deportation. In order to achieve accountability for the human rights atrocities and reconciliation, various mechanisms at the international, national and regional level were established in Timor-Leste and Indonesia. Despite this multi-layered approach, including courts and alternative justice mechanisms such as truth commissions, justice failed to be delivered. Drawing from the achievements and shortcomings of these institutions, this paper explores why many expectations were left unmet and highlights the influence politics had on the functioning of the organisations. Yet, some hope can be drawn from recent developments that justice for the atrocities committed in Timor-Leste will not be denied for good.

Keywords: *Timor-Leste / East Timor, Accountability, Reconciliation, Justice, Human Rights*

Nach der 24 Jahre andauernden Besetzung durch Indonesien stimmte die Bevölkerung Timor-Lestes 1999 für die Unabhängigkeit. Timoresische Milizen und das indonesische Militär reagierten darauf mit ausgedehnten und systematischen Übergriffen auf die Zivilbevölkerung, unter anderem durch Ermordungen, Vergewaltigungen, Folter und Deportationen. Um strafrechtliche Verantwortung für die Menschenrechtsverletzungen und Versöhnung zu schaffen, wurden zahlreiche Institutionen auf internationaler, nationaler und regionaler Ebene in Timor-Leste und Indonesien errichtet. Trotz des komplexen Zusammenwirkens dieser Organisationen, einschließlich Gerichtshöfen und Wahrheitskommissionen, wurde keine Gerechtigkeit hergestellt. Ausgehend von den Errungenschaften und Unzulänglichkeiten dieser Institutionen untersucht dieser Artikel, warum die Erwartungen vieler unerfüllt blieben, und zeigt auf, wie politische Entscheidungen die Arbeit der Institutionen beeinflussten. Zugleich kann aus jüngeren Entwicklungen Hoffnung geschöpft werden, dass in Hinblick auf die Ahndung der Gräueltaten Gerechtigkeit nicht endgültig verwehrt bleiben wird.

Schlagworte: *Timor-Leste / Osttimor, strafrechtliche Verantwortung, Versöhnung, Gerechtigkeit, Menschenrechte*

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1. Brief History of the Conflict and Intervention of the United Nations

From the sixteenth century Timor-Leste[2] was under the colonial rule of the Portuguese. In 1975, shortly after Timor-Leste declared its independence from Portugal, neighbouring Indonesia, which considered the internal conflict over authority in Timor-Leste a security threat, invaded and occupied the country for the following 24 years.[3] The United Nations (UN) never acknowledged Indonesia's annexation of Timor-Leste as its 27th province.[4] However, in light of the growing power of Communism in South-East Asia, the US and other Western nations supported the annexation.[5] During this period, the brutal conflict between the Timorese resistance and the Indonesian military and police, assisted by a Timorese minority, caused more than 100,000 deaths. Over 80,000 of these deaths resulted from hunger and illness as an effect of the conflict (CAVR, 2005, part 6, paras 8 and 49). Despite widespread awareness of the conflict and human rights violations, the international community did not intervene. In August 1999, about one year after the end of the regime of former dictator Suharto in Indonesia, the UN administered a referendum in Timor-Leste on independence.[6] Seventy-eight percent of the Timorese voted in favour thereof.

However, shortly after the ballot, anti-independence Timorese militias, orchestrated by the Indonesian military and police (UN Security Council, 1999, para. 14), reacted with a violent "scorched earth campaign". The attack caused over 1,000 deaths, the displacement of more than 400,000 people, and vast destruction of the infrastructure in Timor-Leste (UN Special Rapporteurs, 1999, paras. 20, 37 and 38). These atrocities finally stopped due to the intervention of the UN International Force in East Timor (INTERFET)[7] in September 1999.

In October 1999, after Indonesia had withdrawn, the UN Transitional Administrat-

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2   Until its full independence in 2002 Timor-Leste's official name was East Timor. For reasons of consistency, in this article the present name will be used also when referring to the period before 2002, except when East Timor is used as the proper name of an institution.

3   For detailed information on Timorese history see, e.g., Taylor (1991).

4   The UN Security Council called upon all States to respect the territorial integrity of East Timor and on Indonesia to withdraw its forces from the territory of Timor-Leste (Resolutions 384 [1975] and 389 [1976]). See also the General Assembly Resolution 31/53 (1976), which rejected Indonesia's claim that Timor-Leste had been integrated into its territory.

5   See, e.g., Sforza (1999, pp. 488-489).

6   The popular consultation was organised and conducted by the United Nations Mission in East Timor (UNAMET) which was established by the Security Council (Resolution 1246 [1999]).

7   INTERFRET was authorised by the UN Security Council and mandated to restore peace and security in Timor-Leste (Resolution 1264 [1999], para. 3).

ion in East Timor (UNTAET) was established by the Security Council as a peacekeeping operation with complete administrative authority over Timor-Leste during its transition to independence (UN Security Council, Res. 1272 [1999]). Its mandate included the maintenance of law and order, the establishment of an effective administration, and assistance in the capacity-building for self-government and development of civil and social services. UNTAET was authorised to take all necessary measures to fulfil its broad mandate. It acted in lieu of and gradually partly with Timor-Leste's government until the country's full independence in May 2002. The new government was handed authority over judicial matters and UNTAET was replaced by a smaller peacekeeping mission, the UN Mission of Support in East Timor (UNMISET). It had the mandate to provide assistance to the Timorese authorities in executing their new responsibilities (UN Security Council, Res. 1410 [2002]). In May 2005, UNMISET was downsized and transformed into a political mission, the UN Office in Timor-Leste (UNOTIL). Its mandate was to support the development of the police and other state institutions and to provide training in observance of human rights and democratic governance (UN Security Council, Res. 1599 [2005]). In August 2006, after a political, humanitarian and security crisis, UNOTIL was replaced by UN Integrated Mission in Timor-Leste (UNMIT) with the task of supporting the government and relevant institutions, in particular the national police efforts and the judicial system, until February 2010 (UN Security Council, Res. 1704 [2006], 1802 [2008] and 1867 [2009]).

2. Accountability and Reconciliation Processes in Respect of the Atrocities of 1999

2.1 Processes in Indonesia

The National Commission of Inquiry and the Ad Hoc Human Rights Court

In Indonesia a National Commission of Inquiry on Human Rights Violations in East Timor (KPP HAM) was set up by the Indonesian Commission on Human Rights (Komnas HAM) in September 1999. The commission of inquiry had the mandate to investigate the gross human rights violations committed in Timor-Leste between the Indonesian government's January 1999 announcement to hold a popular consultation

and the withdrawal of its forces in September 1999. It was a political decision that the commission would not carry out investigations of the far larger number of crimes committed in the prior 24 years. The commission's report discloses that the violations in 1999 were conducted systematically and indicates a close link between the Indonesian military and police with the militia groups who had committed the majority of the crimes (KPP HAM, 2000). The names of 32 officials and militia leaders were cited as allegedly responsible.

In reaction to the report, the Ad Hoc Human Rights Court for East Timor was established in 2001 within the national court system. Undoubtedly international pressure and Jakarta's intention to avoid the creation of an international court influenced this decision. The Ad Hoc Court had the mandate to try Indonesians and Timorese responsible for the atrocities committed in Timor-Leste in April and September 1999. In January 2002 indictments were issued against 18 suspects of whom merely eight were on the list of the KPP HAM. Of the 18 people tried, six were convicted at first instance. Five of the six were subsequently acquitted on appeal. Eurico Guterres, former militia leader, was the only person whose conviction was upheld by the Appeals Court and Supreme Court. However, in March 2008 the Supreme Court reversed the decision it had made two years earlier and acquitted him.[8] The final outcome of no convictions and the fact that the indictees did not include senior Indonesian officials[9] reflect the political unwillingness in Indonesia to bring the persons responsible for the crimes in 1999 to justice.[10] Furthermore, the Ad Hoc Court was strongly criticised for its limited temporal and geographic jurisdiction; its selection of only Indonesian judges, not all of whom were qualified; the lack of independence of and the performance of the prosecution; insufficient victim and witness protection; and an intimidating courtroom atmosphere.[11] While the commission of inquiry had conducted its investigations independently and impartially (UN Commission of Experts, 2005, para. 167), this cannot be said

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8   For further information see, e.g., International Centre for Transitional Justice (2008).

9   Only four out of the 13 cases mentioned in the KPP HAM report were taken up by the prosecutors of the Ad Hoc Court. Most notably General Wiranto, former commander in chief of the Indonesian army and Minister of Defence, was not indicted.

10   Despite the democratic reform Indonesia had experienced in 1998, its judiciary remained characterised by a strongly corrupted military-hierarchical culture. After decades of such a culture, it would be unrealistic to expect judges and prosecutors to have been independent and impartial only one year later. See Cohen (2003, pp. 39-46).

11   See, e.g., Human Rights Watch (2003), Office of the United Nations High Commissioner for Human Rights [UN-OHCHR] (2002) and Amnesty International & Judicial System Monitoring Programme (2004).

for the proceedings, despite the Security Council's call for Indonesia to "institute a swift, comprehensive, effective and transparent legal process, in conformity with international standards of justice and due process of law" (UN Security Council, 2000). The Indonesian proceedings did not help achieve accountability and justice (UN Commission of Experts, paras 370-375) but rather seem a failed attempt to calm the international community.

2.2 Processes in Timor-Leste

COMMISSIONS OF INQUIRY

A commission of inquiry was also set up in Timor-Leste. Unlike the commission in Indonesia, the Commission of Inquiry on East Timor, established by the Secretary-General on the recommendation of the Human Rights Commission, was of international nature.[12] It had the mandate to investigate possible human rights violations and breaches of international humanitarian law (IHL) committed in Timor-Leste from January 1999. The Commission co-operated with the joint mission of the UN Special Rapporteurs of the Commission on Human Rights to East Timor. The reports of both the Commission of Inquiry and the Special Rapporteurs revealed a pattern of serious violations of human rights and IHL in Timor-Leste (UN-OHCHR, 2000, para. 142; UN Special Rapporteurs, 1999, para. 71). Consequently, the Commission of Inquiry called for the establishment of an international independent investigation and prosecution body and an international human rights tribunal (UN-OHCHR, paras. 152 and 153). Moreover, the Special Rapporteurs recommended the establishment of an international criminal tribunal

> "unless, in a matter of months, the steps taken by the government of Indonesia to investigate TNI involvement in the past year's violence bear fruit, both in the way of credible clarification of the facts and the bringing to justice of the perpetrators" (UN Special Rapporteurs, para. 74 [6]).

THE SERIOUS CRIMES PROCESS

Despite these recommendations, the Security Council decided not to establish another ad hoc international criminal tribunal like the – certainly very costly – ones for the former Yugoslavia and Rwanda. While adequately addressing human rights violations

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12   This was done pursuant to the UN Commission on Human Rights Resolution 1999/S-4/1 of 27 September 1999.

was a major concern of the international community, the UN and especially the United States did not want to jeopardise their friendly relations with Indonesia, a powerful state with the world's largest Muslim population – even more so given the beginning of the 'war on terror' (cf. Cohen, 2002, p. 4). Therefore, Indonesia's assurance of its determination to bring individuals in Indonesia to justice through the national judicial mechanism (Indonesian Minister of Foreign Affairs, 2000) was accepted.

Instead of establishing an international ad hoc tribunal, UNTAET, acting as interim government in Timor-Leste, created Timorese district courts and a court of appeal in March 2000 (UNTAET Reg. No. 2000/11, in particular Secs 7 and 14). Special panels with exclusive jurisdiction over so called 'serious criminal offences' were established within the Dili District Court and the Court of Appeal (UNTAET Reg. No. 2000/15, Secs 1.1 and 1.2). These were genocide, war crimes, and crimes against humanity committed at any time, as well as murder, sexual offences, and torture committed between 1 January and 25 October 1999 (Reg. No. 2000/11, Secs 10.1 and 10.2). These Special Panels for Serious Crimes (SPSC) were composed of two international judges and one Timorese judge (Reg. No. 2000/15, Secs 22.1 and 22.1). Unlike the internationalised courts in Sierra Leone and Cambodia, which were established through contracts between the UN and the respective governments, UNTAET made these decisions on its own as there was no national government at that time to contract with. The review and endorsement of the National Council of Timor-Leste Resistance (CNRT) was of a rather superficial nature (Handl, 2007, p. 111; Reiger & Wierda, 2006, p. 13).

In June 2000 UNTAET also established a Public Prosecution Service for Timor-Leste with an Ordinary Crimes Unit (OCU) and a Serious Crimes Unit (SCU). The principal official for the investigation and prosecution of serious crimes and therefore the effective head of the SCU was the Deputy General Prosecutor for Serious Crimes (DGPSC) (UNTAET Reg. No. 2000/16, Secs 14.6 and 14.3).

In accordance with Security Council resolutions 1543 (2004) and 1573 (2004), the serious crimes process was terminated in May 2005. By then, the SCU had indicted 392 persons in 95 indictments (Office of the DGPSC, 2005, p. 2). The mandate left open the question of who should be prosecuted. Hence the SCU's prosecution strategy changed over time. While in the beginning of its work the SCU mainly indicted Timorese militia members for simple murder, from 2002 on it focused more

on charging high-level military officers and political leaders in Timor-Leste and Indonesia with crimes against humanity. Most outstanding was the indictment of General Wiranto, former Minister of Defence and Commander of the Armed Forces, in February 2003.[13] The SPSC conducted 55 trials against 87 accused, of whom 85 were convicted (UN Secretary-General, 2006, para. 9). While this is a respectable number for a short period of time, the quality especially of the earlier decisions has been deservedly criticised.[14] As the mandates of SCU und SPSC only applied to serious crimes committed in 1999, the atrocities which occurred between 1975 and 1998 were not dealt with. The high discrepancy between the persons indicted and those who faced trial derives to a great extent from the fact that with respect to the execution of warrants for the arrest of accused persons located in the territory of a foreign state and their extradition, the SPSC was dependent on the co-operation of that state. Many of the indictees were in Indonesia, which refused to co-operate despite an agreement it had signed with UNTAET (Memorandum of Understanding, 2000, esp. Secs 2 (c) and 9). As a consequence, those convicted by the SPSC were perpetrators of rather low-level crimes, while those who bore the greatest responsibility did not face justice.

While it is comprehensible that Timor-Leste was not in a position to pressure Indonesia, the international community could have intervened. One possibility would have been a Security Council Resolution demanding Indonesia's co-operation.[15] It seems that political considerations in terms of keeping friendly relations with Indonesia were ranked higher (see also Lanegran, 2005, p. 115, and Hirst & Varney, 2005, p. 25).

The SCSL and the SCU had to cope with very limited resources. The shortage of funds also became manifest in the lack of qualified legal services for the accused. Before the Defence Lawyers Unit (DLU) was established in September 2002 by UNMISET, the rights to adequate representation and equality of arms[16] were clearly infringed upon. However, even after its creation, the DLU could not fully safeguard

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13 *Deputy General Prosecutor* v. *Wiranto and Others*, District Court of Dili, Special Panels for Serious Crimes, Case No. 5/2003, 23 February 2003. Regrettably, both the UN and the Timorese government distanced themselves from the indictment of the General issued in 2004 (see UNMISET, 2003; Gusmão, K., HE the President, 2003).

14 See, e.g., de Bertodano (2003, pp. 232-233) and Braun (2008, pp. 188-189).

15 The UN Security Council had done so in the case of Kosovo when it demanded the full co-operation of the Federal Republic of Yugoslavia (Resolution 1244 [1999]).

16 The principle of 'equality of arms' requires that defence and prosecution are given a reasonable opportunity to present their cases without placing any party at a substantial disadvantage vis-à-vis the opponent.

these rights due to the deficit of expertise and experience of some of its lawyers (Burgess, 2004, p. 140). Other problems resulting from the lack of resources include the inadequate translation and interpretation services and the severe shortcomings with respect to witness and victim protection and support (Hirst & Varney, 2005, p. 22; Reiger & Wierda, 2006, pp. 29 and 39).

Furthermore, there was no comprehensive plan providing for capacity building of the local justice system. Apart from having a Timorese judge on each panel, the SPSC did not engage in further efforts with the objective of disseminating expertise. In 2002 the SCU, composed of international staff except for the Timorese translators, began to conduct training programmes for a small number of national investigators, prosecutors, police officers and supporting staff. Most of the former SCU trainee prosecutors subsequently worked at the OCU (Office of the DGPSC, 2005, p. 7 and 2003, p. 2).[17] These capacity building efforts on part of the SCU were certainly important measures, but still a lot more could and should have been done if there had been strategic planning and necessary funding from the beginning (cf. Hirst & Varney, 2005, p. 24-25; Reiger & Wierda, 2006, p. 35-36).

Of course, all these drawbacks have to be seen in the light of the difficult circumstances in which the SPSC and the SCU were operating. When UNTAET took over its mandate in 1999 after the withdrawal of the Indonesian troops and all judicial officers, no justice system existed and there were practically no legal professionals. Thus, a new court system with an internationalised court within a national court had to be build from scratch. SCU and SPSC issued a decent number of indictments and judgements. In doing so, they helped establish an historical record of many of the atrocities which took place in Timor-Leste in 1999 and of the context in which they were committed. Also the substantive legal provisions of the Rome Statute of the International Criminal Court, which had been copied nearly verbatim by UNTAET, were used for the very first time worldwide (Bertodano, 2004, p. 86).

The SCU had to close before it had concluded its work, leaving hundreds of murder cases and other serious crimes without investigation. Therefore, the Serious Crimes Investigation Team (SCIT) was created in February 2008 with the mandate to assist the Office of the General-Prosecutor (OGP) in completing the investigations into

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17   The programmes were funded by the Norwegian government and the United States Agency for International Development.

unsettled cases of serious crimes committed in Timor-Leste in 1999. The international staff members of the SCIT also have the task to provide training to their national counterparts working in the team and to other organisations and offices such as the national police.[18] Unlike the SCU, the SCIT only conducts investigations and makes recommendations. Filing of indictments and prosecuting the alleged perpetrators lie within the exclusive mandate of the Timorese OPG. By January 2010, SCIT had concluded investigations in 110 out of 396 outstanding cases (UN Secretary-General, 2010, para. 10).

THE COMMISSION FOR RECEPTION, TRUTH AND RECONCILIATION

In order to complement the prosecutorial tasks of the serious crimes regime, UNTAET (Reg. No. 2001/10) also established a truth finding and reconciliation mechanism: the Commission for Reception, Truth and Reconciliation (Comissao de Acolhimento, Verdade e Reconciliacao de Timor-Leste, CAVR). CAVR was created after extensive consultation with the Timorese society and with approval of the CNRT as an independent Timorese institution (CAVR, 2005, part 1, sec. 1.2). CAVR had the mandate to establish the truth regarding the human rights violations which took place in the context of the political conflicts in Timor-Leste between 1974 and 1999. In contrast to the serious crimes process, the Commission therefore did not only deal with crimes perpetrated in 1999. CAVR's task included identifying the factors that led to such violations and those involved in committing them; refering cases of human rights violations to the OGP with recommendations for the prosecutions; promoting reconciliation; assisting in restoring the human dignity of victims; and supporting the reception and reintegration of individuals who have committed minor criminal offences through community-based reconciliation mechanisms (Reg. No. 2001/10, Secs. 3.1 and 13.1 [a] [iii]).

In respect of its truth-seeking function, the CAVR had broad inquiry-related powers, including requesting information from relevant authorities within Timor-Leste and abroad, and ordering a person to appear before the Commission to answer questions (Reg. No. 2001/10, Sec. 14 [g], [h] and [c]). In October 2005 the CAVR submitted its over

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18   Section 2 'Agreement between the United Nations and the Democratic Republic of Timor-Leste concerning Assistance to the Office of the Prosecutor-General of Timor-Leste', signed by the Deputy Special Representative of the Secretary-General and the Prosecutor-General of Timor-Leste on 12 February 2008, in accordance with para. 4 (i) of UN Security Council Resolution 1704 (2006).

2500-page report on its findings and recommendations to the then President Gusmão who thereon handed it over to the Timorese Parliament and the UN. The Commission found that the Government of Indonesia was responsible for massive human rights violations and members of the Indonesian security forces had committed crimes against humanity and war crimes (CAVR, 2005, part 8, pp. 5-8).

In order to assist the reception and reintegration of people into their communities, the CAVR conducted Community Reconciliation Processes (CRP) by which criminal and civil immunity was granted to offenders of crimes not considered serious if they performed certain acts of reconciliation (UNTAET Reg. No. 2001/10, Secs. 22 and 32). Deponents wishing to participate in the CRP had to submit a statement to the Commission describing the acts he or she had committed (Sec. 23.1). Copies of such statements, in total 1,541 (CAVR, 2005, part 9, para. 102), were provided to the OGP which decided whether the person had allegedly committed a serious crime and would in this case exercise its exclusive jurisdiction (Reg., Secs. 24.5 and 24.6). If the OGP decided not to do so,[19] the deponent took part in a CRP hearing, conducted by a local panel in a traditional manner (CAVR, part 9, sec. 9.3.6) followed by a Community Reconciliation Agreement (CRA) between the panel and the deponent on an appropriate act of reconciliation. Such an act could include community service, reparation, public apology, and/or another act of contrition (Reg., Sec. 27).[20] The CRA was issued as an order of the District Courts following their approval (Sec. 28).

The CRP managed to successfully complete the cases of 1371 (CAVR, 2005, part 9, para. 102) perpetrators of minor crimes such as theft, minor assault, and arson which did not result in death or injury in less than two years. As the processes were conducted in and by the local communities, the sense of ownership was strong (para. 159). Offering victims and perpetrators an open forum where they could express sorrow, give explanations and ask forgiveness helped improve their relationship, which in return facilitated the reintegration of the deponents into the communities (paras 118-119). In fact, the CRP became so popular that it could not cope with all

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19   The OGP refused its approval in 85 cases. Thirty-two additional cases were forwarded to the OGP by the CRP Committee because during the deponent's hearing credible evidence of the commitment of a serious crime arose, or because the deponent was not accepted by the community (CAVR, 2005, part 9, para. 102). However, of these more than 100 cases retained by the OGP, less than 20 were indicted (see Hirst & Varney, 2005, p. 13).

20   These acts are similar to those imposed in the course of the process of diversion which is applied, *inter alia*, in many European countries, several States in the USA, and Australia as a formal alternative to prosecution for first time offenders and perpetrators of minor crimes. Diversion is especially used for juvenile offenders and in respect of drug-related crimes. Comparable to the CRP, the objective here is to facilitate the offender's social rehabilitation by not convicting him/her and relieving courts of petty cases.

those wishing to participate (para. 167). At the same time, the CRP did not interfere with, but rather supported the prosecution of those who committed serious crimes.

However, while several hundreds of low level offenders of minor crimes participated in the CRP, the vast majority of those who committed serious crimes did not face justice due to the lack of co-operation from Indonesia and the limited resources and time span of the SCU and SPSC. The low threat of prosecution probably encouraged some perpetrators to refrain from giving their statements to the CRP in the first place (Reiger & Wierda, 2006, pp. 34-35). In any case, the dearth of effective prosecution caused a state of unequal accountability which was understandably criticised by the victims and the CRP deponents (CAVR, 2005, part 9, para. 170). In this respect, the Commission's final report included recommendations on the reestablishment and amendments of the SCU and the SPSC and on the establishment of an international tribunal should justice fail to be accomplished otherwise (CAVR, 2005, part 11, secs. 7.1.1-7.1.10 and 7.2.1).

2.3 Joint processes

The Commission of Truth and Friendship

In December 2004 the Presidents of Timor-Leste and Indonesia jointly declared their intention to create a Commission of Truth and Friendship (CTF). The Terms of Reference (TOR) of the CTF were agreed upon and made public in March 2005. While the CAVR had operated as a national institution with broad temporal mandate, the CTF was an intergovernmental entity with the objective of establishing the conclusive truth in regard to the events of 1999 in order to further promote reconciliation and friendship (TOR, Art. 12). It was composed of half Indonesian and half Timorese Commissioners. Unlike the CAVR, but similar to the South African Truth and Reconciliation Commission, the CTF's mandate included the power to recommend amnesties for perpetrators of human rights violations who co-operated fully in revealing the truth and rehabilitation measures for those wrongly accused of human rights violations (Art. 14 [c] [i] and [ii]). As this was not further specified, it would comprise recommending amnesties for perpetrator of crimes against humanity and war crimes. On this account the TOR were strongly criticised by civil society and human rights organisations and

the UN even denied its co-operation with the CTF (UN News Service, 2007).[21] The CTF's processes were tasked to emphasise institutional responsibilities and explicitly not to lead to prosecution (TOR, Art. 13 [c]). The Commission was excluded from recommending the establishment of any new judicial body (Art. 13 [e]). This reflects the decision of the leaders of the two countries to promote their bilateral relations by means of ceding prosecutorial processes (cf. Art. 10 [preamble]).

This shift away from achieving accountability on the part of the then President Gusmão and his successor, the former Foreign Minister, Ramos-Horta in spite of the strong calls for justice in Timor-Leste was of a pragmatic nature.[22] The recent experiences and developments had shown quite plainly that Timor-Leste was not capable of prosecuting the perpetrators who were most responsible and that the international community was not willing to step in and establish an international tribunal despite several recommendations including those by UN bodies.[23] At the same time, Timor-Leste was in urgent need of support in terms of economic and political development from Indonesia and was therefore inclined to opt for the improvement of diplomatic relations with its powerful neighbour.

In order to reveal the truth with regard to the atrocities of 1999, the CTF reviewed materials documented by the KPP HAM, the Ad Hoc Human Rights Court on East Timor in Jakarta, the SPSC and the SCU, and the CAVR. In addition to its document review and research, the Commission conducted six public hearings. These were, however, strongly criticised, in particular because of their failure to procure the truth und to treat victims adequately.[24]

The CTF submitted its final report in July 2008.[25] The Commission concluded that widespread and systematic attacks against the civilian population in the form of murder, rape, torture, deportation, and other inhumane acts were committed in Timor-Leste in 1999 (CTF, 2009, p. 283). Members of the militia, the Indonesian military and the Indonesian civilian government bear responsibility for these crimes against humanity. It also found that pro-independence groups systematically captured and

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21 This was in accordance with the advice of the UN Commission of Experts (2005, paras 355 in conj. with 353).

22 Then President Gusmão stated that "peace, stability and progress in Timor-Leste greatly depend on the relationship we will forge with the Republic of Indonesia" (Gusmão, K., HE the President, 2003). See also Hirst (2008, pp. 10-12) and Kingston (2006, pp. 234-239).

23 See UN-OHCHR, 2000, paras 152-153; UN Special Rapporteurs, 1999, para. 74 (6); UN Commission of Experts, 2005, paras 525 in conj. with 515-524.

24 For a detailed study of the public hearings see Hirst (2008, pp. 22-36).

25 For a through analysis of the CTR final report see Hirst (2009).

illegally detained people, although due to the lack of evidence the precise nature and extent of these crimes could not be finally determined (pp. 271-275).

The CTF (2009, p. 297) refrained from recommending amnesties because that "would not be in accordance with its goals of restoring human dignity, creating the foundation for reconciliation between the two countries, and ensuring the non-recurrence of violence within a framework guaranteed by the rule of law". In fact, it recommends improving institutions which investigate and prosecute human rights violations (p. 298).[26] However, the wording seems to reflect the diplomatic intention of the report which would imply that these mechanisms should deal with future violations rather than with those of 1999.

The findings and recommendations of the final report were endorsed by both heads of state at the ceremony in July 2008. Since then, four Senior Officials Meetings (SOM) between the two States have taken place in order to discuss the implementation of the CTF's recommendations and in particular of a Joint Plan of Action with short and long term programmes.[27] However, the plan is focused on programme delivery in Timor-Leste rather than in Indonesia, which reflects how Indonesia apprehends its role in the process. Thus, Indonesia has enhanced its co-operation and support in the social, economic and security sectors (see SOM delegation, 2010). The recommendations relating more directly to the conflict in 1999, such as establishing a commission for disappeared persons and a document and conflict resolution centre, are still to be implemented.

Furthermore, progress is slow in implementing the long-term recommendations on promoting institutional reforms which enhance the authority and effectiveness of institutions charged with the investigation and prosecution of human rights violations. Without doubt the promulgation of the decree of the Chief of the Indonesian national police on the implementation of human rights principles and standards is commendable.[28] Nevertheless, the Indonesian Attorney General's refusal to follow up cases on human rights violations concluded by the National Commission

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26 Other recommendations included establishing a commission for disappeared persons, a document and conflict resolution centre and training programmes for human rights, reforming the armed forces in a way that would ensure their operation under the rule of law, and promoting long-term co-operation in various fields such as education, health, the economy, and security (CTF, 2009, ch. 9).

27 A fifth SOM is scheduled for the second half of 2010 in Dili.

28 Regulation of the Chief of the Indonesian National Police Regarding Implementation of Human Rights Principles and Standards in the Discharge of the Duties of the Indonesian National Police, 8/2009.

for Human Rights (Komnas HAM) impedes the bringing of such cases before the Human Rights Court (Asian Human Rights Commission [AHRC], 2009, p. 20). Hence, reform of law enforcement institutions, in particular the police and the Attorney General's Office, are imperative. Moreover, the Indonesian military law which assigns the military courts far-reaching exclusive powers and thus precludes the police from investigating human rights violations committed by military personnel has not yet been amended, facilitating a culture of impunity (AHRC, 2009, p. 25).

In Timor-Leste, some positive developments can be observed, such as the entry into force of a new penal code in June 2009 which includes a detailed section on genocide, crimes against humanity and war crimes.[29] In December 2009, four years after the final report of the CAVR had been submitted, the Timorese Parliament finally began the process of implementing the comprehensive recommendations of the CAVR and the CTF reports.[30] The resolution it passed emphasised the need to ensure reparations to victims and requested the Parliamentary Committee on Constitutional Affairs, Justice, Public Administration, Local Government and Government Legislation to prepare a draft bill with concrete measures on the implementation of the recommendations, including the establishment of an institution for this purpose.[31] The draft bill shall be submitted by March 2010 and will subsequently be debated and decided upon by the assembly of the parliament. Earlier the parliament had decided that the implementing body would receive a budget of USD250,000 (East Timor and Indonesia Action Network, 2009).

The Indonesian edition of the CAVR's final report will be published by a subsidiary of Indonesia's largest publishing house in 2010 (P. Walsh, Senior Adviser of the Post-CAVR Technical Secretariat, personal communication, 6 February 2010). The dissemination will help increase awareness of Indonesia's role in the Timorese conflict and enhance consideration, primarily by scholars, politicians, the media, and the Commission on Human Rights and in turn by the general public.

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29 **Decreto Lei Governo 19/2009,** *Jornal da República* I/14, Suplemento, Livro II, Título I.

30   More than a year earlier, in June 2008, the Parliamentary Committee for Constitutional Issues, Justice, Public Administration, Local Power, and Government Legislation had prepared a Resolution on the implementation of the recommendations of the CAVR (available at http://www.cavr-timorleste.org/updateFiles/english/Draft%20 Resolution%20CAVR%20080515%20English%20Final.PDF> accessed 10 February 2010). However, it was never debated in the assembly of the parliament.

31 **National Parliament of Timor-Leste, 'Projecto de Resolução, Implementação das Recomendações da Comissão de Acolhimento, Verdade e Reconciliação e da Comissão de Verdade e Amizade',** No. 34/II, 14 December 2009.

3. Developments After the Accountability and Reconciliation Processes
in Respect of the Atrocities of 1999

Even after the accountability and reconciliation processes relating to the atrocities of 1999, the State institutions in Timor-Leste remained weak, the leadership divided, and as a result the rule of law frail. This became evident when a crises occurred in April and May 2006 triggered by a dispute within the Timorese military (Falintil-Forças de Defesa de Timor-Leste, F-FDTL). In order to investigate the incidents, including their causes, and to clarify who was responsible the UN established an Independent Special Commission of Inquiry.[32] The Commission concluded that the riots claimed the lives of around 40 people and caused widespread property damage and the displacement of approximately 150,000 people (UN Independent Special Commission of Inquiry, 2006, paras 100-101). It recommended that those responsible for criminal acts be held accountable by means of judicial process in the national court and cited the names of persons whose investigation or prosecution it suggested (paras 225-226 in conj. with 113-134). The list included the former Ministers of the Interior and Defence. Although progress is slow, a final judgment has been rendered in a few cases; other cases are being investigated or are being tried (see UN Secretary-General, 2009, para. 30 and Independent Comprehensive Needs Assessment [ICNA], 2009, p. 83).

The State institutions were again challenged when the President and the Prime Minister of Timor-Leste were attacked on 11 February 2008, by an armed group led by the former Military Police Commander of the F-FDTL. Unlike the incident two years earlier, the State institutions responded appropriately and a new destabilisation of the country was avoided (see UN Secretary-General, 2008, paras 3-5 and 16).

However, a problematic development in Timor-Leste is political interference with the judicial system. Motivated by reconciliation and in particular by fostering a good relationship with its powerful neighbour Indonesia, the Timorese President has granted pardons, commuted sentences, and prompted conditional releases, *inter alia*, of persons convicted for serious crimes by the SPSC.[33] As result only one of the 85 individuals the Panels convicted before their close in 2005 remains in prison (UNMIT,

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32 Following an invitation from the then Minister for Foreign Affairs of Timor-Leste, the Secretary-General requested the UN High Commissioner for Human Rights to establish such a Commission and communicated this to the Security Council (see UN Doc S/PV.5457, 13 June 2006).

33 Decreto Presidente 53/2008, Indulto Presidencial de 20 de Maio, *Jornal da República* I/20.

2009, para. 52). Similarly, the President halved the sentence of the former Minister of the Interior, who despite having been found guilty of distributing weapons to civilians in 2006 was consequently granted parole (UNMIT, 2008, para. 50).

More recently, the rule of law was undermined by political intervention in the case of Maternus Bere who had been charged in 2003 by the SCU with crimes against humanity and other serious offenses allegedly committed in 1999 (see ICNA, 2009, pp. 56-58, and UN Secretary-General, 2009, para. 33-34). An arrest warrant was issued, but due to Bere's residence outside of Timor-Leste it could not be executed until August 2009 when he came for a visit. Subsequently, he was ordered to be held in pre-trial detention by the District Court. Yet, soon after that, submitting to pressure from Indonesian authorities, the Timorese Prime Minister ordered Bere's release, by-passing the judicial process according to which release of a detainee could only be ordered by a judge. This breach of judicial independence constitutes a violation international principles as well as the Constitution of Timor-Leste.[34]

The Prime Minister's 'political decision'[35] triggered broad debate and criticism.[36] In September 2009, a 'motion of no confidence' against the Prime Minister was introduced in Parliament by the Revolutionary Front for an Independent East Timor (FRETILIN). Following a day-long debate in Parliament in October broadcast live on radio and television, the motion was rejected by 39 to 25 votes. Even if the debate was "a positive step in ensuring that critical issues of national interest are channeled through the National Parliament with meaningful participation from the opposition" as stated by the UN Special Representative of the Secretary-General for Timor-Leste (2009, para. 4), the underlying problems are perturbing. Clear messages are being sent to victims and perpetrators alike that – at least for now – there is no political will to hold those charged with serious crimes accountable. Moreover, disrespect for judicial independence and the separation of powers, for economic or whatever other reasons, severely undermines the rule of law and thus jeopardises the public's confidence in the judicial system.

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34 Art. 69 of the Timorese Constitution provides for the principle of separation of powers, Art. 121 for judicial independence.

35 An AFP release on 8 September 2009 quotes the Minister of Justice as stating: 'It is a political decision that must be taken by the government to resolve this issue because it is related to our country's problems.'

36 See, e.g., East Timor NGO Forum (2009) and Amnesty International (2009), criticising the Indonesian and Timorese governments.

4. Conclusion and Outlook

After several years of failure to act and as a response to the growing international pressure, the UN, Indonesia and Timor-Leste – with different motivations and levels of commitment – implemented various mechanisms at the international, national and regional level with the mandate to deal with the post-conflict situation in Timor-Leste. The unique, multilayered approach to accountability and reconciliation taken comprised courts and alternative justice mechanisms such as truth commissions in Timor-Leste and Indonesia, thus combining restorative and retributive justice.

The UN and Timor-Leste aimed for full accountability for the human rights violations of 1999 by means of the Timorese serious crimes process and the CRP in conjunction with trials in Indonesia. This objective, however, was only achieved to a very limited degree. The flawed trials at the Indonesian Ad Hoc Human Rights Court failed to deliver justice. Through the serious crimes process in Timor-Leste only a few of the indicted, who happened to be low-level offenders who had not left the country, could be prosecuted. While the CRP assisted in achieving accountability for offenders for non-serious crimes, their ultimate success was dependent on the effective prosecution of the other perpetrators, which was effected only marginally. As result, the perpetrators most responsible and most of those at an intermediate level did not face justice and the expectations of victims and of low-level offenders who had been held accountable were not met. Accountability for the numerous crimes committed from 1974 to 1998 was not addressed at all.

The truth commissions, i.e. CAVR and the CTF, were set up to establish the truth and accomplish reconciliation. While they revealed the facts and causes of the atrocities committed in 1999 and the CAVR in addition identified those responsible for the crimes from 1974 on, their contribution to achieving reconciliation is disputable. CRP certainly enhanced grassroots reconciliation and reintegration of offenders of non-serious crimes. However, as long as the recommendations of the commissions, in particular reparations, are not implemented, reconciliation is impeded. Furthermore, reconciliation is closely connected with justice. Hence, if victims do not see justice done, as is the case in Timor-Leste, it will be difficult to achieve true reconciliation.

The fact that accountability was not achieved was influenced by a number of circumstances and decisions involving various participants. Indonesia proved to be

unwilling and unable to take up its primary responsibility of holding its military and civilian government accountable for the crimes they had perpetrated in Timor-Leste. For political and financial reasons, the UN opted against establishing an international ad hoc court. They did not change their mind even when the compromise approach, with national and internationalised courts in Indonesia and Timor-Leste prosecuting perpetrators of atrocities, did not deliver justice. Of course, it is doubtful that Indonesia would have co-operated with an international court. Still, as can be seen by the International Criminal Tribunal for the Former Yugoslavia, the outcome would have been significantly different.

In Timor-Leste, apart from the lack of judicial capacity, there is no political will to continue the serious crimes process by prosecuting the perpetrators of the atrocities. In fact, measures are actually taken to reverse part of the accountability which has been achieved. This was clearly shown by recent political decisions such as commutations of sentences and releases from prison. Despite the persisting call for justice by the Timorese people,[37] the most high-ranking leaders in Timor-Leste decided to foster a working relationship with their powerful neighbour Indonesia, and that prosecutions were not in the national interest given the urgent socioeconomic challenges. While it is understandable that the support of Indonesia is very important for the development of Timor-Leste, political interference which violates the principles of separation of powers and judicial independence severely undermines the rule of law and erodes public confidence in the judicial structures.

Ultimately, the underlying problem of the quest of achieving accountability in the Timor-Leste case seems to be the conflicting interests of politics and justice. As can be observed in many other cases throughout the world, holding the politically powerful accountable is very difficult and sometimes not attainable at all, giving way to a rule of double standards.

Does this mean there is no solution for this dilemma? Despite the continuing call in Timor-Leste and abroad for an international court, it is unlikely that the UN will establish one. While the UN is continuing its essential assistance to Timor-Leste in developing democratic governance and the necessary fundamental structures, including a functioning judicial system, the decision regarding achieving

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37 See, e.g., Timor-Leste National Alliance (2010).

accountability has to be made within Timor-Leste. This would require a change in the political direction of its leaders, which would probably entail compromising the friendship with and the financial support of Indonesia. The UN can and should encourage such a decision by sending a clear message to Timor-Leste and Indonesia that they will adequately support any further mechanisms to hold those bearing responsibility accountable. This implies providing international judicial personnel to assist the national judiciary and sufficient financial resources, including substitution of any development funds which Indonesia could cut. Even so, Timor-Leste could not hold accountable any perpetrators on Indonesian territory without that country's co-operation. In this regard, it is desirable that Indonesian authorities genuinely deal with the crimes committed by its institutions. While it was a significant accomplishment that Indonesia acknowledged its responsibility by endorsing the findings of the CTF report, prosecutions cannot be expected as long as representatives of the old order remain powerful and the military is above the law.

As unrealistic as the achievement of accountability in the near future may seem, recent positive developments raise hope that justice for the atrocities committed in Timor-Leste will not be denied forever. In this respect, enhancing the dialogue and co-operation between Timor-Leste and Indonesia and starting the implementation of the CAVR's and CTF's recommendations, including reforms of the respective justice sectors, are important first steps.

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Santi Asoke Buddhism and the Occupation of Bangkok International Airport

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Thailand experienced dramatic political turmoil from February 2006 to November 2008 culminating in the occupation of the Bangkok International Airport. The demonstrations against then Prime Minister Thaksin Shinawatra and his political allies were organised by the People's Alliance for Democracy (PAD). One of the PAD leaders, Major-General Chamlong Srimuang, is an active member of the Buddhist Santi Asoke group. The group is controversial as it is not under the state Buddhist authorities and has implicitly criticised the Thai state Buddhist monks for moral corruption. Known as the 'Dharma Army', hundreds of Santi Asoke monks, nuns and lay people participated in PAD demonstrations. This paper analyses what the Santi Asoke Buddhist group represents, what the 'Dharma Army' is, how its reality differs from media images, what the ideological reasons for Asoke to initially support Thaksin were, and why the group finally turned against him. The paper argues that the group cannot be viewed as a monolithic community. Instead, it should be considered as an amalgamation of monks and nuns, urban and rural temple residents, lay followers of Asoke monks, practitioners of organic agriculture in Asoke village communities, students and former students of Asoke schools, and supporters of Major-General Chamlong Srimuang. Representatives of all these networks participated in the demonstrations albeit with different intensity.

Keywords: *Thailand, Santi Asoke, Dharma Army, People's Alliance for Democracy (PAD), Chamlong Srimuang*

Zwischen Februar 2006 und November 2008 stand Thailand unter dem Zeichen tiefgehender politischer Unruhen, die in der Besetzung des internationalen Flughafens ihren Höhepunkt fanden. Organisiert wurden diese Demonstrationen, die sich gegen den damaligen Premierminister Thaksin Shinawatra und seine politischen Verbündeten richteten, von der Volksallianz für Demokratie (PAD). Einer ihrer Anführer, Generalmajor Chamlong Srimuang, ist aktives Mitglied der buddhistischen Santi Asoke Gruppe. Da sich Santi Asoke nicht der staatlich kontrollierten buddhistischen Ordnung beugt und solche Mönche implizit der moralischen Verdorbenheit

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beschuldigt, hängt ihr ein kontroverser Ruf an. Unter der Bezeichnung „Dharma Armee" nahmen hunderte Anhänger von Santi Asoke, darunter Mönche, Nonnen und Laien an den PAD-Demonstrationen teil. Inhalt dieses Artikels ist daher die Analyse der Hintergründe und Ziele der Santi Asoke Gruppe und der „Dharma Armee", Unterschiede zwischen medialer Darstellung und vorgefundener Realität sowie die Motive der anfänglichen Unterstützung Thaksins durch Santi Asoke und ihre spätere Abkehr von ihm. Dabei wird argumentiert, dass die Gruppe nicht als monolithischer Block verstanden werden kann, sondern in ihrer Vielfalt, zusammengesetzt aus Mönchen, Nonnen, EinwohnerInnen städtischer und ländlicher Tempel, Laien, AnhängerInnen biologischer Landwirtschaft in Asoke-Dörfern sowie UnterstützerInnen von Generalmajor Chamlong Srimuang begriffen werden muss. RepräsentantInnen all dieser Netzwerke nahmen, wenn auch in unterschiedlicher Intensität, an den Demonstrationen teil.

Schlagworte: Thailand, Santi Asoke, Dharma Armee, Volksallianz für Demokratie (PAD), Chamlong Srimuang

The Buddhist Asoke Group of Thailand[2]

Santi Asoke as a name is a misnomer. Santi Asoke is just one of the many Asoke temples and communities in Thailand. Santi Asoke is a temple on the northeastern outskirts of Bangkok. It accommodates a vegetarian restaurant, two multi-storey apartment buildings housing laypeople, a school building and a huge unfinished temple in concrete, a publishing company with a printing press, a public library, one dormitory for laymen, another for laywomen and school girls, several meeting halls, a kitchen, a dental clinic, a small hospital, a supermarket and some 50 *kuti*s for the housing of monks and nuns known as Sikkhamats. There are several Asoke temples located in various parts of Thailand; the oldest ones are Pathom Asoke in Nakhon Pathom, Sisa Asoke in Sisaket, Sima Asoke in Nakhon Ratchasima, Sali Asoke in Nakhon Sawan and Ratchathani Asoke in Ubon Ratchathani. There are also Asoke communities in Chiang Mai, Chiang Rai, Trang, Chumphon, Khon Kaen, Chaiyaphum, Petchabun and other places.[3] Although some of the centres are very modest, such

3   There were 27 Asoke centres in Thailand in 2007; five in Central Thailand, 13 in Northeastern Thailand, five in Northern Thailand and four in Southern Thailand (personal communication in Santi Asoke, 16 November 2007. There are two important centres in the north; Lanna Asoke in downtown Chiang Mai and *Phu Pa Fa Naam* (Mountain, Forest, Sky, Water) on the mountains in the same province. Descriptive Thai-language names became popular in Thailand after the financial crisis in July 1997. The centre in Chaiyaphum is called *Hin Pa Fa Nam* (Rock, Forest, Sky, Water).

as family-run vegetarian restaurants with a few regular customers, the number of Asoke centres has been increasing over the last twenty years.

The group consists of followers of Bodhiraksa, who was ordained as a monk more than 30 years ago. He was a famous TV entertainer in the 1970s, became vegetarian and started to preach first as a layman, but was later ordained into the royalist Thammayut Nikai[4] sect in the state-controlled Buddhist *sangha* (monastic order). The Thai Buddhist sangha is divided into two different sects. Thammayut Nikai was established by King Mongkut (1804-1868), who was a monk for 26 years before assuming the throne as King Rama IV of the presently ruling Chakri dynasty in 1853. Thammayut Nikai is perceived as more "orthodox" in its behaviour, adopting the teachings of ethnic Mon monks, who in Thailand are still regarded by others as well as by themselves as more "orthodox." The concept of "orthodoxy" is complex in Buddhism. The interpretation of Vinaya rules, for instance, varies from one country to another and "orthodoxy" guides behaviour rather than belief.[5]

Bodhiraksa was not impressed with the Thammayut Nikai and the monastic authorities could not tolerate his criticism concerning their non-vegetarianism, involvement in magic rituals and lax following of the monastic Vinaya rules. Bodhiraksa was re-ordained in the Mahanikai sect, which literally refers to the majority of the monks. The Thammayut Nikai has since Mongkut's time controlled the state Buddhist organisation known as the Supreme Sangha Council or the Council of Elders (*Mahatherasamakhom*). The Mahanikai consists of both urban and rural monks and some forest monks, who are involved in rural community development projects or in teaching meditation. The official Thai Buddhist interpretation is that these two groups do not differ from each other. However, there is no space for a third "nikai,"[6] so when Bodhiraksa left his last temple with a group of followers they became a *de facto* free non-state-controlled group.[7]

There was some propaganda against the group throughout the 1980s, but when Major-General Chamlong Srimuang was elected as the Governor of Bangkok (1985)

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4 Thammayut Nikai refers to the Sanskrit word *Dharma* and Pali word *Dhamma* meaning Buddhist doctrine. Nikai comes from the Pali *nikaya* – meaning a sect. I have chosen to transliterate the Thai names according to the most common form in maps, media and literature.

5 See Hansen's (2007) discussion on reforming and purifying the Khmer *sangha*.

6 Neighbouring Burma has nine different *nikayas*, whereas both Cambodia and Laos have traditionally had two *nikayas* as both have been influenced by Thai Buddhism.

7   Based on this exclusion, some regard Asoke as a "semi outlawed sect" ("Chang Noi", *The Nation*, 15 September 2008).

and later showed interest in joining national politics (1988), the stage was set for a systematic campaign against and demonisation of "Santi Asoke" as the media insists upon calling the group. Chamlong was extremely popular as a Governor, regarded as a "Mr Clean," who lived modestly according to the Asoke teachings, ate one vegetarian meal a day, rejected tobacco and alcohol, and did not gamble or visit night-clubs. In other words, Chamlong was an eye-catching exception among his contemporaries in Thai politics (McVey, 2000)[8].

There were obvious reasons to assume that as a Prime Minister, Chamlong would not have been positive towards the various lucrative but shady business deals that the military politicians and the Sino-Thai business elite were involved in. In order to prevent Chamlong from taking to the national stage in politics, his Buddhist affiliations needed to be declared illegal. Bodhiraksa was detained in June 1989 and all the Asoke monks and nuns were detained for one night in August 1989. A court case was commenced against them that year lasting until 1996. They were accused of not being Buddhist monks, based on the fact that they had been excluded from the state Buddhist organisation.

After nearly seven years of on-going court hearings (Heikkilä-Horn, 1996, pp. 64-67), approximately a hundred monks and nuns were given a suspended sentence of two years. There was plenty of confusion of who was and who was not accused. The nuns or *Sikkhamats* were cleared of all charges, as they did not claim to be fully ordained Theravada Buddhist nuns or *bhikkhuni*. The Asoke nuns are Ten-Precept Nuns, which means that they depend on the lay people for their food, shelter, clothing and medicine.

After the court case the Asoke group was tolerated by the authorities[9] and expanded rapidly. New Buddhist centres were established. New restaurants and shops selling organic products were opened. The economic crisis in 1997 boosted the interest in the Asoke group, which had always been critical of capitalism (*thunniyom*) and had been promoting its own Buddhist economics known as "meritism" (*bunniyom*).

The King of Thailand, in his birthday speech in 1997,[10] indicated that Thailand

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8 Analysis of the political tradition in Thailand can be found particularly in Sombat (2000) and Ockey (2000).

9 The monks and the Sikkhamats had to report regularly to the Correction Office. The Asoke monks are by law not regarded as *Bhikkhu*, and hence cannot be addressed as *Phra* but as *Samana*. The monks had been forced to wear a white robe as a sign of lay status since their arrest. They switched back to brown in 1998 after the two-year period of suspended sentence was over.

10 The speech was further clarified in December 1998 in another birthday speech.

should not concentrate all her efforts in an export-oriented economy but should secure self-sufficiency in food and the basic needs of the population. He suggested that whatever the people produce, they should keep one-third for themselves, while allotting one third for the domestic market and one-third for the export market. The King's philosophy is known as "Sufficiency Economics" and has been faithfully propagated ever since by every Thai government – whatever the government's real policies may have been.[11] Ironically, the Asoke group had been promoting similar economic ideas since the 1970s, but it had gone somewhat unnoticed due to the harsh criticism against other issues concerning the Asoke, such as the Asoke group's strict vegetarianism, which has remained one of the major controversies with the state Buddhist sangha. According to the state sangha, the Buddha himself never suggested that his monks should be vegetarians – common though it must have been among the Hindus in India that time. Asoke members argue that they want to follow the First Precept, which recommends that one should refrain from "destroying life."

The Asoke group had an opportunity to preach their economic ideas to the rural population when Prime Minister Thaksin Shinawatra delegated to the Asoke groups the government-financed training of tens of thousands of indebted farmers in Asoke centres in 2001.[12]

Farmers came in groups of about one hundred and stayed for five days. They learnt about organic farming, recycling and reusing, and were obliged to listen to sermons on the virtues of vegetarianism and *bunniyom*. Almost all centres were running these training courses, nearly a course per week. There were breaks in the training courses only when the Asoke people themselves gathered for their five annual weeklong retreats. This means that in five years hundreds of thousands of peasants have been trained at the Asoke centres.[13]

Many of the farmers attended the training courses rather reluctantly because, obviously, they had been forced to attend them. In exchange, their debt was

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11   UNDP report (2007) outlines the philosophy of sufficiency economy in "Sufficiency Economy and Human Development." See UNDP Thailand Human Development Report 2007.

12   The Bank of Agriculture and Agricultural Cooperatives (BAAC) financed the training courses from May 2001 to March 2004. From April 2004 to 2007, the training courses were financed by the government's Health Department (Thamrong Sangsuriyajan from the Organic Farming Network of Thailand, personal communication at Santi Asoke, 16 November 2007).

13   Mr Thamrong Sangsuriyajan estimates that some 60,000 peasants were trained between 2001 and 2004, and another 100,000 between 2004 and 2007. A new programme of training courses started in 2007. Twenty-four Asoke centres were given funds to continue the training courses (Thamrong Sangsuriyajan, personal communication, 16 November 2007).

postponed for three years.[14] Some participating farmers were visibly uncomfortable, not because of the rather simple conditions under which people live in the Asoke centres – those are the same conditions the farmers came from – but because of the lack of alcohol, cigarettes, gambling and other entertainment.[15] Some participants in the training courses, however, became quite enthusiastic about organic agriculture and returned to learn more. During those five years, Asoke started to build up a considerable base among the ordinary Thai peasants, particularly in Northeastern Thailand (*Isan*), which has remained the poorest area in Thailand and where Asoke has three major temples and several small experimental farms, communities and shops selling Asoke products.[16]

Some of this goodwill among the Northeastern farmers was lost when the Asoke monks, nuns and lay people joined the anti-Thaksin demonstrations in February 2006. Thaksin had been particularly popular in the Northeast and the Asoke group had initially supported him.

Buddhism and Politics Always Mix

The Asoke group had always been political to a certain extent, but it would be naïve to claim that the other monks and temples in Thailand remained apolitical. The state sangha organisation parallels the state bureaucracy and the three Sangha Acts of 1902, 1941 and 1962 all place the sangha hierarchy under the secular hierarchy. Also, there have always been rebellious monks, sometimes as leaders of *phumibun* uprisings or so-called holy-men uprisings against the centralisation policies carried out by the state authority on the periphery. Several individual monks are known to have been in conflict with the state: Phra Phimontham in the 1960s, who protected the rights of the "suspected Communists" to join the monkhood; Buddhist monks were active in the early 1970s, when the left-wing student movement was also active (Somboon, 1976; 1982); several monks who have been trying to protect the forests against illegal logging have been threatened, forcibly disrobed or killed (Taylor, 1993); even one of

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14 The debt of peasant families varies between 30,000 to 60,000 Thai baht. The average income of a farmer is between 1,500 to 3,000 baht per month. Based on my survey in April 2002 at Sisa Asoke.

15 Observations at Sisa Asoke from 2001 to 2006.

16 Many Asoke monks originate from Northeastern Thailand and are fluent in the local Lao and other dialects spoken there. There is great diversity among the Asoke people and it is not easy to give exact estimates of their ethnic and class background. A survey was conducted in the 1990s. See Heikkilä-Horn (1996).

the most respected Thai Buddhist monks, Buddhadasa Bhikkhu, was several times accused of being a Communist during the long years of military dictatorship in Thailand during the Cold War period.[17]

There have also been several ultra-reactionary right-wing monks willing to support the corrupted military elite. The best known is Phra Kittiwuttho, who in the heat of the civil war in Thailand in the 1970s announced that it is not "demeritorious to kill a Communist."[18] Several monks have been closely linked to notorious military commanders and ministers, publicly giving their blessing to these people. One monk wanted the Thai people to donate their savings in gold to pay the International Monetary Fund (IMF) debt that the government had taken in the aftermath of the 1997 financial crisis. Another controversial Buddhist group, Dhammakaya[19] temple, offered its premises to Prime Minister Thaksin Shinawatra and his supporters during the final stages of the anti-Thaksin demonstrations. The Buddhist sangha simply has never been apolitical: it either supports state policies or it opposes them. It has been a persistent myth that Buddhism and politics do not mix, but the myth has repeatedly been proven illusory.[20]

The Asoke group had a complex relationship to Prime Minister Thaksin Shinawatra. Thaksin had been a protégée of Major-General Chamlong Srimuang since Thaksin joined *Palang Dharma* (Moral Force) Party and became Foreign Minister. He was accused of promoting his own private business interests in that post. Later on in Barnharn Silpa-archa's government, Thaksin was Deputy Prime Minister and promised to solve the notorious traffic problems of Bangkok within six months. Fortunately for him, the government was dissolved a few months later. Thaksin also was a Deputy Prime Minister in General Chavalit Yongchaiyudh's government in 1997 until the Asian financial crisis forced that government to resign.

Thaksin established his own political party in 1998.[21] Before contesting the elections,

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17 Buddhism and politics have been thoroughly discussed by Ishii Yoneo (1986), Stanley Tambiah (1976), Trevor Ling (1979), Somboon Suksamran (1976, 1982) and Peter A. Jackson (1989), but the issue remains sensitive and some Thai experts might have preferred to overlook these studies for the sake of their research permits.

18 "Demeritorious" referring to the word "*baap*" in Thai or "*papa*" in Pali as opposite to "*bun*" and "*puñña*."

19 Also known as Wat Thammakaai in the northern outskirts of Bangkok, with ambitions to become the world Buddhist centre. See their website www.dhammakaya.net.

20 Younger generation Thai experts are slowly breaking down the myth of an apolitical *sangha* (see Jerryson, 2009; McCargo, 2009). Both authors argue strongly that such authorities as Charles Keyes and Donald Swearer have depoliticised the Buddhist *sangha* by presenting Buddhism as a "civic" or "civil" religion.

21 For critical assessments of Thaksin's policies, see McCargo & Ukrist (2005), who label Thaksin as "opportunistic; motivated by pursuit of wealth" (p. 20) and the party as applying "marketing policies; no ideology"(p. 79).

he gathered together a team of former Communists, NGO activists and supporters of Chamlong and Santi Asoke. He travelled with them to Northern Finland to draft a programme for his *Thai Rak Thai* (Thai Loves Thai) Party.[22] The TRT party became an anti-IMF nationalistic party, promoting both the royalist and Asoke "sufficiency economy." Thaksin's first speech as a Prime Minister in a meeting of the Asia-Pacific Economic Cooperation (APEC) in Shanghai came as a shock to the international business community as Thaksin explained that Thailand would start "looking inward to our original strengths."[23] The speech was allegedly written by a former close assistant to Chamlong Srimuang, Sunai Setboonsarng, who had published a study on Asoke economics in the 1970s.[24] The Foreign Minister of Thailand was forced to rephrase Thaksin and try to convince the international investors that Thailand would remain as open as it had always been to foreign investment.

Thaksin rapidly did a turnaround and started to negotiate and push forward several free-trade agreements (FTA), particularly in the field of agriculture, that the NGOs and farmers' organisations bitterly opposed.

There had been several important radical social movements before Thaksin came to power. One of the largest was The Assembly of the Poor, established in 1995. It included networks of small-scale farmers, fishermen and urban slum dwellers from all over Thailand. In 1997, the Assembly staged its most spectacular protest by camping for ninety-nine days outside the Government House in Bangkok. The protesters were demonstrating against a dam in the Northeast that threatened the livelihood of the people in the area, yet the movement clearly had a broader agenda for grassroots democracy and social justice. For the first time since the 1970s, the Thai poor challenged the Thai state hegemony by demanding that the ruling elites address their grievances. The Democrat-led government systematically discredited the Assembly, and the Assembly was encouraged by sympathisers to form a political party to contest the next elections. Thaksin – supported by the ideas of his activist advisers – addressed in his election campaign some of the grievances by granting a debt moratorium, village funds and cheap health care. With his "pro-poor rhetoric"[25]

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22 His trip to Finland and meeting with "Santa Claus" became front-page news in Thailand in 2006. See *Matichon* 2-8 June 2549 B.E. (2006).

23 *Economic Review Bangkok Post* (30 December 2002, p. 121)

24 Sunai's book has recently been reprinted and translated into English. Schumacher's (1973) chapter on "Buddhist Economics" is also regarded as an inspiration to the Asoke group.

25 Kevin Hewison (2003) labels Thaksin's approach as "pro-poor rhetoric" and regards Thaksin's government as a

Thaksin managed to domesticate this radical social movement. When in power, Thaksin marginalised and eliminated the social activists, environmentalists and defenders of human rights.[26]

Asoke is a politically and socially engaged Buddhist group which seeks to find a remedy to the moral and social ills of global capitalism within the capitalist framework by establishing economically autonomous village communities. The Asoke group addresses economic and social justice from a radical Buddhist perspective by promoting an alternative economic system to global capitalism. Its aim is to teach the people to follow the moral Buddhist path, which would ultimately transform the capitalist society into a *bunniyom* society. With these "utopian" ideas the Asoke Buddhist economic development plan is inherently populist. This is the same populist approach found in Thaksin's rhetoric.[27]

What endeared Thaksin to the Asoke group was the community development approach in his rural policies. Somchai (2006) regards the "community culture" as a "variant of populism". Populism may criticise "big business" and capitalism generally, but promotes neither radical structural change in land ownership nor a progressive taxation system. The Thai community culture school blames the "imported" Western capitalism for destroying the economy of the idealised Thai village community.[28]

Asoke continued supporting Thaksin until February 2006. There had been some critical voices against him inside Asoke – both Bodhiraksa and Chamlong condemned Thaksin on moral grounds when he played with the idea of buying Liverpool Football Club in mid-2004.[29]

Asoke adherents also demonstrated in August 2005, when the Beer Chang Company was to be listed on the Stock Exchange of Thailand. This was seen as promoting both drinking and gambling.

"government by and for the rich" (Hewison, 2003, p. 140). For a similar assessment, see Divjak & Symonds (2001).

26 For critical assessments on Thaksin's approach to the rural poor, see Bell (2003), Missingham (2003), Somchai (2006) and Ungpakorn (2003). "Chang Noi" presents a list of the assassinated social and environmental activists in his column "Shooting the messenger" (Chang Noi, 2004).

27 For earlier discussion on the "community culture school", see Chattip (1991). Authors like Apinya (1993), Olson (1983), Sombat (1988) and Suwanna (1990) see the Asoke group as "utopian." Some recent studies on Asoke communities discuss their economic policies in more detail; see Essen (2005) and Kanoksak (2008).

28 For Somchai's critique on the "community culture approach", see Somchai, 2006, pp. 62-64.

29 "PM's mentor raps Reds bid. Thaksin ready to give up, sees success in having 'humbled' ex-colonial power" (*The Nation,* 1 June 2004).

The Different Networks of Asoke

Asoke is not a monolithic community,[30] but rather an amalgamation of monks and nuns, urban and rural temple residents, lay followers of Asoke monks, practitioners of organic agriculture in Asoke village communities, current and former students of Asoke schools, and admirers of Major-General Chamlong Srimuang. It could be argued that the Asoke group consists predominantly of a network of four major wings engaged in spiritual, agricultural, social and political activities. What unites the wings is their self-identification as disciples of Bodhiraksa.

The nucleus of the spiritual group consists of monks and the nuns including the novices and aspirants. The monks and the nuns act primarily as advisers. They preside over all possible meetings from the primary school students' meetings to the political meetings. Their advice is spiritual and is derived from their interpretation of Buddhist teachings. They do not give practical advice on solving problems, but try to encourage the person to find a solution by applying Buddhism. Many lay people prioritise spiritual study, which means that they are not actively engaged in the other groups. The decision to join in the anti-Thaksin demonstrations was fairly unanimous in the spiritual group as the Asoke opposition to Thaksin was based predominantly on moral grounds. On the first day of the demonstration, 26 February 2006, practically all Asoke monks, nuns and novices were present, with only those who were sick not attending. After the first day, the numbers started to dwindle. There were health reasons quoted and there were references to the workload in the temple – writing articles for the magazines, working at the printing house or at the radio station were the most common reasons for leaving the demonstration site.

The monks, nuns and lay people returned to the streets of Bangkok for the second round of demonstrations in late May 2008. The issues had changed: the demonstrators opposed the new pro-Thaksin government led by Samak Sundaravej, who had proudly declared that he was Thaksin's "nominee." The demonstrators specifically opposed any amendments to the Constitution to pardon Prime Minister Thaksin and the one hundred and eleven *Thai Rak Thai* Members of Parliament banned from politics

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30 **Inside the Asoke, Asoke group** (*klum Asoke*) refers to all the followers of Bodhiraksa. Asoke communities (*chumchon*) are the villages and centres (*sathan*) in various parts of Thailand. The group is organised into several associations and foundations. For more details, see Heikkilä-Horn (1996, pp. 147-150).

by the Constitutional Court in May 2007. Also this time the numbers of the Asoke demonstrators – particularly the number of the monks and the nuns – dwindled very rapidly and at the end, when PAD was occupying the Government House, there were only a handful of Asoke monks and nuns left out of the over one hundred monks and twenty-five nuns. When Bangkok's Suwarnabhumi International Airport was seized in November 2008 for about a week, only a few Asoke monks – and no nuns – took part.

The second wing of the Asoke network is the agricultural group, which consists of the temple residents in the rural Asoke temples, particularly in the North and Northeast. According to the Asoke teachings, it is important for a Buddhist to choose carefully her or his profession. This is a part of the Noble Eightfold Path, where point five emphasises "Right Livelihood" or "Right Occupation" (*Samma Ajiva*). According to Buddhism, it is not recommended that a Buddhist engages in selling weapons, intoxicants, human beings, animals or meat. The opposite of these destructive activities is nurturing life, and as a consequence of this thinking, being a farmer is the best choice for every Asoke member. If one cannot be a farmer, one can at least try to be a gardener. Hence, there is a passionate interest within Asoke in everything concerning plants, soil, seeds, herbs, insects, and fruit trees.

This group is interested in agricultural politics, and in 2004, Santi Asoke organised together with Greenpeace a roundtable discussion on genetically modified crops and subsequently issued a statement against the GM crops.[31] The agricultural group found it difficult to leave their farms and gardens, and hence were not at the forefront of the demonstrations. Many of them left after a couple of days to return to the rural Asoke centres.

The third wing of the Asoke network could be called the socially engaged group working in education and health care. All major Asoke centres have primary and secondary schools, sometimes also vocational schools.[32] Hundreds of students have studied at these schools, which have changed their status throughout the years from non-formal education to formal education and *vice versa*. All teachers are volunteers, some with teacher's qualifications from state schools and some without. Most of the

31 **"Santi Asoke to oppose GMO foods. Buddhist group says modified crops not natural"** (*The Nation,* 10 June 2004).
32 Each school has approximately 50 to 100 students, but the numbers vary from year to year. More about the education in Asoke schools in Essen (2005) and Heikkilä-Horn (1996).

students have a parent or a relative staying at the Asoke centres.

Another social activity in the Asoke communities is the healthcare provided by volunteer nurses and dentists in most of the Asoke villages.[33] The teachers and healthcare volunteers are educated to secondary or tertiary level and many of them participated in the demonstrations in the beginning. Teachers and students returned after some weeks back to their villages, whereas many of the nurses remained to provide services at the demonstration site.

The fourth wing of the Asoke movement could be called the political wing. The group consists of urban and rural Asoke members, people particularly from the urban Santi Asoke community, and people closely affiliated with the activities and groups in Santi Asoke. There are also politically active people particularly in Sisa Asoke and in Ratchathani Asoke, where Bodhiraksa resides. These people were pictured in the media as the core of the "Dharma Army".

Dharma Army actually refers to *Gongthub Dharm* foundation,[34] which owns and maintains all the vehicles – vans and pick-up trucks – of the Asoke group. The chairman of the foundation is Chamlong Srimuang.

The political network consists of the supporters of Chamlong Srimuang. Some of them may be former members of Palang Dharma party, and many of them have taken training courses in Chamlong's Leadership School. It does not, however, necessarily mean that all the demonstrators can be associated with the Chamlong Srimuang Foundation. The politically engaged network tends to be urban, better educated, often of ethnic Sino-Thai origin, whereas the agricultural network tends to be less educated and more often of ethnic Lao origin. The boundaries are fluid: there are some well-educated Sino-Thais who prefer to live in the rural centres and experiment with agriculture.[35]

There was some criticism in the Thai media of Asoke monks, nuns and lay people taking part in the demonstrations, particularly after 7 October 2008, when the tense situation between the anti-Thaksin "yellow-shirts," pro-Thaksin "red-shirts" and the riot police escalated into violence leaving one person dead and many injured.[36] The

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33 Many centres also are engaged in producing herbal medicine, which is sold in the Asoke shops.

34 This is the romanised version written on all Asoke vehicles. There are considerable irregularities in the romanisation of Thai words. "Thamma" or "Tham" is the Thai pronunciation of Sanskrit "Dharma" and Pali "Dhamma".

35 See Heikkilä-Horn (1996) for an ethnographic survey. Recent observations based mainly on my visits to Sisa Asoke in Sisaket from 2001-2009.

36 See Sanitsuda Ekachai in her column "A solution is possible" (*Bangkok Post,* 16 October 2008). Sanitsuda had earlier

Asoke comment on this criticism was that if the monks and the nuns had not been there, then the more violent elements of the PAD might have taken over. The presence of monks and nuns in the PAD groups perhaps deterred the "red-shirts" from violent attacks.[37]

In 2000, the Asoke people established a new party called *Pue Fah Din* (For Heaven and Earth). Its leaders are based in Sisa Asoke. However, in the March 2006 elections the party fielded Samdin Lertbusya, who for many years has been in charge of the *Fah Aphai* Publishing Company in Santi Asoke. A rather unique characteristic of this party is that the candidate does not want to campaign, as he feels that campaigning involves making false materialistic promises, thus breaking the Buddhist Precepts.[38]

The political network is closely linked to Chamlong's Leadership School in Kanchanaburi, which trained various groups of employees from both the private and public sector throughout the 1990s and early 2000s. The training lasted over the weekend or sometimes longer and consisted of physical exercise in the early morning hours, aggressive propaganda in favour of vegetarian food and critical lectures about corruption and other social ills in Thai society. These courses served as a blueprint for the Asoke training courses for farmers.[39]

The political network was also flirting with the idea of establishing a Green Party in Thailand already in the late 1990s.[40] The plans were buried with the financial crisis in 1997 and the emergence of Thaksin's Thai Rak Thai party in 1998.

It was the political network of Asoke people which had worked most closely with the organisers of the demonstrations from 2006 to 2008, and with the PAD. To what extent their interests and values coincided with the other leaders of PAD is debatable. Only as long as Chamlong is part of PAD will the adherents of the Asoke movement remain a part of PAD.

Sondhi Limthongkul, one of the most prominent PAD leaders, has tried to reach

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opined in a column "Politics and religion do mix": "Interestingly, the presence of the quiet, stoic Santi Asoke monks and nuns also helps provide a sense of restraint to counter the dangerously strong emotions in the rallies." (*Bangkok Post,* 9 March 2006).

37   There were some attacks against rural Asoke centres interpreted as a reaction by Thaksin supporters. Sisa Asoke lost about 1/4 of their temple land when local officials claimed that Asoke had illegally encroached upon the land (Sikkhamat Chinda Tangpao, personal communication in Sisa Asoke, 27 February 2009).

38   "Moving heaven and earth. Little-known party eschews campaigning" (*Bangkok Post,* 20 March 2006). PAD has established a new party called *Heng Thien Tham* (Candles of Righteousness). This party faded away and a new party New Politics Party (NPP or in Thai: *Phak Kan Muang Mai*) was established in 2009.

39   Based on my observations over some weekend training seminars in 1997-98.

40   The author was interviewed by some Asoke members about the policies of the European Green Parties in 1997.

out to the Asoke group for support.[41] He has, however, been involved in various well-publicised animistic and Hindu rituals, which the Asoke group totally rejects. Asoke Buddhist teachings shun all magic practices – the monks and the nuns are not involved in the sprinkling of "holy water" or predicting the winning lottery numbers, something with which many Thai monks are preoccupied. The popular Thai belief in ghosts and spirits is strongly refuted in Asoke; Bodhiraksa has repeatedly emphasised that if people persistently claim to see or hear ghosts and spirits, it is because those creatures live inside these people's own heads.

As Bodhiraksa is the founder of the group, this makes him the most senior monk in Asoke and he is highly venerated by all Asoke members. He is, however, not the abbot of any of the Asoke temples; his function remains mainly advisory. Bodhiraksa still delivers his Buddhist sermon every evening through a video-link to all the Asoke temples.[42]

All four major networks – spiritual, agricultural, social and political – are united in their Asoke Buddhist beliefs and values. They all respect Bodhiraksa as their spiritual guide and leader; they all have to be vegetarians; and they all have to practise *bunniyom* and live modestly.

Conclusion

This paper argues that it has always been a misconception to perceive Theravada Buddhism – or any other religion for that matter – as apolitical. Buddhism has been an important part of the legitimacy of the kings and Prime Ministers. It has been an important part of the nation-building processes of Thailand and other Theravada Buddhist countries. Furthermore, the Buddhist monks have also been an important element in protesting against military dictators, corruption of the ruling elite, and the centralisation of power in the capital city.

Concerning the controversial Santi Asoke Buddhist group, the paper argues that the group cannot be treated as a monolithic entity, as it consists of at least four

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41 The other leaders beside Chamlong and Sondhi were Suriyasai Katasila, a former student leader and democracy activist; Somsak Kosaisuk, a labour leader and Somkiat Pongpaibul a Democrat Party MP. Sondhi has become leader of the New Politics Party, which consists of PAD supporters. The PAD and the NPP are, however, beyond the scope of this article.

42 Observation in Sisa Asoke, 27-28 February 2009.

major networks: spiritual, agricultural, social and political. It is particularly the political network which was most actively involved in the demonstrations. The political network is closely connected with Chamlong Srimuang, who is the president of a foundation called the Dharma Army. The Dharma Army that was seen in the demonstrations consisted of people engaged in the four Asoke networks.

The spiritual wing, dominated by monks and nuns, took part in the demonstrations with lesser intensity than the social and political wings. The agricultural network also participated in the demonstrations during the initial days of the protests but quickly left the scene to tend their rice fields and fruit orchards.

The social and particularly political wings participated in the street demonstrations and camped at the various demonstration sites throughout the turmoil. The media image of the Dharma Army was somewhat reductionist as the local print media often showed pictures of school children and students of Asoke schools.

It is, however, obvious that the ties binding Bodhiraksa to Major-General Chamlong Srimuang since the 1980s have seriously undermined the spiritual and social message of the Asoke group among the rural poor. One of the main reasons why the Asoke group joined the anti-Thaksin demonstrations was their loyalty to Chamlong Srimuang. When Chamlong turned against Thaksin, most of the Asoke people turned against Thaksin. These political links between Bodhiraksa and Chamlong have been used by the competing elites against the Asoke group leading, for instance, to the court case described above. Ironically, the recent political affiliation through Chamlong to the "yellow-shirts" and PAD has endangered the relationship of the entire Asoke group with the very people whom their anti-capitalistic *bunniyom* economy and training courses in organic agriculture were supposed to benefit. The fact that a large number of indebted farmers have chosen Thaksin Shinawatra as their "saviour" has forced the Asoke group in the current situation to re-establish itself among the wider rural population – without simultaneously severing its ties to the political activists who joined the "yellow-shirts."

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The Depoliticisation and 'ASEANisation' of Counter-Terrorism Policies in South-East Asia: A Weak Trigger for a Fragmented Version of Human Security

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This article applies a modified version of the theoretical approach of the Copenhagen School to demonstrate that the Association of Southeast Asian Nations (ASEAN) has since 2001 reacted in a twofold way to the complex political obstacles to closer counter-terrorism co-operation: First, it has responded with securitising terrorism as a transnational crime and, second, with a depoliticisation and 'ASEANisation' of its counter-terrorism policies. Depoliticisation and 'ASEANisation', i.e. the framing of a security threat under the ASEAN Way values, are both deliberate political actions. They enable politicians to base co-operation among the ASEAN members and with outside powers on a non-political, technical basis. Contradicting an assumption of the Copenhagen School, this study argues that in South-East Asia where sovereignty and non-interference are still core principles this approach can offer better political opportunities to resolve a security threat than a 'classic' securitisation. Furthermore, this article demonstrates that ASEAN's anti-terrorism policies reflect its fragmented version of human security, which is based on national and regime rather than individual security. As counter-terrorism does not enjoy political priority in the region, these policies can only be a weak trigger for the implementation of ASEAN's notion of human security

Keywords: *ASEAN, Human Security, Copenhagen School, Terrorism, Counter-Terrorism Policy*

Dieser Artikel wendet eine leicht modifizierte Version der Copenhagen School an, um aufzuzeigen, wie die Vereinigung südostasiatischer Nationen (ASEAN) seit 2001 auf die vielfältigen politischen Hindernisse für eine engere regionale Anti-Terrorismus-Zusammenarbeit reagiert hat. ASEAN hat, erstens, eine Sekuritisierung des Terrorismus als transnationales Verbrechen und, zweitens, eine Depolitisierung und „ASEANisierung" (die Kontextualisierung einer sicherheitspolitischen Bedrohung unter den Werten des ASEAN Way) ihrer Anti-Terrorismus-Politik vorgenommen. Sowohl Depolitisierung und „ASEANisierung" sind bewusste politische Handlungen, die es den PolitikerInnen ermöglichen, die interne wie externe Zusammenarbeit auf eine unpolitische, technische Basis zu gründen. Im Widerspruch zu einer These der Copenhagen School wird hier

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argumentiert, dass ein solcher Ansatz in Südostasien, wo Souveränität und Nicht-Einmischung immer noch zentrale Prinzipien sind, realpolitisch bessere Chancen eröffnen kann, um ein sicherheitspolitisches Problem zu bewältigen als eine „klassische" Sekuritisierung. Zusätzlich zeigt der Artikel, dass ASEANs Anti-Terrorismus-Ansatz das fragmentierte Verständnis der Organisation in Bezug auf menschliche Sicherheit widerspiegelt. Dieses basiert stärker auf nationaler und Regime- als auch auf individueller Sicherheit. Da Anti-Terrorismus-Politik in der Region jedoch keine Priorität genießt, ist diese Politik bloß eine schwache Triebfeder für die Implementierung von ASEANs Verständnis von menschlicher Sicherheit.

***Schagworte:** ASEAN, menschliche Sicherheit, Copenhagen School, Terrorismus, Anti-Terrorismus-Politik*

1. Introduction

Since the end of the Cold War, the South-East Asian societies have experienced a broad variety of new, non-traditional threats, be they underdevelopment, poverty, legal and illegal migration, drug and weapon smuggling, the spread of mass diseases, or terrorism (cf. Buzan, 1997; Caballero-Anthony, 2008; Dosch, 2008). Accordingly, already in the late 1980s the South-East Asian governments were gradually adopting the notion of comprehensive security (Caballero-Anthony, Emmers & Acharya, 2006; Rüland, 2005). In South-East Asia, though, comprehensive security is a state-centric, top down rather than an individual security, bottom up approach. The Asian Financial Crisis (AFC) of 1997-98, the devastating Boxing Day tsunami of 2004, and Cyclone Nargis in 2008, however, have demonstrated that individuals can be more affected by security menaces than states. Even though the notion of security is gradually changing toward a more people-oriented understanding with human security tendencies (Caballero-Anthony, 2004; Dosch, 2008; Emmerson, 2008a, 2008b; Sukma, 2008), this article aims to show that the South-East Asian governments still view security primarily through a neorealist state- and regime-centric security lens rather than a human security prism (cf. Acharya, 2006; Caballero-Anthony, 2004; Emmerson, 2008a).

As I will further show, even though the evolving notion of more people-oriented security in South-East Asia is broad and comprehensive, it is nevertheless fragmented: The regimes and the Association of Southeast Asian Nations (ASEAN) emphasise

the non-political dimensions of human security, e.g. socioeconomic and human development. Overall, they seem to frame security under the principles of the ASEAN Way, i.e. in the context of national and regime security rather than individual security (cf. ASEAN, 2007a). This specific framing of security can be defined as 'ASEANisation'.

This 'ASEANisation' logic applies to counter-terrorism policies in South-East Asia too. ASEAN's anti-terror approach, as I will further argue, must therefore be regarded as one means, albeit a weak means, of promoting a piecemeal version of human security that is more concerned with state than individual security. Terrorism has in parts of the region posed since the early 1990s an increasing danger to national, regime, economic, and human security alike. ASEAN, though, regards it neither as a core threat nor as a security threat alone (Ong, 2007a, p. 19; Ong K. Y., personal communication, 2 December 2008). As early as the mid-1990s ASEAN made the fight against terrorism, together with drug abuse and smuggling, a priority (ASEAN, 1997, 1999). At this time, terrorist groups in the Philippines and Indonesia were becoming increasingly transnationally active. Yet ASEAN's counter-terrorism collaboration only gained pace after the Bali bombings on 12 October 2002. The killing of 202 people, among them 88 Australians, demonstrated to the broad public the deadly transnational danger of Jemaah Islamiyah (JI), pressuring the politicians to strengthen their national and regional counter-terrorism efforts.

Yet, as I will demonstrate in this article, closer anti-terror co-operation among the ASEAN members and with outside partners still faces major obstacles, in particular differences in regard to the perception of the terrorist threat, the political will and the concrete methods to combat terrorism, and the different capabilities of the national military, policing, and law enforcement agencies (Almontre, 2003, p. 229; Dillon, 2003; Emmers, 2003, pp. 423-427; Pushpanathan, 1999; Singh, 2003, p. 217).[2]

Applying the theory and methodology of the constructivist Copenhagen School (Buzan, Wæver, & de Wilde, 1998), I will argue that ASEAN, aware of the complex hindrances for closer counter-terrorism co-operation, has since the mid-1990s securitised terrorism, framing it, together with people smuggling, piracy, or money

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2 Besides published works, my analysis will heavily draw on personal communications, i.e. interviews, with experts in Singapore (J Harrison., Assoc. Prof, S Rajanatnam School of International Studies, Nanyang Technological University, 1 December 2008; I Reed, Director, Economic and Political Department, US Embassy, 4 December 2008; I Storey, Visiting Fellow, Institute of Southeast Asian Studies (ISEAS), 5 December 2008, Ong KY, Ambassador and Director, Institute of Policy Studies (IPS), 2 December 2008) and Kuala Lumpur (Madya Ruhanas Harun, School of Politics & Strategic Studies, Universiti Kebangsaan Malaysia (UKM), 8 December 2008; S Leong, Former Assistant Director-General of the Institute of Strategic and International Studies (ISIS), 9 December 2008).

laundering, as a transnational crime. The Association has thereby diminished the political motives for terrorism (cf. Lutz & Lutz, 2007).

Highlighting the differences between the Copenhagen School's concept of nonpoliticisation and my notion of depoliticisation, I will demonstrate that ASEAN's depoliticisation of its counter-terrorism approach offers, in combination with the 'ASEANisation' method, in fact better political opportunities to resolve a security threat than a 'classic' securitisation or a pure criminalisation (cf. Emmers, 2003). Depoliticisation and 'ASEANisation' are both deliberate political actions chosen by the ASEAN leaders. They enable them to base co-operation among the ASEAN members and with outside powers on a non-political, technical foundation. Accordingly, in the realm of counter-terrorism ASEAN's main objective is to harmonise the national and regional legal basis for bilateral and sub-regional collaboration. This political aim is not very ambitious but it is realistic as ASEAN is not a strong, independent organisation but a means for the member states to deepen their transnational co-operation.

Empirically, this study is based on an analysis of the securitisation of terrorism on regional level since the early 1990s. The securitisation process consists not only of ASEAN's 'speech acts', e.g. the Association's counter-terrorism declarations and the ASEAN Charter (ASEAN, 2007a), but of its concrete counter-terrorism policies as well.

This article starts with an analysis of the theoretical and political tensions between state, regime, and human security in South-East Asia. Subsequently, it proposes the categories of depoliticisation and 'ASEANisation' as amendments to the Copenhagen School to reconcile the theoretical conflicts. In the following chapter, ASEAN's specific anti-terror approach will be examined, focusing on its shortcomings and concrete achievements. In the conclusion, it will be demonstrated that ASEAN's counter-terrorism approach can be regarded as a driving force, albeit a weak one, for the promotion of a fragmented, 'ASEANised' notion of human security in South-East Asia.

2. Theoretical Framework: The Copenhagen School as Hinge Between Neorealism and Human Security

2.1. Securitisation, Depoliticisation and 'ASEANisation'

Since the end of the Cold War, the Copenhagen School has broadened and deepened our traditional understanding of security, identifying new security threats that endanger new referent objects, be it the economy, society, the environment or individuals. This theory has an inherent tendency to privilege state actors in the securitisation process but also allows the securitisation of individuals and groups of individuals, making it appropriate for an analysis of human security threats. Unlike neorealism, which is mainly concerned with the security of states (and explaining the relations among them), human security is a policy-making agenda and top-down approach focussed on the security of individuals (Floyd, 2007). The neorealist perspective on state security is also poorly suited to addressing the new non-traditional hazards and explaining let alone promoting the transnationally co-operative responses they require (cf. Bellamy, 2004; Mearsheimer, 2007; Rüland, 2005). Due to its broadness and inclusive character, the transdisciplinary concept of human security is still contested and both analytically and methodically difficult to apply (Acharya, 2008; Floyd, 2007; Kerr, 2007; Peou, 2009). This holds true in particular for the broad 'freedom from want' school, which takes an all-encompassing view of human security, including human development aspects. The narrower 'freedom from fear' perspective emphasises direct violent threats to survival, be it from an authoritarian government, the police, rebels, or criminals.

Ideally, national and human security are complementary, yet there remain theoretical, analytical, and normative differences between state-centric neorealist approaches and those concerned with individual security (Kerr, 2007; UNDP, 1994). This article's notion of depoliticisation and its new category of 'ASEANisation', however, are able to bridge theoretically the Copenhagen School and neorealism to make them applicable for an analysis of human security threats.

Among the concepts developed by the Copenhagen School, the notion of securitisation is especially helpful in compensating for neorealism's somewhat narrow focus on traditional threats and inter-state relations. Many security threats

are constructs (or at least open to interpretation) and as such are affected by political, economic, social, cultural, and historical conditions (Buzan, Wæver, & de Wilde, 1998; Wendt, 1997). Not least among these are the perceptions and rationalisations of the governments, which remain the key actors in the securitisation process, as they possess the main "capabilities to make securitisation happen" (Floyd, 2007, p. 41). Although civil society groups play an increasingly prominent role in shaping the security discourse, due to their lack of the crucial political capabilities, their efforts are only a securitisation move. The Copenhagen School's realistic assessment of the dominance of state actors in the securitisation process is therefore in fact an analytical strength. Criticism of its analytical closeness to neorealism is thus only partly justified (cf. Booth, 2005; Williams, 2003).

A crucial amendment this article proposes to the Copenhagen School is the notion of depoliticisation – which must not be confused with the School's view of nonpoliticisation (Buzan, Wæver, & de Wilde, 1998, p. 23). It argues that the South-East Asian securitising actors regard human security challenges as genuine *security and political* threats. Therefore they do not desecuritise but depoliticise it. Depoliticising a threat can objectify it in the sense that it ceases to be a subject of political discourse and is portrayed instead as a matter for expert resolution by executive order, often through means that are perceived as purely technical in nature (cf. Aras & Karakaya Polat, 2008). Rather than stressing the human rights and democratic aspects of human security, ASEAN puts emphasis on the provision of socioeconomic development, the eradication of poverty, the implementation of long-term reforms in the economic, social and education sectors and on the requirement of an inclusive but non-political dialogue with all stakeholders (ASEAN, 2007a, 2007b; Gerstl, 2009).[3] It is easier to achieve consensus for regional collaboration in matters construed as non-political, i.e. depoliticised, as they seem less imposing on sovereignty. In its depoliticised form, a policy or threat can still be part of the political and media discourse in a country.

Securitisation and depoliticisation are core categories for examining the security discourse in South-East Asia. This article agrees with Acharya (2006, p. 250) that securitisation and politicisation (or depoliticisation) cannot be regarded as "two

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3 Already in the human rights debate in the early 1990s, many South-East Asian governments emphasised economic and social rights. At the World Conference on Human Rights in Vienna in 2003, Indonesia, Singapore, and China argued that political rights are a luxury that can only be afforded at a certain stage of development. Beijing also stressed the right to development – in state-dominated East Asia a right of governments, not of individuals (Tatsuo, 1999).

neatly separate or distinct outcomes" or concepts, both are "essentially political". The same holds true for the category 'ASEANisation', introduced to take into account the political and normative regional context. Like depoliticisation, 'ASEANisation' is both a method and a deliberate political action. 'ASEANisation' is defined as the use of ASEAN values – national sovereignty, non-interference and the legitimacy of incumbent regimes – to limit the scope and sensitivity of human insecurity as a matter of discourse and policy. As the ASEAN Way has become contested in the last few years among the ASEAN members, a politically even more appropriate term is 'ASEAN-Way-framing', coined by Donald K Emmerson (personal communication, 21 December 2009). In this study, however, 'ASEANisation' remains the preferred term, referring solely to the *method* of framing a topic.

2.2. The South-East Asian Security Discourse:
State- and Regime-Centric Interpretations of Comprehensive and Human Security

The Copenhagen School's broad notion of security and referent objects that can be secured converges with the South-East Asian view – security is defined in comprehensive terms, including traditional and non-traditional threats. Yet, for an analysis of the shifting perception of security in South-East Asia, it is essential to take into account not only that security threats can be politically constructed (or at least exaggerated or downplayed) by the securitisers but also the region's state-centric security culture (Dosch, 2008, p. 74; Rüland, 2005, pp. 559-560; Smith & Jones, 2008, p. 186).

This article claims that the governmental securitisers still regard comprehensive and human security primarily through "an established frame of reference" (Acharya, 2006, p. 249; Caballero-Anthony, 2004, pp. 160-163): neorealist state-centrism and regime legitimacy, enshrined in the ASEAN Way with its emphasis on sovereignty, non-interference and consensual decision-making. Despite the magnitude of non-traditional threats and the trend towards increased multilateralism in South-East and even North-East Asia since the early 1990s, neorealist approaches still describe the power relations and perception of security in the region very well (Bellamy, 2004; Dosch, 2008, p. 74; Rüland, 2005, pp. 559-560; Smith & Jones, 2008, p. 186). The governments pursue power politics, based on a neorealist interpretation of politics.

The ASEAN principles of sovereignty, territorial integrity, and non-interference in domestic affairs have enabled the regimes to pursue their nation building and socioeconomic development programs. Being the key to their legitimacy (Gerstl, 2008, p. 120), the latter are closely interlinked with security (Acharya, 2008, p. 501; cf. Dosch, 2008, p. 76). The security challenges the regimes face have therefore become increasingly complex, in particular in times of economic crises. Underdevelopment, poverty, legal and illegal migration, urbanisation, the spread of epidemics, organised crime, terrorism and environmental degradation, though, do not only threaten states but individuals.

As a policy response, the South-East Asian governments already before the end of the Cold War gradually adopted the concept of comprehensive security (Caballero-Anthony, Emmers, & Acharya, 2006; Rüland, 2005). Though, in South-East Asia, the preponderance of sovereignty, non-interference and regime legitimacy strengthens the state-centric dimension of comprehensive and even human security (cf. Caballero-Anthony, 2004, pp. 160-163). Amitav Acharya highlights the political dimension, arguing comprehensive security was

> developed and propagated by governments and the policy community in Asia (except in Japan, where the concept originated) primarily as an instrument of regime legitimization and survival, by making the governments of day appear to be seriously concerned with challenges other than military threats, primarily poverty and underdevelopment (Acharya, 2006, p. 249).

Consequently, there exist conceptual and political tensions between human and state security in South-East Asia. Insofar as a priority on human security implies an agenda that features human rights and democracy, it can clash with the preoccupation of South-East Asian regimes with their own stability, often rationalised and discursively presented as national security (Caballero-Anthony, 2004; but cf. Chandler, 2008). National and regime security, which are distinct in the developing world, are however often portrayed as inseparable by the elites in the Third World.

In retrospect, the AFC – like the SARS epidemic in 2003, the tsunami in 2004 and Cyclone Nargis in 2008 – acted as a crucial catalyst for the promotion of a more people-oriented notion of security (Emmerson, 2008b, pp. 62-64; Dosch, 2008). These incidents illustrated that communities and individual citizens can be more affected by economic, social, environmental, or political crises than the state and regime. They have also uncovered the deficiencies of ASEAN's "reactionary regionalism" (Beeson,

2003, p. 251). In 1997, no political or economic structures existed to effectively cope with the AFC that affected major parts of East Asia. On a positive note, the crisis eventually triggered the democratisation of Indonesia, which country evolved into a leading advocate of human security.

Aware of the necessity of resolving human security threats in order to guarantee their legitimacy and of the shortcomings of the ASEAN Way for their effective resolution (ASEAN Eminent Persons Group, 2000), the ASEAN regimes announced in October 2003 their far-reaching plans for an East Asian Community by the year 2015 (initially by 2020), based on an economic, (political) security, and socio-cultural pillar (Bali Concord II). The political-security community subscribes to comprehensive security, yet highlights sovereignty and non-interference. Accordingly, the Bali Concord II (A, 2) rejects the idea of creating "a defence pact, military alliance or a joint foreign policy". The official objective, confirmed in the Vientiane Action Program (2004) and the ASEAN Charter (2007), is to transform ASEAN into a more people-oriented, inclusive, caring and sharing community.

Yet, the ASEAN Charter, signed in November 2007 and in force since December 2008, illustrates that human security still largely remains to be "found along the margins of subaltern security discourses" (Caballero-Anthony, 2004, p. 158). It falls short of promoting or even clearly defining human security (Dosch, 2008; Emmerson, 2008a). Due to the lack of consensus among the member states, it also does not unambiguously endorse democracy and human rights. The Charter reiterates the creation of the long discussed human rights body, but remains unclear about its functions (ASEAN, 2007a, Art. 14). The fifteenth ASEAN summit in Thailand in October 2009 institutionalised the ASEAN Intergovernmental Commission on Human Rights (AICHR). In the near future, though, it will resemble a tame tiger, domesticated by politicians and bureaucrats (one from each member state) rather than unleashed by civil society representatives (Ashayagachat, 2009). Consequently, South-East Asian civil right groups such as the ASEAN People's Assembly (APA) and the Solidarity for Asian People's Advocacy (SAPA) have been highly critical of these shortcomings (Collins, 2008; Dosch, 2008; SAPA, 2006).

The reason why ASEAN is so cautious in promoting human security is that this concept has a strong political and democratic connotation (Acharya, 2008; Kerr, 2007). Although its human security concept is still a work in progress (Emmerson, 2008a), it

is likely that the organisation will in the foreseeable future further stress the state-centric and the non-political dimension, e.g. economic, social, educational, and health aspects. An illustration of the depoliticisation and 'ASEANisation' approach is Article 1, Paragraph 7 of the ASEAN Charter. It lists the strengthening of democracy and human rights among its purposes, yet under the caveat of paying "due regard to the rights and responsibilities of the Member States of ASEAN". Applying the theoretical framework of securitisation, depoliticisation and 'ASEANisation', outlined in chapter 2.1, the next part will examine whether the Association's anti-terror policies are able to promote human security – and what kind of version.

3. ASEAN's Counter-Terrorism Policies

3.1. The Terrorist Threat in South-East Asia: The 'Second Front' in the 'War on Terror'

Only after the terrorist attacks on the World Trade Center and the Pentagon on 11 September 2001 (9/11), did terrorist threats from and within South-East Asia come into the global spotlight. The Bush administration started to view the region as the 'second front' in its 'war on terror'. It feared South-East Asia with its weak states, history of political violence, high levels of poverty, and porous borders could become a safe haven or at least a region "of convenience" for al Qaeda and other terrorist groups from the Middle East, Afghanistan, and Pakistan (Abuza, 2003a, p. 135; Tay, 2003, pp. 97-98). Indeed, already in the early 1990s al Qaeda had strengthened its networks with national and local South-East Asian terrorist groups such as Jemaah Islamiyah (JI) or the Moro Islamic Liberation Front (MILF) (Abuza, 2005, pp. 38-39; Acharya & Acharya, 2007, pp. 76-78; Desker, 2003, pp. 420-423; Gunaratna, 2007, pp. 423-427; Jones, Smith, & Weeding, 2003, pp. 444-450). All in all, over the last several years political Islam in South-East Asia has increasingly become radicalised and transnationalised (Abuza, 2003b, p. 4).

Even though terrorism has figured on ASEAN's political agenda since the mid-1990s, prior to 9/11 this threat had not promoted a deep common response. The main reason is that ASEAN was – and still is – confronted with other, more strategic challenges. Foremost among them was to prevent a possible power struggle in East Asia after the end of the Cold War. Thus the Association was keen to engage Japan and China in new multilateral structures, e.g. the ASEAN Regional Forum (ARF) and the Asia-

Europe Meeting (ASEM) (Gerstl, 2008, pp. 121-122; Khong, 1997; Leifer, 1996). Today, a core strategic necessity for ASEAN is to engage India and the US more effectively in the regional structures and to ensure the organisation's predominance in regard to institution-building, especially as Australia and Japan have promoted their own plans for a new institutional architecture.

Only at first glance has the Bush administration's labelling of South-East Asia as the "second front" in the "war on terror" ever seemed appropriate (Gershman, 2002; Hamilton-Hart, 2005). Indeed, al Qaeda had strengthened its regional networks in the 1990s and due to its transnational and anti-Western ideology, the Indonesian JI posed – and still poses – a threat to the wider region. The group aims to establish an Islamic caliphate, encompassing parts of Indonesia, Malaysia, Singapore, Brunei and the Philippines. Similar to al Qaeda, it is organised in loose, transnational networks. At the end of the 1990s, these so-called *mantiqis* were active even in Australia (Abuza, 2005, pp. 43-54). After 'Bali', the intensified collaboration of the Indonesian police and law enforcement agencies with their regional and Western counterparts and a new transnational focus of national counter-terrorism policies in South-East Asia in general have yielded concrete results (Chow, 2005, pp. 302-303; Jones & Smith, 2006, p. 196; Jones, Smith & Warding, 2003, pp. 443-444). Prominent examples are the arrest, trial, and execution of the Bali bombers in 2008 and the killing of Noordin Mohamad Top, a key JI organiser, in September 2009. The constant murder of innocent people has also eroded JI´s support base (Emmerson, 2009). Internal JI disputes about the legitimacy of violence have further weakened the movement (Australian Department of Defence, 2007, pp. 35-37; Chalk & Ungerer, 2008, p. 11;). Despite all these efforts and achievements, JI has managed to commit further terrorist attacks in Indonesia, e.g. on the Marriot hotel in Jakarta in 2003 or in Bali in 2004. The terrorist attacks on the Marriot and Ritz Carlton hotels in Jakarta in July 2009 illustrated once again that terrorism still imperils parts of South-East Asia.

Yet, there remain distinct differences from the 'first front'. Unlike in the Middle East or Western Asia, Islam has in South-East Asia been traditionally regarded as far more moderate. In the past, radical Middle Eastern groups struggled to popularise their rigid form of Islamism. Amitav and Arabinda Acharya (2007, p. 79) thus claim: "Southeast Asian groups would renounce violence and focus on political means as long as the end result is the establishment of an Islamic state or the implementation

of Islamic jurisprudence." Another important difference to the Middle East is that, despite the anti-US sentiments of many South-East Asian citizens, in particular during George Bush's presidency, Washington's strategic preponderance is not contested among the political leaders. There are also no rogue states in the region that would sponsor terrorism.

Terrorism and political violence are neither a new phenomenon in South-East Asia nor have they been merely transplanted to the region by foreign groups (Chalk, Rabasa, Rosenau, & Piggeot, 2009, p. 1). Indonesia and Vietnam fought bloody wars for their independence. After their independence, Indonesia, Malaysia, Myanmar, the Philippines and Vietnam were threatened by Communist insurgencies, and in other parts of the region militant ethno-nationalist movements and domestic religious groups were active. While during the Cold War external powers such as the Soviet Union and China actively supported Communist rebels, political violence and terrorism today have home-grown causes. Foremost among them are poverty and underdevelopment, the economic and social marginalisation of ethnic or religious minorities, weak or nonexistent public institutions, and the lack of public participation and democracy in general (Gershman, 2002, pp. 61 & 68; International Crisis Group, 2005).[4] Radical Islamism thus offers an apparent alternative for disenfranchised parts of society. However, the Malaysian government, for instance, did not respond with political reforms to minimise legitimate criticism but portrayed even moderate Islamic movements as local partners in al Qaeda's terrorist network (cf. Abuza, 2005; Gunaratna, 2005). The strict application of the Internal Security Act against terrorists and harmless regime opponents alike has been criticised by NGOs (Human Rights Watch, 2005; Humphreys, 2009; Jordan, 2009).

3.2. Criminalisation, Depoliticisation and 'ASEANisation'

While after 9/11 Washington's political pressure to strengthen national and regional counter-terrorism policies was a crucial external driving force for deepening ASEAN's anti-terror efforts,[5] the transnational impacts of the Bali bombings in October 2002

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4   According to the Freedom House Index, only Indonesia qualifies as a "free" democracy, while the Philippines, Malaysia, Singapore and Thailand are regarded as partly free, Brunei, Cambodia, Laos, Myanmar, Vietnam as not free (Freedom House, 2008; cf. Köllner, 2008).

5   In the Declaration on Joint Action to Counter Terrorism of the Heads of State or Government in November 2001, ASEAN did *"unequivocally* condemn in the strongest terms the horrifying terrorist attacks" of 9/11 (ASEAN, 2001a; italics in original).

must be regarded as the main trigger (Jones & Smith, 2006, p. 196). Prior to the terror attacks on the popular island, Jakarta denied the existence of any terrorist threats in the country (Dillon, 2003, p. 4). In general, the domestic focus of the South-East Asian police and law enforcement authorities prevailed (Jones, Smith, & Werding, 2003, pp. 443-444). The bombings, however, illustrated to the international community the deadly danger of terrorism in South-East Asia or, to be precise, in parts of South-East Asia. Terrorism is a real threat, although, due to political interests of the regimes or other security actors, its dangers can be either exaggerated or minimised.

Crucial for the securitisation of a threat is, according to the Copenhagen School, whether the key decision-makers, e.g. politicians or the media, succeed in convincing a specific target group through a discursive 'speech act', i.e. speeches, declarations, articles, and concrete political measures (Acharya, 2006, p. 247), that a certain danger poses an existential threat to a specific referent object (Buzan, Wæver, & de Wilde, 1998; Emmers, 2007). The latter can be the state, the regime, the economy, society, the environment, or individuals. This article, however, asserts that the securitisation conception of the Copenhagen School would not be rendered excessively vague or meaningless if it were to include non-existential threats. One reason for this is that existential threats are subjective and even relative too. A terrorist attack in the vulnerable city-state Singapore, for instance, could cause existential damage, yet this would not necessarily be the case in a megalopolis such as Jakarta. Moreover, the majority of the South-East Asian governments are authoritarian regimes, thus they do already possess extraordinary powers. Therefore, unlike in the US, the United Kingdom or Australia, there was no political need for the South-East Asian governments to discursively portray terrorism as an existential threat in order to justify new legislative measures to limit certain individual rights in the 'war against terror' (cf. Wolfendale, 2007).

In the analysis of how ASEAN has securitised terrorism, this article regards the ASEAN leaders and the ministers of the interior and security affairs as the main security actors (cf. Emmers, 2003, p. 423). The 'speech act' consists of the ASEAN counter-terrorism declarations, the ASEAN Counter Terrorism Convention (ACTC), the ASEAN Charter, and speeches given by the former Secretary-General Ong Keng Yong. The referent objects that need to be secured are the state, the regime, the economy, society, and individuals (ASEAN, 2001a, 2007b). However, in the state-

centric South-East Asian region – as in the developing world in general – the often inseparable national and regime security have political priority for the elites (Acharya, 2006; Caballero-Anthony, 2004). The target groups the ASEAN leaders needed to convince about the requirement to collectively address the severe threat of terrorism were, first, their more sceptical counterparts. Mainly the Indochinese politicians were reluctant to deepen their national and the regional anti-terror efforts, due to a different threat assessment. Secondly, in Indonesia and other countries with a large Muslim population, the politicians had to demonstrate to this audience that neither the national nor the ASEAN counter-terrorism policies in general resemble Washington's narrow and unpopular anti-terror approach. Thirdly, the ASEAN security actors had to assure the international community, notably the United States, of their commitment to the global struggle against terrorism.

The discourse analysis of ASEAN's 'speech act' since the mid-1990s shows that the ASEAN leaders have made a realistic assessment of the different threat perceptions and counter-terrorism capabilities of the member states. The declarations prove that the organisation is aware of the complex and concrete challenges terrorism presents to many South-East Asian societies. Nevertheless, ASEAN regards terrorism not as an existential but as a "profound" and "serious" threat to state, regime, economic, societal as well as international, regional and individual security (ASEAN, 2001a; 2007b). In particular Indonesia, Malaysia, Singapore, Thailand and the Philippines are endangered by terrorism and related criminal offences such as money laundering and weapons smuggling. Terrorism, however, is not a major concern for the Indochinese nations (United States Department of State Publication, 2009, ch. 2; Foot, 2008).

Consequently, as ASEAN's 'speech act' illustrates, terrorism is certainly neither a ubiquitous threat nor the core challenge ASEAN faces. In addition, the former Secretary-General Ong Keng Yong poses: "I believe that terrorism is not simply a security problem, as such it cannot be dealt with through coercive and punitive measures per se" (Chalk & Ungerer, 2008, ch. 5; Ong, 2007a, p. 19; cf. Ong, 2007b). Yet, although terrorism might have transnational effects, it is still mostly a threat that originates within the individual member states and affects primarily the individual societies. In light of the different threat perceptions and the key ASEAN principles of sovereignty and non-interference, the ASEAN states had "great incentive to be cautious and view the problem of terrorism in term of domestic, not region wide,

implications" (Chow, 2005, p. 320). Thus the regional counter-terrorism approach is necessarily built on the lowest common denominator and inspired by national rather than regional interests.

The political consensus ASEAN could achieve in order to deepen regional co-operation was, firstly, to securitise terrorism as a transnational crime (ASEAN, 1997, 1999, 2001a, 2004a, 2004b, 2005, 2007b, Art. II).[6] Yet there was no consensus for a regional definition of terrorism. In the ACTC, ASEAN only makes references to the respective United Nations conventions, highlighting the criminal dimension of terrorism (ASEAN, 2007b, Art. II; cf. Acharya & Acharya, 2007, p. 75; Emmers, 2003, p. 429).

As a direct consequence of its 'ASEANisation' method – the contextualisation of a security threat or political issue under the principles of sovereignty, non-interference and regime legitimacy, ASEAN has subsequently depoliticised its anti-terrorism policies. Both depoliticisation and 'ASEANisation' (or ASEAN-Way-framing) aim to depoliticise a securitised topic, thus they must be regarded as highly political acts – a politicisation as defined by the Copenhagen School (Buzan, Wæver, & de Wilde, 1998, ch. 2; Emmers, 2007, pp. 111-115). In the realm of counter-terrorism, a depoliticisation seems to be necessary in South-East Asia to establish an efficient framework for bi- and minilateral co-operation, both among the ASEAN members and with outside partners such as the United States and Australia (cf. Wright-Neville, 2003). Depoliticisation means that a formerly politicised issue is now primarily regarded as a security threat that is best dealt through non-political, technical measures. Contradicting the claim of the Copenhagen School, securitisation can lead under certain circumstances to a depoliticisation – and a more promising way to resolve a concrete threat. Under this non-political framework it can still be discussed in the parliament, the media, or the public in general, yet the focus lies on the concrete, technocratic methods for conflict resolution. Yet, from a normative point of view, depoliticisation and 'ASEANisation' raise serious concerns, as there is no genuine public political debate about the counter-terrorism approach.

This depoliticisation strategy is also evident in regard to ASEAN's treatment of (political) Islam. As Islam plays a regime-legitimatising role in Malaysia and Brunei,

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6 In the section "Transnational Issues", the ASEAN website lists, among "Environment" and "Drugs", "Transnational Crime and Terrorism" (http://www.aseansec.org/4964.htm).

and Muslims constitute either the majority of the population (Indonesia, Malaysia, Brunei) or at least a strong minority (Philippines, Thailand, Singapore) in certain countries, most governments also had to respond to the religious and political sensibilities of their Muslim citizens. A clear pattern in ASEAN's 'speech act' is that it stresses, in accordance with its multilateralism credo, the key role of the United Nations in the global struggle against terrorism. Another implicit criticism on the US 'war on terror' is the argument that terrorism cannot be associated with a particular culture or religion. Consequently, ASEAN recommends a broad and inclusive intra-religious and intra-cultural dialogue on a regional and global level (ASEAN, 2001a, 2002b, 2007b).

Especially after 9/11, the Bush administration has been criticised for equalling terrorism with Islam. Thus counter-terrorism collaboration with Western nations in general was regarded with distrust, possibly alienating large parts of the South-East Asian citizenry from their regimes (Cheng, 2006, p. 97; Tay, 2004, p. 119). This despite the fact that, initially, Washington aimed to keep a low profile, supporting its partners in capacity building and with information and intelligence sharing rather than deploying troops (Cruz De Castro, 2004, pp. 198-199; Richardson, 2001). ASEAN's counter-terrorism pact with the US from August 2002 mirrors these aims (ASEAN, 2002a). Instrumental for the closer collaboration between the US and key countries such as Indonesia and Malaysia was that America downplayed its criticism of human rights violations in South-East Asia (Grabowski, Herold, & Jordan, 2009, pp. 197-203; Ottendörfer, 2009, p. 149).

In September 2002, however, the United States proclaimed the Bush Doctrine that stressed the "right" of the US to conduct pre-emptive strikes against alleged terrorist bases in foreign countries (The White House, 2002, pp. 15-16). This doctrine amounts to a clear violation of the principles of sovereignty and territorial integrity – and thus International Law. As large parts of the South-East Asian population became increasingly critical of the US due to the war in Iraq and the perceived anti-Muslim bias of Washington's policies in general, Jakarta and Kuala Lumpur, unlike Singapore and Manila, had to publicly downplay their increased co-operation with the US (Tay, 2004, pp. 119-123). At the end of 2003 Washington started to subscribe to ASEAN's comprehensive and less militaristic counter-terrorism approach. In general, "(t)he Bush administration's approach to Asia did not deviate significantly from the historic

principles of U.S. Asian strategy" (Cossa et al., 2009, p. 14). However, due to the global 'war on terror', in particular the invasions of Afghanistan and Iraq, and Washington's continuing support for Israel, till the election of Barack Obama as US president in 2008 a critical perception of the US policies towards South-East Asia among the broader public prevailed (S Leong, personal communication, 9 December 2008). Under Obama, who has spent his childhood in Indonesia, the US has signed the Treaty of Amity and Cooperation (TAC) which signalled a new commitment towards multilateralism. As yet, Washington has still to fulfil its policies with concrete actions.

3.3. Realism and Pragmatism: The Creation of a Legal Regional Framework for Bi- and Subregional Counter-Terrorism Co-operation

Since the Bali bombings in 2002, ASEAN's process of strengthening regional counter-terrorism collaboration has become more structured and formalised. The organisation held a series of ministerial, senior diplomat, and other expert meetings to foster transnational co-operation. In this regard, the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), consisting of the ministers of the interior, the chiefs of police and drug experts, played a crucial steering role.

Politically, ASEAN has since 2002 concentrated on establishing a regional, legally-based framework to harmonise the national counter-terrorism laws as base for bi- and minilateral co-operation (Millar, Rosand, & Ipe, 2007, p. 8; Nathan, 2003, p. 256; Ong, 2007a, p. 19; Rose & Nestorovska, 2005, p. 167;). The Philippines, Malaysia and Indonesia, for instance, have in 2002 agreed to upgrade their anti-terrorism collaboration and increase intelligence sharing; in 2003, Thailand, Cambodia and Brunei joined this mechanism (Acharya & Acharya, 2007, pp. 83-84; Dillon, 2003). Yet Singapore, which possesses the most sophisticated counter-terrorism capabilities in the region, is still hesitant to share sensitive data with regional partners regarded as less reliable. This behaviour illustrates the need for increased confidence-building and a further depoliticisation of national counter-terrorism policies (cf. Wright-Neville, 2003, p. 6). An example for the latter is how Singapore and Indonesia deal with the spread of so-called "wrong ideologies" or a "distorted view of Islam" (Allard, 2009). Role models for the re-education of terrorists that ASEAN proposes are Singapore and Indonesia, which have implemented correction and re-education programs. In

both countries, civil society organisations play a strong role in engaging convicted terrorists and their families and communities in a broad dialogue that also includes communal and spiritual leaders (cf. Azra, 2003, pp. 53-55; Jones, 2009).

The major achievement of ASEAN's struggle against terrorism and in the promotion of respective regional co-operation is the ASEAN Counter Terrorism Convention of 2007. The ACTC is a binding convention, although it is not yet in force. Even after a successful ratification process (so far only Singapore and Thailand have ratified it) the instruments identified in the ACTC to deepen regional co-operation, e.g. mutual legal assistance in criminal matters and even the possible extradition of terrorist suspects (Art. XIII), are not strong enough to prevent and suppress terrorist acts. Overall, Malaysia's criticism is justified: Most of the ACTC's aims and instruments only mirror provisions made in the respective UN counter-terrorism conventions. The majority of the ASEAN members, however, have not signed or ratified these conventions (Chalk & Ungerer, 2008, p. 41). Realistically, the ACTC's focus lies once again on improving national counter-terrorism capabilities. As Zachary Abuza (2003c, p. 192) points out, "The real problem with multilateral efforts is that successful multilateralism must be built upon the foundation of a strong and effective domestic legislation and enforcement capacity".[7]

The areas that need to be addressed with more rigour are according to ASEAN (2007b) itself an agreement on a common list of terrorist groups and individual terrorist suspects, stricter border control mechanisms, increased regional policing, the exchange of passenger data and the prevention of counterfeiting identity papers and travel documents. Efforts to prevent the financing of terrorist groups and money laundering have also been highlighted. Notably the traditional informal Islamic money transfer system (*hawala*), also widespread in South-East Asia, is difficult to control (Abuza, 2003c, pp. 172-183; Ramakrishna, 2005, pp. 149-150).

Border insecurity in South-East Asia with its negative impacts on terrorism and illegal migration, in particular via Indonesia, is also a major concern for Australia. Canberra has thus further deepened its collaboration with Jakarta, providing financial support and technical advice for the Indonesian military and police as well as training for legal and financial specialists (Chalk & Ungerer, 2008, pp. 35-42). Due to

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7   To strengthen national capacities through regional training and capacity building programs is the mission of the Southeast Asian Regional Centre for Counter Terrorism (SEARCCT), established in Kuala Lumpur in 2003. Yet the SEARCCT it is still under-resourced.

the increase in illegal immigrants from Sri Lanka and Afghanistan to Australia since 2009, the Rudd government, facing an election at the end of 2010, has strengthened its respective policing and military co-operation with Indonesia. In general, Canberra has returned under Rudd to emphasising policing in its counter-terrorism policies. The conservative Howard government preferred a hard power approach, mirroring the policies of its key ally Washington (cf. Pickering, McCulloch, & Wright-Neville, 2008). The widespread perception of Australia as the US's deputy sheriff, however, limited Canberra's influence in South-East Asia (Cruz de Castro, 2004, p. 210).

Border security and money laundering are also challenges which the ASEAN Regional Forum aims to address. Another multilateral forum that has dealt with terrorism is the Asia-Pacific Economic Co-operation (APEC). Yet the Sydney summit in 2007 demonstrated the difficulty in getting such a politically diverse forum to implement strong common counter-terrorism measures (Gerstl, 2007, p. 87).[8] A less political and more informal approach, such as that which the Bush administration has pursued, is more likely to deliver results, in particular as "some ASEAN members are worried that the West-centric counter-terrorism agenda is forcing institutional change within APEC in favour of a more legalistic, formal framework", dominated by Western norms and procedures (Ogilvie-White, 2006, p. 12).

In regard to the deepening of regional counter-terrorism efforts, ASEAN's depoliticisation strategy has been instrumental and positive. The 'ASEANisation' method has on the one hand contributed to reaching a political consensus among ASEAN members and developing specific counter-terrorism measures, while on the other hand however it has proved an impediment to a credible and strong common counter-terrorism approach. An illustration is the ACTC's strict sovereignty clause (Art. III, IV and V) that enables a regime to declare national conflicts, even with potential transnational repercussions, to be purely domestic issues, thus preventing ASEAN from intervening (cf. Helmke, 2009, p. 5). However, read in a more positive light, the ACTC is at least a political signal of a more rule-based common counter-terrorism policy, although ASEAN has the power neither to enforce the ACTC norms nor to settle disputes among its members if different interpretations of the ACTC obligations arise (cf. Art. XIX). To sum up, the ACTC, emphasising state and

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8 On a technical level, APEC created in 2003 a Counter Terrorism Task Force which has proved successful. It monitors the implementation of national anti-terror efforts in the realm of trade policies and provides information to member states (Rosand et al., 2008, p. 17).

regime rather than individual security, is completely in line with ASEAN's overall understanding of comprehensive and human security.

4. Conclusion: ASEAN's Counter-Terrorism Policies as a Trigger for an 'ASEANised' and Fragmented Version of Human Security

Despite the increase in non-traditional threats in the last three decades, the South-East Asian governments still primarily regard the world form a neorealist point of view. Both comprehensive security and the evolving notion of a more people-oriented understanding of security have thus been 'ASEANised'. ASEAN's counter-terrorism policies reflect this state- and regime-centric view of security as well as the organisation's pragmatic, realist and voluntarist approach towards regional collaboration. In its policies, the Association does not go beyond the mandate of the member states. Even before 9/11, ASEAN was aware of the need to combat terrorism. The terror attacks on the World Trade Center and the Pentagon and in particular on the Bali nightclubs, though, were the main catalyst for a stronger anti-terror approach in South-East Asia. Due to the different threat perceptions and counter-terrorism capabilities of its members as well as political sensibilities in regard to the perceived anti-Muslim bias of Washington's 'war on terror', ASEAN's anti-terrorism efforts have not been translated into a robust regional approach: the organisation could only agree to securitise terrorism as a transnational crime. Consequently, it has depoliticised and 'ASEANised' its anti-terrorism policies, thus enabling its members to co-operate on a legal-technical rather than political basis. This achievement, however, can be only a first step in a more credible approach.

At this very moment, however, ASEAN's anti-terrorism objectives may not lack vision – but ambition. In all its declarations, ASEAN basically recommends only the signing and ratification of the 16 UN counter-terrorism conventions, the multilateral exchange of intelligence, the sharing of best practice models, and the strengthening of national police and law enforcement capabilities in general. Due to the differing levels of political will and the different capabilities to effectively combat terrorism in South-East Asia, it is highly unlikely that ASEAN will ever "qualify as an anti-terrorist coalition" (Dillon, 2003, p. 1) Therefore to allow an inner circle, notably Bangkok,

Jakarta, Kuala Lumpur and Singapore, to co-operate in more depth with each other and outside powers (consensus minus X) seems a promising concept.

In accordance with its comprehensive security view, ASEAN demonstrates in its 'speech act' that terrorism is in South-East Asia not only a security threat but in many countries reflects discontent due to underdevelopment, poverty, and a lack of education. Thus the Association acknowledges that a criminalisation of terrorism without considering the context of the problem is not sufficient to combat it. Thus, despite and precisely due to its depoliticised character, ASEAN's anti-terror policies can further trigger the notion of human security in the region, although this will also be an ASEAN-Way-framed and thus fragmented version, focused on the non-political aspects of human security. For instance, ASEAN might play down discontent with the lack of democracy and human rights as a potential cause for political violence and terrorism.

All in all, in its anti-terror declarations and the ASEAN Charter, the organisation emphasises the provision of socioeconomic development, the eradication of poverty, and the implementation of long-term reforms in the economic, social, and education sectors. ASEAN also stresses the requirement for an inclusive but non-political dialogue with all stakeholders (ASEAN, 2007a, 2007b; Ong, 2007b). Yet all these so-called people-oriented programs have a long-term focus on human development; human rights are not a major concern. Furthermore, as the Charter demonstrates, these initiatives are still primarily framed under state and regime security. ASEAN's counter-terrorism approach does therefore promote a piecemeal version of human security. However, as anti-terror politics are not the main strategic priority for ASEAN, counter-terrorism is only a weak catalyst for implementing an 'ASEANised' form of human security.

The reason for the restrictive interpretation of human security is that South-East governments are aware that the implementation of this concept could pose a risk to their regime stability. To depoliticise and 'ASEANise' human security might offer a short-term solution for the non-democratic regimes. Yet, due to their output logic, there is rising domestic political pressure to cope with these threats more effectively. As their civil societies have become increasingly active in promoting a more democratic and human rights agenda, it remains to be seen how long the regimes will be able to contain the unwanted democratic aspects of the human

security concept.

To conclude, while depoliticisation seems an adequate method for the deepening of counter-terrorism co-operation in South-East Asia, it is an inappropriate means for the strengthening of human security in this region, as is 'ASEANisation'. Even though many authoritarian regimes in South-East Asia and elsewhere may not want to acknowledge it, a true state of security can only be achieved by addressing both state- and people-centred security concerns with the adoption and implemention the holistic individual and democratic spirit of the human security concept.

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SEAS
SOUTH-EAST
ASIAN STUDIES

A Friend in Need. A Friend in Deed?
ASEAN-EU Interregionalism in the Light of
Non-Traditional Security Crises in South-East Asia

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The aim of this article is to assess the European Union's (EU) engagement with and within the Association of Southeast Asian Nations (ASEAN) member states in the field of non-traditional security (NTS) between 1997 and 2009, prior to the Lisbon Treaty becoming effective. The analysis concentrates on the EU's response to five NTS crises and the interregional level of interaction from a sector-specific governance and social-constructivist approach. These crises are the avian influenza, the political conflict and the tsunami in Aceh, the Bali bombings and the Asian financial crisis (AFC) in South-East Asia. The case studies illustrate EU NTS action and gauge EU NTS actorness from a South-East Asian perspective to substantiate the EU's interregional interaction and external actorness quality in specific fields of governance in a region so far away.

Keywords: *European Union (EU), Association of Southeast Asian Nations (ASEAN), Non-Traditional Security (NTS), Interregionalism, Actorness*

Dieser Artikel analysiert die Zusammenarbeit der Europäischen Union (EU) mit den Mitglieds-staaten der Vereinigung südostasiatischer Nationen (ASEAN) im Bereich nicht-traditioneller Sicherheit (NTS) zwischen 1997 und 2009, also noch vor Inkrafttreten des Vertrages von Lissabon. Fünf NTS-Krisen (Vogelgrippe, politischer Konflikt und Tsunami in Aceh, Bombenanschläge auf Bali sowie Asien-Finanzkrise), die Reaktionen der EU auf diese, sowie die entsprechenden Interaktionen auf der interregionalen Kooperationsebene stehen im Mittelpunkt der Analyse, welche einen sozialkonstruktivistischen und sektorspezifischen Governance-Ansatz verfolgt. Die Fallstudien legen die NTS-Aktivitäten der EU dar und bieten eine Einschätzung ihrer Akteursqualität aus südostasiatischer Perspektive. Des Weiteren wird versucht, die Qualität der interregionalen europäisch-südostasiatischen Interaktionen und der EU-Akteursqualität in ausgewählten Governance-Bereichen in einer derart weit entfernten Region darzustellen.

Schlagworte: *Europäische Union (EU), Vereinigung Südostasiatischer Nationen (ASEAN), Nicht-Traditionelle Sicherheit (NTS), Interregionalismus, Akteursqualität*

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Introduction

I believe that the EU and Asia, and ASEAN in particular, have continued to build upon a warm and enduring friendship, based on shared values and interests and common understanding. And I remain convinced, that over the longer term, the solid foundations of this lasting friendship may prove to have been a much better basis on which to construct a stronger future economic partnership, rather than a sudden whirlwind romance leading to a potentially equally quick and acrimonious divorce! (O'Sullivan, 2006, pp. 9-10)

Solidarity, partnership and friendship are among the many terms in the European Union's (EU) rhetoric towards the Association of Southeast Asian Nations (ASEAN). The question here is whether this rhetoric of amity translates into factual and tangible interaction of a true friendship[2]. Or are these merely flowery phrases that are actually not substantiated by EU agency beyond economically motivated action? Is the EU a friend in deed and not merely a friend in rhetoric?

To substantiate the EU's actorness[3] when South-East Asia is in need, the analysis will focus on a selection of distinctive cases of non-traditional security (NTS) crises in South-East Asia that have had a devastating impact prompting external assistance. The article will examine co-operation in the multilateral frameworks of the ASEAN-EU dialogue and the Asia-Europe Meeting (ASEM), and allude to other multilateral institutions where the two regional organisations and their member states meet, to draw conclusions on actual European NTS actorness and visibility and the interregional ASEAN-EU level of contribution to tackling the crises. The ASEAN member states constitute the sociological other of the EU's interregional interaction defining EU security actorness according to their security conceptualisation. This perspective is adopted by the article and serves as the reference point for measuring the EU's actorness. In this context, actorness is the EU's quality of having an impact on and shaping the ASEAN members' state of affairs. It goes beyond mere action and is linked to the visibility and general perceptions by the sociological other. The succeeding paragraphs will define other central concepts and provide the setting for the subsequent analysis.

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2 This term is to be understood as a rhetorical means and not as an ideal variable for gauging the relationship.

3 In this article the concept of 'actorness' is understood along the lines of Jürgen Rüland's definition, which identifies an international entity as displaying actorness if it is identifiable and if it can aggregate and formulate its interests and implement these in its decision-making.

Interregionalism

This article assumes Heiner Hänggi's definition of interregionalism as the classification of a group-to-group type of interaction associated with old interregionalism[4] (Hänggi, 2000, p. 4) and extends it to EU NTS interaction of today. This implies that the interregional actorness relates to both the EU as a political entity represented by either the member states in the intergovernmental Common Foreign and Security Policy or by the European Commission (EC) in conjunction with ASEAN member states. Interregionalism can be in the form of the intergovernmental European Security and Defence Policy (ESDP) representing the EU in the case of the Aceh Monitoring Mission (AMM) or on a supranational basis building on the EC's community competences such as in the shape of the Instrument for Stability or referring to the ASEAN-EU Joint Cooperation Committee. Since elaboration on the internal dimension of the EU's external policy-making in the following case studies would extend the scope of this paper, the author regards the interplay of the EU institutions and their involvement in the EU external policy-making procedures and the institutional problems associated with this process as given. In addition to the emphasis on the interregional dimension, the article will also take into account bilateral responses between the individual ASEAN and EU member states in order to contextualise the interregional activities.

Non-Traditional Security

In South-East Asia, alongside the importance of traditional military security, NTS is playing an increasingly important role in the light of the vulnerabilities of ASEAN member states to unconventional threats (Acharya, Caballero-Anthony, & Emmers, 2006; Caballero-Anthony, 2009; Dosch, 2003). NTS is a relatively new security concept that has been introduced to capture the broadening and deepening of the security and threat agenda after the end of the Cold War (Buzan, Waever, & de Wilde, 1998). It describes security related to any form of threat perception that is short of the traditional state versus state pattern. Accordingly, NTS threats have a diverse nature. For instance, they can be ecological, terrorist and pandemic among others. In theory,

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4 In general, old interregionalism is correlated to the first wave of regionalism linked to the European Community's trade and aid activities with regional groupings starting in the 1970s. For a detailed discussion of this form of interregionalism see, for instance, Hänggi (2006) or Söderbaum & Langenhove (2006).

NTS redefines the security referent and thus necessitates new non-military security approaches.[5] In South-East Asia the redefinition of the individual as the security referent is less prominent and Paul Evans explains

> *the resistance to connecting non[-]traditional security to human security is declining, though some remain worried that at least the narrow conception of human security is either inappropriate to Asia or will slow progress in getting state action in addressing the non-traditional security agenda. What is distinctive about many of the approaches to non[-]traditional security is (1) that they are ambiguous about whether the referent of security is the state or the individual and do not dwell on tensions between the two; and (2) that its advocates normally emphasi[s]e the state and state-centric means as the best ways of responding to these threats, normally preferring to address these issues within their own states rather than on a regional basis (Evans, 2004, p. 277).*

Despite the potential of NTS to shift the security referent focus away from the state towards the individual in society and to open possibilities of non-military or civil-military solutions, there still appears to be state- and military-centrism regarding NTS within ASEAN member states. Ongoing ASEAN member state rivalries and the "omni-enmeshment"[6] of external powers are among the prominent variables shaping a security environment in line with the realist paradigm of hard power and state centrality.

Given this security environment in South-East Asia that revolves around state-centrism and hard security, one may wonder what security role there is for the EU to play in a region so far from Europe.

The Non-Traditional Security Opportunity

NTS crises present an opportunity for the EU to play a stabilising role in the region. This role does not draw on hard power and strategic actorness in the narrow military sense. Instead, the EU assists, engages and achieves normalcy, security and stability predominantly through non-robust and civilian means that are not necessarily considered to be security instruments. Despite some EU scepticism towards the concept, NTS renders it possible for the EU to help ASEAN member states with its full panoply of assistance measures. These range from development and humanitarian assistance to military assistance and allow the EU to be perceived as a security actor by the other side, although the European perspective does not rate all ASEAN NTS

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5 This redefinition of the security referent and the general individualisation of post-Cold War security have been described in detail by Hoadley (2006).

6 A term coined by Evelyn Goh to characterise South-East Asia's security order, e.g. in Goh (2005).

categories as security threats (EU High Representative Javier Solana, 2003). Hence, one may observe that from a South-East Asian perspective the EU already naturally behaves in an 'identity-guided' way; that is, it acts as an NTS crisis manager according to a pacifist and co-operative rationale that is guided by the founding values of the EU itself (European Union member states, 2007, title V, article 1.1.4).

The Friends

The interregional partnership between the European Economic Community and the ASEAN member states dates back to the 1970s. During the Cold War, ASEAN showed great interest in the then European Community's integrationist, economic and external trade qualities. Back then the European Community seemed less interested in ASEAN. However, since Hans-Dietrich Genscher's inauguration as West Germany's Foreign Minister in 1974, the European Political Co-operation's external dimension went beyond the Middle East and discovered Asia, and with it ASEAN. The Asia Strategy of 1994 marked the EU's post-Cold War rediscovery of Asia and ASEAN. It was a comprehensive document that ranged from economic to political and security to cultural co-operation reflected in the various dialogue fora in which both regional organisations meet.

In spite of the multitude of newly initiated dialogue fora and the expansion of the agenda, the quality of the specific ASEAN-EU relationship had changed and become sidelined or rather a small puzzle piece in a pan-Asian approach. In the European Commission's (EC) document on South-East Asia of 2003, the EC explicitly stated that the "[p]olitical dialogue should, to the extent possible, concentrate on region to region subjects of interest and concern, leaving global issues to ASEM" (European Commission, 2003, p. 13). In addition to this, another critical aspect is that despite the advancement of the EU's relationship with ASEAN and its member states to a multi-sectoral and multi-dimensional friendship that echoes traces of a common lifeworld[7], one rightly wonders about the EU's true colours; not least, because of its

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7   Jürgen Habermas argues that the social actors who interact dialectically by seeking mutual understanding of the situation, intention, and action in order to agree to a reasoned consensus as the goal of the interaction must share a *Lebenswelt* (lifeworld). Habermas defines lifeworld as "the transcendental site where speaker and hearer meet, where they can reciprocally raise claims that their utterances fit the world (objective, social, or subjective), and where they can critici[s]e and confirm those validity claims, settle their disagreements, and arrive at agreements… Speakers and hearers come to an understanding from out of their common lifeworld about something in the objective, social,

nebulous way of expressing its normative and material interests.

The squabbles over Myanmar, human rights, and EU double standards have contributed to an obscure picture of the EU as a value-lecturing economic actor in the region (ASEAN member state official, personal communication, 21 November 2008). Self-proclaimed role concepts ranging from soft power to civilian power sometimes appear incongruent with the EU's external actions. EU officials themselves admit that the EU is not clear in its external relations. It is explained, however, as a necessary aspect for the EU's external relations in maintaining its international competitiveness on the one hand while living up to its values and normative standards on the other (EU official, personal communication, 16 February 2009).

The current Partnership and Cooperation Agreement negotiations with individual ASEAN countries – after the EU's interregional approach failed – verifies that the EU is indeed to some extent consistent in projecting its core founding values (ASEAN member state official, personal communication, 15 December 2008). However, these negotiations have also displayed the failure of the interregional dimension with ASEAN and an alleged increasing flexibility in wording on the EU side. This alleged flexibility in wording does not signify the corruption of the EU's core values but can be, for example, a different nuance in the formulation of EU values and principles (EU official, personal communication, 16 February 2009). Interacting with the EU remains a confusing experience from time to time. In general, the EU's external relations are a balancing act between interests and values and norms depending on the counterpart's bargaining power, the issue-area of the dialogue, the type of dialogue forum (e.g. bilateral versus multilateral), and other elements the discussion of which would extend the scope of this article. Important for this paper are not the individual elements but the mere premise that the EU considers that these materialist and ideational factors and their interplay to be vital in the EU's decision-making process for the outside world.

It appears that the official EU rhetoric of friendship and its insistence on ideational commonalities with ASEAN are more forced than natural. In spite of the EU's long-standing and comprehensive interregional relationship with ASEAN that

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or subjective worlds" (1987, p. 126). When communicating, the actors make truth or validity claims and refer to the common lifeworld as their source of justification. Depending on the degree of divergence of the lifeworlds, international actors will find it easier or harder to come up with a shared normative pre-understanding in order to establish an arena for meaningful interaction and a deep and long-term co-operation.

has managed to survive the Myanmar and East Timor issues and other cases of ideational disagreements, ASEAN-EU interregionalism has not progressed to a deep dialogue and channel of co-operation of major priority to either side. ASEAN's post-Cold War orientation has shifted mainly to the regional powers in its neighbourhood. In particular, China has been increasingly engaged in various bilateral, regional and sub-regional dialogue structures and co-operative projects. From the EU perspective, ASEAN and its member states have always lived in the shadow of others, be it African countries when it comes to the EU's development policy or be it, formerly, Japan and currently, India and China when it comes to the EU's external trade policy with Asia.

In the last decade, some ASEAN member states have found it difficult to cope with the various forms of NTS crises that have struck the region. These crises and, in particular, the tsunami of December 2004 have raised the EU's awareness of ASEAN and have displayed a niche where the EU as a latecomer can gain ground in the region. In fact, Evans has already observed an increase in both European Track 1 and 2 involvements in the region since 1996 (Evans, 2000). The EU's accession to ASEAN's Treaty of Amity and Cooperation (TAC), its non-strategic nature in South-East Asia, its emphasis on the soft security paradigm and its possession of humanitarian, civilian and crisis management capabilities with which it can face a broad spectrum of NTS threats make the EU, in theory, a suitable partner for ASEAN member states in this field. Moreover, NTS crises within ASEAN are ideal opportunities for the EU to provide assistance, display its multi-headed and -dimensional actorness, and exert influence as a new type of political and security actor and to demonstrate the real quality of this interregional friendship.

True Colours of a Friend

The EU is one of the most advanced regional organisations with regard to preparedness for transnational and NTS crisis scenarios. The following case studies will outline the EU's activities with and within ASEAN member states after NTS crises in South-East Asia and analyse whether the EU has managed to translate its NTS potential into tangible actorness.

Avian Influenza

In the case of a pandemic influenza or other communicable and pathogenic diseases the regional comparative studies on pandemic influenza preparedness suggest that the EU model of co-ordination with the individual national plans can be exemplary for other regions. Among others, the World Health Organisation (WHO) has been recommending the European model in terms of legislation, contingency planning, approaches to surveillance and veterinary services for the Asia-Pacific region (Coker & Mounier-Jack, 2006, p. 26). The WHO and others believe that the Asia-Pacific and other regions can learn from the European model and experience.

In 2003, an avian influenza outbreak threatened South-East Asia. The individual member states were affected differently and effective national responses were dependent on the degree of development of each member state. Regional co-ordination among the ASEAN member states was marginal in the immediate aftermath of the crisis. International organisations such as the WHO were vital in tackling the crisis. In 2006, the WHO established a Regional Pandemic Preparedness Plan to complement national poultry control plans as well as human epidemic plans. Until now, there are ASEAN member countries such as Vietnam which continue to experience this form of influenza (World Organisation for Animal Health, 2009). There are a variety of factors ranging from poverty to culture to political institutions that aggravate the containment of, fight against, and the development of preparedness for communicable diseases in the majority of ASEAN member states.

In the case of the avian influenza, the EU possessed the expertise and resources to provide assistance to affected ASEAN member states. In comparison to ASEAN member states' national activities that were mainly funded and supported by the international community, the EU's direct support to ASEAN member states in the form of EC and bilateral member state to member state assistance appeared to be more like a drop in the bucket (European Commission, 2008). Beyond the marginal amount of technical and financial assistance to affected ASEAN members (e.g. the study on gender aspects of the avian influenza crisis in Laos, Vietnam and Thailand; an EU experts' delegation and financial support to Vietnam etc.), the EU's main activities to support affected ASEAN member states were on the international level. The EC collaborated and continues to co-operate with various international partners

such as the WHO and other third parties on aid for South-East Asia concerning the avian influenza.

At the International Pledging Conference on Avian and Human Pandemic Influenza from 17-18 January 2006 in Beijing, the EU made available EUR80 million mainly to affected Asian countries. This amount was channelled through the Avian and Human Influenza Facility of the World Bank. So far, the EU has allocated approximately EUR413 million of the total international contribution of USD2.8 billion that is available for the international avian influenza crisis response (European Commission, 2008). Hence, the EU is the second largest donor.

This case shows that the EU has played a crucial financial role in increasing the level of preparedness within the ASEAN region and elsewhere in the world. The EU's involvement with helping South-East Asia predominantly takes place through the World Bank. This alleviates the EU's administrative burden and reinforces the EU's preference for multilateralism. However, being part of a bigger international coalition degrades the EU's actual visibility and actorness on site. Specific examples of EU actorness in the form of dialogue, the provision of expertise, bilateral financial assistance and research in the region has been limited. The EU's impact in combating the avian influenza has been virtually invisible for the South-East Asian counterpart.

Furthermore, this case shows that the EU did not take full advantage of its issue-specific expertise, financial capacity, and goodwill to project its level of regional preparedness into other regions. This is linked to many reasons such as the patchy nature of the crisis itself, which affected the ASEAN member states unevenly. In addition, the underdeveloped regional cohesion in the counterpart region also played an inhibiting role for interregional action and responses.

Development and Humanitarian Assistance

The oldest form of European NTS assistance, which is implied in the above case, has been the EC's and the EU member states' development policies which indirectly target NTS threats. They pre-empt and defuse potential outbreaks of NTS crises via tackling core vulnerabilities. In spite of the EU's and its member states' increased efforts of mainstreaming the development-security nexus in development policies, this "appears to be more of a conceptual battleground pitching the development

and security communities against each other" (Young, 2008, p. 422). For the EC's aid agency, EuropeAID, this linkage has not changed its primary objective, which is to achieve the Millennium Development Goals (MDG) and not security (EU official, personal communication, 17 February 2009). Arguably, the EuropeAID official refers to state-centric forms of security since the MDGs coincide with the concept of human security, which is a recognised security concept in the EU (European Council, 2008). This shows that the EU is struggling to strike a balance between its commitments to comprehensive security and the securitisation of policy sectors that an efficient response in South-East Asia demands. The programmes financed by EuropeAID provide a long-term dimension concerned with sustainable development and attaining the basal requirements for human security, eliminating the breeding grounds that contribute to NTS crises.

In addition to the EC's development assistance, there are also other communitarian non-security policy sectors that have specific external programmes and both indirectly and directly address the long-term dimension in the prevention of NTS crises. In accordance with the European Security Strategy (ESS) "in pursuing [its] strategic objectives[, the EU] applies … the full spectrum of instruments for crisis management and conflict prevention at [its] disposal, including political, diplomatic, military and civilian, trade and development activities" (EU High Representative Javier Solana, 2003). In rhetoric, the EU's development policy and other policy areas complement the goals of the ESS. This strategy paper and its follow-up document of December 2008 imply that the EU's comprehensive understanding of and approach to security is linking it with other non-security policy fields beyond the development-security nexus. From a European perspective, this does not signify a factual securitisation of the non-security policy fields but the recognition of the interconnectedness of achieving stability and security via a cross-sectoral approach.

For instance, the contemporary securitised debate on climate change has led to a linkage of climate change and international security whereas a decade ago environmental issues were mainly associated with sustainable development. In the environmental field, ASEAN and the EU have been active dialogue partners on this on both informal and formal levels such as within the ASEAN-EU Ministerial Meeting (AEMM) framework. By 1996, the ASEM dialogue framework provided a second channel to the ASEAN-EU dialogue forum, in which this topic could be discussed in a

wider Asian context between both sides.

At ASEM 2 in London in 1998, the Chairman's statement said

to take forward work in co-operation on environmental disaster preparedness including both short and long-term programmes, such as DIPECHO [Disaster Preparedness European Commission Humanitarian Aid Office], to strengthen environmental disaster management capacities in South-East Asia to enable countries to cope better with the threats posed by disasters affecting the natural environment including forest (ASEM member states, 1998, para. 22).

This statement indicates the EU's view that South-East Asian states are having difficulties managing natural and environmental crises. It emphasises the importance of the EU's apolitical DIPECHO programme, launched by the European Commission Humanitarian Aid Office (ECHO) in 1996, in increasing disaster preparedness in the region. Already since 1992, ECHO has been active in giving humanitarian assistance in South-East Asia and reducing the impact of earthquakes, floods typhoons, landslides, but, also of political conflicts in the region. The tsunami at the end of 2004 was such an event where within a week ECHO had its assistance mobilised and, seemingly, the EU has inverted its low interest in conflict-prone Aceh.

Tsunami and Political Conflict in Aceh

ECHO distributed financial assistance to UN agencies but also to non-governmental organisations that were on site. On the day of the tsunami, the EC immediately granted financial support to the International Committee of the Red Cross and activated the Community Civil Protection Mechanism which co-ordinated experts from various EU member states. Within the first weeks after the catastrophe, the EC allocated humanitarian assistance to the WHO, the UN Children's Fund and other big agencies. The financial contribution was co-ordinated by the UN's Office of Humanitarian Affairs to alleviate the suffering caused by the tsunami. By February 2005, ECHO had given EUR103 million for humanitarian assistance (European Commission Humanitarian Aid Office, 2008). By April 2005, the EC had activated three Rapid Reaction Mechanisms (RRM) for post-tsunami recovery. Alongside the immediate humanitarian responses, the EC also aimed for long-term sustainable recovery responses. The EC and the EU member states were leading financial contributors to the multi-donor trust fund (MDF) of EUR440 million (85 percent of the total budget for Indonesia's post-tsunami recovery was donated by the EU and its member states) for Indonesia's recovery

and an important expertise provider for sustainable reconstruction and increasing the early-warning capacity and general preparedness of Aceh (Delegation of the European Commission to Indonesia and Brunei Darussalam, 2009). The Delegation of the European Commission to Indonesia and Brunei Darussalam states

> *a total of €871.4 million has been provided and committed by the EC and EU Member States for relief efforts, reconstruction assistance and the peace process in Aceh. These contributions were provided through the MDF and direct bilateral aid through United Nations Agencies, Government of Indonesia and non-governmental organisations (Delegation of the European Commission to Indonesia and Brunei Darussalam, 2009).*

Here again, the EC's substantial financial contributions did not translate into the adequate proportional actorness visibility that one would expect given the amounts involved. Nevertheless, with regard to the EC's flanking projects and the establishment of the Europe House in Aceh, the EU was able to make its mark as a humanitarian and normative actor committed to the province. In fact, according to the perceptions study of the EU in Asia by the National Centre for Research on Europe in New Zealand, the Indonesian public was the only society in South-East Asia that perceived the EU as a normative actor and democracy promoter (National Centre for Research on Europe, 2006-ongoing).

Parallel to the tsunami recovery measures, the EC as well as Javier Solana were supportive of former Finnish President Martti Ahtisaari and the Crisis Management Initiative who brokered the peace negotiations and mediated a peace agreement between the two conflicting parties in Aceh (Schulze, 2007, p. 5). The EC funded the mediation between the Free Aceh Movement (GAM) and the Government of Indonesia (GoI) as well as the Initial Monitoring Presence of the ESDP in Aceh.

The tsunami compelled the GoI to welcome humanitarian aid from outside, which among other factors facilitated the mediation process between the GAM and the GoI leading to the AMM implemented by the ESDP and five ASEAN member states. The tsunami provided the opportunity for the EU to distinguish itself as a global NTS player in response to the natural and political crises in Aceh.

The political conflict in Aceh presents a different case to the previous examples of EU NTS crisis actorness in South-East Asia due to two distinct features. First, the AMM drew on the intergovernmental ESDP instrument. Second, it was launched in response to man-made violence, namely an ethno-political crisis of thirty years with

various impacts. Since the end of the Suharto administration there were two attempts at peace-talks and ceasefires prior to the EU's engagement and both failed. In 2000, the Switzerland-based Henri Dunant Centre negotiated a humanitarian ceasefire and in 2001, the Indonesian Parliament passed a Special Autonomy Law for the territory. This legislation allowed Aceh to manage a considerable extent of its own affairs and defined a greater share for Aceh of natural resources revenues. Despite these developments GAM and the security forces continued to make individual attacks. In a second attempt to stop the violence the Henri Dunant Centre mediated the Cessation of Hostilities Agreement between the GoI and GAM on December 9, 2002. Its implementation was monitored by delegates from Thailand and the Philippines. Both ceasefires negotiated by the Henri-Dunant Centre were brittle and did not work since they lacked the genuine support of the antagonists. On the GAM side, the ceasefires were only welcomed for the purpose of recovery. On the GoI side, the Indonesian military and the security forces did not have an interest in creating peace with the 'terrorists' and had managed to contain GAM activities over two decades.

In comparison to the previous peace processes, the advantage of the AMM was that it was based on an actual Memorandum of Understanding (MoU) that had been agreed to by both parties to the conflict as the basis of action. The mandate was clear and designed to

> *monit0r the demobilisation of GAM and monitor and assist with the decommissioning and destruction of its weapons, ammunition and explosives; monitor the relocation of non-organic military forces and non-organic police troops; monitor the reintegration of active GAM members; monitor the human rights situation and provide assistance in this field in the context of the tasks set out in points (a), (b) and (c) above; monitor the process of legislation change; rule on disputed amnesty cases; investigate and rule on complaints and alleged violations of the MoU and establish and maintain liaison and good cooperation with the parties (Council of the European Union, 2006, para. 5.2).*

This then became the basis for the European Council's Joint Action. The mission has been completed and is considered to be a success since the mandate had been implemented in all its aspects to a more or less satisfying extent.[8] Most importantly, there is still peace in Aceh and the region is undergoing a democratic transformation with the first parliamentary elections in 2009.

The case of the AMM is different from the previous cases because it shows the EU as the essential actor in operationalising and implementing the MoU in an impartial

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8   For a detailed assessment of the individual tasks please read Schulze (2009).

manner and thus effectively addressing an NTS crisis within an ASEAN country. The impact of the EU during the course of the crisis is clear and of high significance post-MoU. The AMM is the first case of the EU having drawn on its specific ESDP toolkit and sending civilian troops to South-East Asia whereas in the cases of the pandemic and environmental external co-operation, the EC has been the main force behind the EU's action. These previous NTS issue-specific cases show that the communitarian measures have been mainly in the form of verbal support through dialogue and financial and technical assistance. The AMM shows a different facet of EU actorness in South-East Asia because the EU deployed intergovernmental civil-military staff and capabilities to implement peace.

The success of the AMM and the clear contribution of EU NTS actorness would have been less likely had there not been several transnational and NTS crises in the South-East Asian region. These crises have paved the way for this engagement by contesting the utility of upholding the principle of non-interference so cherished by ASEAN states. In 1997, following the coup d'état in Cambodia, Acting Prime Minister Anwar Ibrahim raised concerns about ASEAN's adherence to the non-interference principle. He argued that in a time where national problems can spill over onto the regional level there should be a change of principle towards constructive intervention (Haacke, 1999, p. 582). However, Anwar Ibrahim did not receive any support from other ASEAN members. In June 1998, Thai Foreign Minister Surin Pitsuwan received more support in his reassessment of the non-interference principle but could not weaken Suharto's influence and hard stance on this matter (Haacke, 1999, p. 582). Nevertheless, these instances show that prior to the tsunami a marginal, but nonetheless significant, erosive process of the principle of non-interference has set in.

Asian Financial Crisis (AFC)

The case of the AFC[9] was the key transnational and NTS crisis which had devastating economic and financial effects on ASEAN markets and led to the above critical self-reflection of some ASEAN member state officials on how the contagious effect of

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9   The AFC can be considered as an NTS crisis in the broadest sense with regard to the current global financial meltdown and the rising prominence of the concept of financial security. Since the incidence of the AFC, financial security has become an acceptable concept exhibiting the tight enmeshment of the socio-economic and security fields. Despite its socio-economic categorisation, the AFC and the international financial crisis (IFC) of 2009 illustrate that financial security is a concept linked to human security and the stability and security of a political entity.

the crisis could have been mitigated. This implied an increasingly critical view of the normative core of ASEAN's *modus operandi*. The ASEAN way of intra-mural co-operation and, in particular, the principle of non-interference were questioned in connection to the transnationalisation of stability issues and security threats.

The AFC broke out in Thailand and became a contagious implosion of the financial markets throughout the South-East Asian and the wider East Asian region. In response to the crisis and complementing national, regional and international efforts, the EC and its member states channelled USD154 billion through international financial institutions (IFI) to support the affected countries (Brittan, 1999, p. 492). This amount accounted for 18 percent of the total sum that was allocated to IFIs. Only Japan provided more financial help in this crisis (Brittan, 1999, p. 492). Another East Asian power that contributed to the recovery was China. Its assistance was less financial and it continued to threaten South-East Asia on territorial matters in the case of the Spratly Islands, but by not devaluating its currency it played a major role in upholding a certain degree of stability of the markets in the region (Bowles, 2002, p. 239).

Despite the EU's major financial contribution through the IMF, concrete EU or ASEAN-EU initiatives were scarce. The crisis occurred at a time when ASEAN-EU interregional dialogue and co-operation were at a low-point because of Myanmar's accession to ASEAN in 1997. Alternatively, ASEM provided a channel of communication for the two sides to meet. At ASEM 2, the EU came up with the ASEM Asia Financial Crisis Response Trust Fund, a European Financial Expertise Network and a trade and investment pledge (ASEM member states, 1998). Furthermore, the Kobe Research Project was initiated at the third ASEM Finance Ministers' Meeting on 13-14 January 2001 in Kobe. In spite of these European signs of solidarity with ASEAN countries and others in the region, these activities appear to be little more than a drop in the bucket. Indeed, the EU has provided considerable financial support, but the IMF and the World Bank have been the visible actors. These organisations' actorness is borne by the international community's financial contributions and thus also by the amount given by the EU and its member states. EU-associated assistance and impact was visible only in relation to the ASEM framework. However, in this connection, the Asian side considered the ASEM-related activities marginal because the EU's visibility was limited by the World Bank's administrative control over the ASEM Asia Financial Crisis Response Trust Fund I and II. 'Brand EU' as a financial security and stability

payer in the region cannot be shaped if the EU contributors are only marginally involved in Fund projects and are non-visible on site and only receive reporting.

Conclusively, the major visible actors which have influenced the recovery phase were the IMF, the East Asian neighbours, and the national authorities within ASEAN. The latter have played a very important role in creating post-AFC national financial preparedness and resilience. This post-crisis resilience in many affected ASEAN member states was facilitated and conditioned by the IMF. However, it was the protectionist measures of national authorities such as the Malaysian Government that among other reasons contributed to the relative low-key impact of the global financial crisis in 2008 within ASEAN countries (Asian Think Tank representative, personal communication, 10 November 2008). The AFC clearly displays, yet again, that in cases of regional crises in a specific sector of governance and of international concern the EU deems it appropriate to act within the issue-specific multilateral and international framework concerned.

So far, this paper has elaborated on the EU's post-crisis security impact on NTS cases in the broadest sense where, due to the policy sectors, the EC has been identified to be the major force behind EU actorness. This indicates that the EU and its member states are *de facto* on the right path in mainstreaming security and providing a comprehensive toolkit for NTS responses to South-East Asia.

In view of the European Council being the major body for external security and stability in the form of the EU's foreign and security policy, additional cases of an EU intergovernmental response to that of the AMM can shed more light on both the specific role competences as well as the interplay between communitarian and intergovernmental NTS instruments. In this paper, the AMM has been the only case elaborated, where the European Council played a crucial security role. The following and final case study will highlight another NTS case dealt with by national authorities and the intergovernmental mode of response. The next example is the impact of the Bali bombings on October 12, 2002.

Bali Bombings

Terrorism and extremism have been brought to the top of the international and interregional security agenda since the September 11 terrorist attacks. In spite of

the USA having dubbed South-East Asia as its Second Front on its War on Terror, the ASEAN member states did not want to succumb to American pressure and face any intrusion upon their national prerogative to combat terrorism and extremism. Furthermore, the terrorist threat within individual ASEAN states has been regarded as an ethno-nationalist concern (Acharya & Acharya, 2007, p. 80). The Muslim-dominated societies of Malaysia and Indonesia were initially reluctant to be part of the Second Front:

> *Notwithstanding their sensitivity about the US role in regional counterterrorism efforts, ASEAN members such as Malaysia and Indonesia have been receptive to US assistance that does not involve direct US military engagement. After Malaysia's initial misgivings about the RMSI [Regional Maritime Security Initiative], which it saw as a pretext for US enforcement operations in Southeast Asian waters, it expanded cooperation with the United States and others... (Acharya & Acharya, 2007, p. 88).*

The Bali bombings in 2002 and President Bush's visit to Indonesia in 2003 were decisive in mitigating the resentments. Since then, the USA, Australia and a number of affected ASEAN member states have been active in co-operating on the fight against terrorism and extremism. Australia's engagement is not least due to its proximity to Indonesia and the high death toll of Australians in the 2002 Bali bombings, which left 202 people dead and 209 injured (Australian Federal Police, 2008). The impact of this attack increased securitisation in ASEAN countries and stimulated various intra-ASEAN and ASEAN member states-USA counter-terrorist co-operation projects addressing the strategic and operational dimension of the jihadist trend. The Philippines, Indonesia, Malaysia and Thailand became the main addressees of international counter-terrorist co-operation in South-East Asia (US official, personal communication, 4 December 2009).

In contrast to the USA and Australia, the EC and the EU member states have taken a less direct approach in counter-terrorist-related activities with ASEAN member states, such as efforts to improve border management and document security, interfaith dialogues, anti-money-laundering, and intelligence sharing within the frameworks of ASEAN-EU and ASEM. Any regional responsive action or declaration regarding the Bali bombings would fall under the umbrella of the European Council. In fact, one must admit that given the national centrality of counter-terrorism, the EC can, according to its restricted competence, only contribute minimal relevant funding and expertise provision and thus a truly interregional approach to this highly sensitive matter is

impossible and, in the light of the varying degrees to which ASEAN member states are affected, inadequate. The majority of tangible European counter-terrorist assistance has been a patchwork from specific EU member states to specific ASEAN member states. It has been, in particular, the British, Dutch, French, Spanish, and Danish that have sponsored and provided expertise, for instance, for direct counter-terrorist training seminars and workshops.[10]

Immediately after the attacks, the EC offered anti-money-laundering assistance under the RRM to Indonesia. Javier Solana responded with a statement of condemnation of the bombings and on 18 October 2002, the European Council published its conclusions on the attacks, which recommended ways the EU could assist Indonesia but neglected human rights concerns.

> However, whilst the EU may well be correct in supporting the Indonesian efforts to implement measures in conformity with Security Council Resolution 1373, the EU should take account of the Indonesian government's very poor record in human rights and respect for the rule of law in the management of its internal affairs (Gregory, 2005, p. 113).

The response was limited and remained declaratory. This is unsurprising in view of the EU's considering other regions such as the Middle East and Central Asia to be the areas of priority in connection to terrorism and extremism (EU official, personal communication, 13 February 2009).

ASEAN-EU counter-terrorist activities are mainly long-term oriented and have been initiated after the fire-fighting phase post-Bali bombings. They have been limited to specific niches that provide added value to other international counter-terrorist projects with ASEAN member states. Beside the ASEM and ASEAN-EU declarations on combating international terrorism, verbal commitments, and interfaith dialogues targeting the cultural and ideological basis of extremism and terrorism, the so-called other EU or European activities are not necessarily to be regarded as distinct interregional or EU initiatives. They complement the American and Australian Western counter-terrorist projects with supplementary efforts consisting of bilateral EU-ASEAN and bilateral member state-to-member state contributions. Noteworthy also is the co-operation that has been sparked in the policing sector by the Co-operation Agreement between the ASEAN Chiefs of Police (Aseanapol) and the International

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10   For further details please view e.g. the course overview of the International Law Enforcement Academy (http://www.ileabangkok.com), Jakarta Centre for Law Enforcement Co-operation (http://www.jeclec.com) and the Southeast Asian Regional Centre for Counter-Terrorism (http://www.searcct.gov.my).

Criminal Police Organisation (Interpol). It provided for a database-sharing project between these two police intelligence agencies and other agencies such as the European Police Office (Europol).

EU Non-Traditional Security Actorness and Implications for ASEAN-EU Interregionalism

The discussion of the case studies to show the EU's true colours from an NTS perspective has revealed that the EU draws on a vast range of supranational and intergovernmental, short- and long-term, responsive and pre-emptive instruments. The conglomeration of different types of action illustrates seven central features of EU NTS actorness in South-East Asia.

First, the overall tenor of the case studies and other crises within the ASEAN region demonstrates that the EU has tended to recourse to ECHO's humanitarian assistance most frequently in response to these NTS crises, but also to conflict-related humanitarian crises. Furthermore, it emphasises the importance of long-term EU development assistance to defuse crises and pinpoints the different conceptions of security and development of the two regions.

Second, it becomes evident that the different interests and development stages of the various nation-states as well as the different degree of integration of the regional organisations limit co-operation. In general, one also has to consider that the logic behind EU actorness and co-operation follows a pattern of rationality which takes into account a number of action-inhibiting variables. For example, the EU policy-makers contemplate the variety of existing multilateral fora, the global distribution of power, existing crisis-response measures on various levels, national sensitivities, and other obstacles that could impair any form of ASEAN-EU interregional action. Following this process of contemplation the EU then decides if and how to respond to crises abroad.

Third, it reveals that the problems of shared competences within the EU structure are also reflected in the EU's external relations and that shared external representation minimises the collective actorness perception by the sociological other.

Fourth, since the EU is by definition multilateralist, the preferred framework of action appears to be within a multilateral framework on varying levels depending

on the issue and the spread of the negative impact. In most cases, the EU's crisis response was limited to financial and technical assistance under the aegis of an international organisation specifically concerned with the issue-area. On the one hand, this alleviates the EU's administrative burden and allows the EU to circumvent conflicts with the receiving country should the recipient disagree on the conditions of assistance. On the other hand, this weakens the visibility and actual impact of the EU's actorness in South-East Asia. The EU needs to re-evaluate its priorities regarding actorness and rebalance security and image-building costs and benefits. At the moment, it seems unable to translate its major share in technical and financial assistance into factual visibility, influence and power presence. It appears to be more a security payer than a security player, an assessment that applies to the EU's activities in other parts of the world such as in the Middle East peace process.

Fifth, the case of terrorism indicates the potential of the functional approach for EU NTS actorness as in the case of Aseanapol's international co-operation.

Sixth, alongside the various EU efforts to promote Indonesia's leadership role in ASEAN, the presence of the EU in Aceh probably also contributed to the Indonesian public's perception of the EU as a normative power and democracy promoter. Hence, increased on site engagement in South-East Asia and the establishment of a permanent presence such as the Europe House in Aceh may enhance and differentiate the EU's visibility and thus, its actorness.

Finally, the case studies suggest that ASEAN-EU interregionalism in the field of NTS is not an established layer in the pyramid of global governance, but rather a vaguely defined and blurry interface of the global and regional level. Depending on the nature of the NTS crisis the EU will choose its level of response. This has exposed the ASEAN-EU level as a weak and declaratory remedy. In fact, the only case in which the EU managed to make a significant impact on the crisis situation and contribute to the strengthening of the ASEAN-EU interregional level has been the AMM. In this case, it and the five ASEAN member states have managed to alter a situation of violence and high vulnerability to a situation of ongoing peace and reduced armament. Furthermore, it ignited an enhanced ASEAN-EU interest in deepening this interregional dialogue format. This was illustrated by the AEMM agenda in Nuremberg and the following Plan of Action in 2007 (ASEAN-EU member states, 2007).

The EU appears to have interest in the region and has become sporadically engaged

in direct activities that reveal its presence and solidarity. However, the EU and its member states have not made any visible substantial impact as a collective actor – whether interregional or in any other form – in tackling the previously mentioned crises and in assisting ASEAN member states to become more crisis-prepared and less vulnerable. As discussed above, in the majority of the cases, the EU is in a queue with other international helpers, and has not been able to set itself apart. It has distinguished itself as a major development player, which, from an Asian perspective, is part of NTS. However, with regard to NTS crises, when vulnerabilities become aggravated to the point of being matters of life and death, the EU has not established its role as either an NTS or general security actor in South-East Asia. Moreover, in most of the cases it took the role of a financial and flanking presence rather than an active shaper of the recovery. As partially listed above, there is a broad range from cultural to structural to materialist to systemic inhibitors that constitute this under-achievement. The EU's preference for international and multilateral frameworks when appropriate, the EU's strategic geographical areas of priority, the interests of other actors (e.g. US American power politics), and the normative sensitivities of the counterpart epitomised in the ASEAN Way are among the most prominent reasons in the case studies. In spite of its overall sporadic engagement, this patchwork of individual cases of EU actorness is interlocking with the EU's overall cross-sectoral external security strategy and does illustrate a specific, albeit restricted, type of EU NTS actorness within ASEAN after NTS crises.

The EU is an unconventional multi-headed actor whose concept of security is based on a comprehensive understanding of security and a soft security approach drawing on preferably holistic, multilateralist and non-robust instruments. The EU does not think in terms of power politics in South-East Asia and therefore it is not really perceived as a traditional security actor among the leaders of ASEAN member states. In their opinion, it possesses the security culture and means to become a recognised NTS actor in relation to human security (former Secretary General of ASEAN Rodolfo Severino, personal communication, 24 November 2008).

The DIPECHO programme, the EU's involvement in the first-ever ARF Voluntary Demonstration of Response on Disaster Relief from 4-8 May 2009, the various ARF seminars and workshops on NTS such as the ARF Seminar to Enhance Maritime Security from 5-6 March 2009, in Surabaya (EU-Indonesia), or the ARF Seminar on

International Security Implications of Climate-related Events and Trends in Phnom Penh from 19-20 March 2009 (EU-Cambodia), and numerous other NTS-related activities of the ASEAN-EU Indicative Lists of Activities 2007-2008 and 2009-2010 pursuant to the Nuremberg Declaration and Plan of Action suggest that the EU has recognised the potential of increased actorness in certain NTS niches. These niches are namely climate change and disaster management and emergency response. With particular regard to the ASEAN-EU level, the Nuremberg meeting has stimulated a dynamic that stresses interregional NTS activities in accordance with the ASEAN Community Blueprints. The Lists of Activities in the field of political and security co-operation indicate that both sides are building on the Nuremberg momentum and are aiming to develop the ASEAN-EU level to a meaningful dialogue sphere with tangible and not merely rhetorical outcomes that contribute to ASEAN's integration and, eventually, stimulate further co-operation and joint positions in other fora on the regional and global level:

> ***Exploit the potential of multilateral fora***
> *1.1.4. Develop ASEAN-EU consultations/cooperation in multilateral fora, including in the United Nations and other bodies within the UN system as well as in Asia-Europe Meeting (ASEM), in order to strengthen the multilateral system and, where appropriate, to develop joint positions; and*
> *1.1.5. Enhance the role of multilateral cooperation in Asia, including through the accession of the EU/EC to the Treaty of Amity and Cooperation in Southeast Asia (TAC) (ASEAN-EU member states, 2007).*

Conclusions

In the light of the broad spectrum of responses to and cases of transnational and NTS crises, the EU's actorness manifests itself inconsistently, patchily, and on a case-by-case basis. In general, the vast and cluttered choice of prominent cases of NTS crises in this article emblematises and reflects the ephemeral and sporadic nature of the EU's NTS interregional actorness. There exists ambition for increased interregional dialogue and co-operation on specific NTS issues. Furthermore, it can be seen that a putative area for increased EU actorness may be more hypothetical than feasible. On the one hand, it may be evidence of a lack of, or the mere rudimentary existence of, a common lifeworld that impedes deeper interaction. On the other hand, there are a variety of internal and external variables that limit EU NTS actorness and these are more relevant than the ASEAN-EU interregional level. Internal and external

hurdles need to be overcome on both sides for a more tangible and meaningful ASEAN-EU interregional political and security partnership and friendship shaping global governance. Furthermore, this prospect appears to be confined to the future exploration of co-operation within small niches of NTS, on which the EU has already embarked. In the long term, the EU might then become more consistent and pronounced in its NTS actorness after crises in South-East Asia and be perceived as more than merely a regional model and fair-weather friend who in view of the success of the AMM indeed can be relied on as a friend in deed.

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Thailand in the Face of the 1997 Asian Crisis and the Current Financial Crisis: An Interview With Johannes Dragsbæk Schmidt

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Johannes Dragsbæk Schmidt studied International Relations and Development Studies at Aalborg University, Denmark. Since 1993, he has been Associate Professor in the Department of History, International and Social Studies. Prof Dragsbæk Schmidt has held visiting research fellowships in Australia, Thailand, Malaysia, Indonesia, the Philippines and Poland, and was a Visiting Professor at the Institute for Political Economy, Carleton University, Canada in 2009. Additionally he has been a consultant to UNESCO, the World Bank and the Irish Development Agency. Prof Dragsbæk Schmidt has a broad spectrum of research interests, varying from globalisation and international division of labour via refugees and human rights to social and welfare policy and state regulations with a focus on East and South-East Asia.

The interview was conducted by e-mail on 3 April, 27 April and 4 May 2010.

Julia Scharinger: In your article *'Financial crisis, social crisis and unequal development in the Republic of Korea and Thailand'* (Dragsbæk, 2008) you mention major long-term impacts of the Asian Financial Crisis in 1997 on Thai society, such as a transition to flexible and informal jobs and growing social inequality. Could you briefly sketch how these factors arose and how they transformed the labour market throughout the duration of the crisis?

Johannes Dragsbæk Schmidt: In the aftermath of the crisis, although with some variations, Thailand introduced or expanded a host of labour market interventions and social protection programs. This could be seen as a re-active response to the massive

layoffs of regular workers in all sectors and the dramatic increase in poverty. Had it been pro-active, the government and public sector would have been prepared for the massive social costs. Another effect of the crisis was a significant shift from contract-based regular employment to non-standard or informal work. This informalisation of the labour force was aggravated by the bailout conditionalities attached to the IFIs' [international financial institutions'] intervention where also the demand for increasing labour market flexibility was introduced. The promotion of flexible labour market regulation was an attempt by the IFIs to enhance 'competitiveness'.

However, Thailand encountered important social problems connected with uneven development, inequality and challenges regarding the lack of policy responses towards distributional problems even before the crisis. Social policies and labour market regulation had evolved against the backdrop of political stability, 'full employment', high household savings, and what was perceived as strong and resilient family and community ties, which gave governments an excuse for not planning for eventual downside risks. According to the view of the IFIs, even during times of economic growth three issues were already challenging the social context: persistent pockets of poverty and rising inequality, protected labour market policies and industrial relations with job security, and rising needs for formal mechanisms to support household security. Looking back, the World Bank noted in 1998 that growth masked those problems but when the crisis stripped this mask away, the region's persistent social vulnerabilities were sharply revealed.

The ultimate impact of the IFIs' interventions was more job insecurity, a lowering of wages and increased competition among a growing pool of unemployed and informalised workers for a smaller number of jobs, a reduced role for organised labour, and a reduction in bargaining strength of industry- and economy-wide unions. Migrant labourers became scapegoats and in some cases were virtually thrown out of the country. This also had an important gender dimension as women were laid off first and had to bear the heaviest burden for the restructuring of industrial relations. I agree with Andrew Brown, who recently noted that the Thai experience shows that there have been efforts to manage labour tensions in new ways that bypass and further undermine ideas of representation and cognate institutional structures that have historically been linked to collective class-based action and organisation (Brown, 2004).

SCHARINGER: Which strategies did civil society use to overcome the crisis of 1997?

DRAGSBÆK SCHMIDT: Civil society in Thailand is not that different from other countries. It is split between civic and progressive forces and a more conservative – and in some cases anti-democratic and illiberal – sector. The new social policy of the post-Washington consensus deliberately uses the liberal language of participation and empowerment as a strategy of 'anti-politics'. This is a conscious strategy leading to marginalisation of political contestation. Unlike earlier governance programs identified with structural adjustment, it envisages a more active role for the state as a regulator for civil society seeking to promote the disciplines of the market. This also became clear in the aftermath of the financial crisis in Thailand where the "maintenance approach" developed by the IFIs was devoted to a specific and strengthened role of civil society organisations and their ideological imperative as the pre-eminent measure for ameliorating the social impacts of the crisis, along with flexible labour markets. It leaves the important question in Thailand whether civil society is in fact undermining the key functions and social responsibilities of the state in terms of delivering public collective goods. The fact that the IFIs' policy of dumping social services onto NGOs means they should take over the work without a corresponding transfer of funding and the development of a mutual relationship with the state – the split in civil society ultimately laid the ground for the present chaos and political turmoil in Thai politics and it can be argued that the danger of a civil war in late April 2010 can be traced back to the actions of civil society, the state and the aristocratic elite's rejection of the accommodation of the then Prime Minister Chuan Leekpai's approach towards the IFIs' "maintenance " approach".

SCHARINGER: Both crises, back in 1997 and today, were majorly influenced by the financial markets, linked to huge credit schemes and quickly surpassed national borders – and had an impact on a regional or global level. Could you give some more of your thoughts on how the current crisis resembles or matches the crisis of 1997?

DRAGSBÆK SCHMIDT: In the wake of the 1997 financial crisis, when Thailand entered the IMF programme, they were told to tighten their monetary and fiscal policies by raising interest rates, getting and keeping fiscal budget surpluses and nationalising troubled banks. The programmes of today bear some resemblance to the 1997

response, but there are differences as well. The crises in 1997 and 2009 demonstrated the fragility of the over-reliance of the Thai economy on export-orientation and a major sell-out of Thai assets to foreign capital. Today, listed firms in Thailand trade at 11.9 times estimated 2010 earnings, making Bangkok the second cheapest market in Asia after Pakistan. This entails a danger that even more Thai assets could shift hands.

SCHARINGER: After the current crisis hit the global economy, major economic indicators and growth rates were in free fall. Growth rates in export-nations such as Germany dropped to an all-time low, while giants such as China could at least stabilise at a low, although greatly lessened, growth rate. In comparison to such developments, how was and is Thailand affected and how is it performing in the current financial crisis?

DRAGSBÆK SCHMIDT: The Thai case shows that crises can set in motion events that cause institutions to deteriorate. The 2009-2010 crisis has increased distrust and fear, and weakened the prospects for democratisation. Today the Thai economy is in low gear with slow growth and sluggish demand. This is also connected to the political situation, which remains unresolved. The problems of the important tourism sector are not so much related to the crisis as such, but are a result of the clashes between pro- and anti-Thaksin forces.

SCHARINGER: Compared to the impacts of the financial crisis back in 1997 on Thailand's society, what are the major problems and challenges of today's crisis to the average citizen?

DRAGSBÆK SCHMIDT: The growth prospects of the Thai economy depend on the economic prospects at the global and regional level. At present there are no signs showing that the Western economies may be beginning to bottom out. Like in the case of the 1997 crisis, even if the economy bottoms out, this does not mean that the problems are over. Trade with China is steadily growing, but it remains to be seen whether the Chinese market can absorb and replace EU and North American demand. Thailand bottomed out after about five to six quarters from the start of the 1997 crisis, but it took five years before output got back to the pre-crisis level.

The decline in non-performing loans ratio to below the level of 10 percent took even longer; about eight years. Thus, in the case of the present crisis, a quick return to business as usual appears to be out of the question. These measures and changes beyond the policy-makers' and average Thai's control have had a huge impact on the daily life of Thai citizens in the form of growing poverty and unemployment, and especially a growing informalisation of the labour market.

SCHARINGER: After the Crisis in 1997, Thailand's politicians took measures toward the future protection of its economy and financial stability. Do you think Thailand has gleaned anything from the former crisis and actually adopted strategies which are able to protect them now – not only concerning financial stability, but also in light of growth, exports, secure jobs or tourism?

DRAGSBÆK SCHMIDT: This is a highly political and perhaps ideological question. It seems that the Democrats tend to rely on a classical short-term strategy while the Thaksin camp wants to promote a more Keynesian inspired type of demand driven economic policy approach. It is true that the Thaksin administration used an expansionary fiscal policy in 2001 in an attempt to enhance economic growth. In its first term there was a focus on boosting rural incomes and development, but infrastructure development was declared the priority for the second term and this was on the whole seen as a success. In the beginning Thaksin relied on protectionism, a shift away from exclusively relying on export-orientation (EOI) towards the domestic market; a focus on social policies, and in general a populist and nationalist discourse. At the moment most of the policy responses to the crisis coming from the Abhisit government are directed toward the short-term need to shore up the economy. Fiscal injections are expected to generate greater domestic consumption that will ease the pain of domestic producers and consumers and there is certain degree of copycat economic policies in the sense that some social policies initiated by Thaksin have been continued by the Democrat-led coalition government. However, it appears that not much attention has been paid to how to make the fiscal injections sustainable. Even less thought has been given to what a new "rebalanced growth path" for the country might look like and how it can be achieved.

SCHARINGER: Regarding those protectionist strategies, how do you assess the current situation and vulnerability of Thailand's society in light of the financial crisis?

DRAGSBÆK SCHMIDT: The Thai crisis in 2010 is more a political crisis than an economic one, but behind this fault line is a structural problem related to re-distribution and inequality. There is a fear among the elite that the hegemony of the traditional paternalist Thai aristocratic elite is coming to an end. The challenge from the rebellion of the poor and marginalised – symbolised by billionaire Thaksin as a leadership figure – threatens to tear apart Thai society and, in the worst-case scenario, it will end in a civil war. The protectionist strategies promoted by Thaksin stand in sharp contrast to the fact that he also tended to act in a kleptocratic and autocratic fashion by expropriating public property and selling off his huge conglomerate for his and his family's own benefit. The levels of corruption and kleptocracy amongst members of the elite appear to have reached endemic heights – and this includes both camps: the royalist aristocrats and the more neo-liberal oriented, but social-protection aware, camp of Thaksin.

SCHARINGER: Which strategies is civil society using to deal with the current crisis? Are there any observable strategies yet?

DRAGSBÆK SCHMIDT: Civil society appears to be paralysed by the present political crisis and can be characterised by its anti-Thaksin doctrine. Both camps in civil society supported the military coup against Thaksin as both see him as a corrupt politician and an unreliable person. For some he is even seen as an anti-monarchy politician and a threat to national unity.

SCHARINGER: In response to the current crisis, the Thai government introduced an economic stimulation package meant to protect its economy and stimulate the consumption rate of people with low incomes. Do you think this package could fulfil its expectations, or do you see alternative instruments as necessary to secure income and domestic consumption?

DRAGSBÆK SCHMIDT: I do not see this package as sufficient. It appears that there are many structural problems in the Thai economy which needs to be addressed. These

problems are of a more long-term nature related to access to improved education, skills upgrading, increased taxation especially of the rich, and the implementation of pro-poor policies – the last could be in the form of re-distribution and the establishment of social welfare entitlements. The present political turmoil also appears to be a competition between two interpretations of "Buddhist economics" in the form of what has been called "sufficiency economics".

Sufficiency economics is a concept that was invented by King Bhumipol during the Cold War and the communist insurgency in the Northeastern part of Thailand. In a number of speeches he explained "that the centre of his view was the modern maxim promoted by King Vajiravudh: every citizen's paramount duty is to the unity of the nation under the king". In the same vein he noted that part of the problem of Thailand's lack of unity was selfish capitalism, which lacked morality and was by nature divisive. Capitalism did not reward most the hardest workers or those who performed their duty. It rather benefited those who took advantage of others, and this eroded unity. Bhumipol said trader and land speculators who took advantage of peasants "may be on side of terrorists." He further noted that rural development should be carried out with a high degree of ability, wisdom and intelligence coupled with honesty without any thought of financial gain. He concluded that modern government had been imported from the West and was not appropriate for Thais.

These remarks are reflected in the Tenth National Economic and Social Development Plan (2007-2011), which set the target of reducing poverty from 13 percent in 2004 to 4 percent by 2011. It also targets a ratio of the richest quintile to the poorest quintile of no more than 10 times. Very much inspired by Bhumipol's self-sufficiency approach, the development plan also emphasised implementation of the "Good Living and Happiness Society Strategy" which consists of five development plans: (i) a sufficiency economy plan aimed at building up knowledge and creating occupational skills; (ii) a community development and opportunity creation plan focusing on reducing household expenditures (e.g. use of organic fertilizer and vegetable home gardening) and creating market opportunities for community products; (iii) a rehabilitation plan for natural resources; (iv) a vulnerable people and senior citizen assistance plan; and (v) a provision plan for basic services (e.g. health, education, and vocational training). The plans will be implemented through projects jointly designed and implemented by community leaders, local governments, provincial governments and the central

government.

Thaksin had also used the concept in a strategic way to pursue what was termed his populist spending programmes in the sense that his support for local initiatives was a way to exploit rural dissidence, protest which evolved into a rural movement – but once he came into power he revealed his lack of interest in the rural and local causes. His main strategy for rural change was to pump in capital funds. He had no interest in land reform, land-to-the-tiller programmes, tax reforms, or other policies to shift the structural position of peasants within the national economy. One needs to be reminded that 70 percent of the population live in the countryside and more than 500,000 farmer households are landless in a situation where there still is plenty of arable land available. In reality Thaksin only paid lip service to the ideas of sufficiency and self-reliance. His economic policies and his true feelings were clearly diametrically opposed. Sufficiency economics, with its inward-looking strategy stressing self-reliance at the grassroots level and the creation of stronger ties among domestic economic institutions, was the ideological device which acted as oppositional tool to overthrow Thaksin. In fact, it was the accusations about corruption and popular support for the notion of sufficiency economics around which a considerable number of social movements, NGOs and labour groups against privatisation could gather and find a common cause against Thaksin.

SCHARINGER: From your analysis, which parts of society will be affected the most? Is there a classical winner and loser divide?

DRAGSBÆK SCHMIDT: This depends on the outcome of the current clashes between the red and the yellow shirts. The current problems are no longer closely related to the global meltdown but have become more domestic in nature. A quick look at recent Thai history would tell us that the progressive and pro-poor forces in civil society will lose and we will soon see a military coup or a military clamp-down on the protesters. The winners will be the middle class and the pro-US and conservative elite. Another scenario is a compromise between the factions of the Thai elite and a re-imposition of a weak but democratically elected government unable to touch the privileged minority elite. The losers in both scenarios are the peasantry and poor working people.

SCHARINGER: What needs to be done to protect the citizens from the current crisis? What should politicians do and what could be done by the citizens themselves?

DRAGSBÆK SCHMIDT: This is indeed a difficult question to answer. Basically it is up to the Thai people to decide their own destiny. My personal view is that Thailand must re-think its current overreliance on EOI and foreign capital. To address the issue of social justice, which is one of the most pertinent structural problems in Thai society, by the introduction of a fair tax and redistribution policy including a variety of social protection programmes and to lift restrictions in the Thai legal system which obstruct the establishment of free and autonomous trade unions and political parties which adopt a social profile are two ways to overcome the impacts of the present and future crises.

Another important issue is related to the draconian and anachronistic lèse majesté laws, which prohibit any discussion about the role of the monarchy in Thai society and politics. One of the results of the 1997 crisis was the introduction of Thaksin's social policies and his courting of the heirs to the Throne. In reality the competition between benevolent elite-directed discourses is a question about winning the hearts and minds of the rural poor – especially in the Northeastern Isan region; in this equation Thaksin became a threat to the old conservative elite and this threat is still very influential in Thai politics. It seems that the majority of ordinary citizens vote for social change and it is important to keep in mind that organisation according to (economic) interests as opposed to other lines is one important avenue of change and a way to avoid the social pitfalls of crises.

SCHARINGER: What is your perspective on the social and political instabilities in Thailand? Does it make civil society more vulnerable to impacts of the crisis? Does it contribute to the spread of the crisis? Are the rising instabilities even an effect of the crisis?

DRAGSBÆK SCHMIDT: Advocates on both left and right have relied on the idea that civil society can replace the role of the state. The basic argument I want to make is that civil society, at least in its mainstream understanding, cannot replace the state, but should make a greater effort to pressure the state to take up basic responsibilities and enhance developmental and social regulatory state capacities in accordance with

its level of development. There is great danger that the current overemphasis on civil society detracts or hijacks the focus away from what is of immediate importance in any country with high levels of poverty, inequality and social crisis. If civil society includes social groups and strata like organized labourers and the peasantry, it probably makes more sense. Recent examples have shown that the labour movement has been relatively successful in pushing for the Social Security Act despite resistance from the entrenched politico-business alliance – the elite. In fact the experiences with Thaksin, the military, and the present Democrat-led government illustrate the problem with the very idea that Thai civil society can act as a progressive force at the national level. Civil society is per definition undemocratic and not elected by anybody. It is furthermore contested terrain where anti-democratic 'dark' forces at least in the Thai context seem to have the upper hand when it comes to issues of democratisation and real representation of the poor. The major problem is the weakness of the political system itself, which makes political representation in accordance with class and other social and political interests difficult if not impossible. The other problem is that Thai NGOs in some cases have become too powerful and actually reduce the strength of adequate social movements which could act as mobilisers for progressive social change and democratisation.

SCHARINGER: You seem to place a great emphasis on Thaksin's past administration and his current supporters. In the aftermath of the Financial Crisis in 1997 he played an important role. How do you estimate his direct or indirect influence now?

DRAGSBÆK SCHMIDT: Thaksin's Thai Rak Thai party was in fact partly born out of strong progressive civil society sentiments characterised by the introduction of a coherent social policy, increased protectionism, and nationalism. Since the imposition and hegemony of the Thaksin regime and later on the military coup in September 2006, civil society has been identified by the split between the progressive red shirts (United Front for Democracy Against Dictatorship or UDD) working for social change and the royalist and more conservative yellow shirts (the anti-Thaksin People's Alliance for Democracy or PAD). The confrontation between the two is still unresolved but it seems there is a danger that it can end in a violent and bloody solution unless a compromise is offered by the government.

It is too early to judge whether Thaksin can return to Thai politics or not. He remains an important political and symbolic figure for the UDD Red shirts in the sense that he stands for social and political change. As long as the stalemate continues, Thaksin and his supporters must be included in a compromise – and it is not impossible that the Puea Thai party will win the next election. However behind it all is the question about succession to the Throne. The Thai monarchy is in crisis partly because Thaksin became a rival and interfered in the succession and partly because the Crown Prince is disliked by many Thais. As long as this issue cannot be debated openly, Thaksin, the UDD and the Puea Thai party will remain a formidable opposition to the ruling elite.

SCHARINGER: For the final question: How long do you think the crisis will last? How long will the impacts of the crisis be recognizable in Thailand's society?

DRAGSBÆK SCHMIDT: This is difficult to answer. The political crisis could in principle end tomorrow if King Bhumipol intervenes and imposes a compromise. The economic and social crises will last much longer and cannot be solved overnight.

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Heidbüchel, Esther (2007).
The West Papua Conflict in Indonesia: *Actors, Issues and Approaches.*
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Nach dem Sturz des Langzeitpräsidenten und ehemaligen Generals Suharto im Jahr 1998 fand einer der langwierigsten Konflikte der Geschichte Indonesiens zunehmend internationale Beachtung. Das Interesse der Weltöffentlichkeit wurde nicht zuletzt durch die innenpolitischen Veränderungen in der Post-Suharto-Ära geweckt. In dieser wurde West-Papua 2001 eine Sonderautonomie zugestanden, und es erfolgte eine Teilung in die zwei Provinzen Papua und Irian Jaya Barat (später in Papua Barat umbenannt). Eine Reihe an vorwiegend politikwissenschaftlichen Arbeiten beschäftigte sich seitdem mit der Darstellung des nach wie vor aktuellen Konflikts. Die hier rezensierte Publikation ist eine davon.

In der Einführung ihres Buches „The West Papua Conflict in Indonesia" stellt Esther Heidbüchel ihre Zielsetzung dar, nämlich die gegenwärtige Komplexität des multidimensionalen Papuakonflikts im Rahmen eines „empirisch-analytischen" Ansatzes zu entschlüsseln. Ihre Arbeit bezeichnet sie als interdisziplinär. Die auf die AkteurInnen des Konflikts zentrierte Analyse, die bis in die Mitte des Jahres 2006 reicht, ist hauptsächlich in der Politikwissenschaft und in der Konfliktforschung angesiedelt. In geringem Maße greift die Autorin auch Konzepte aus den Kommunikationswissenschaften, der Sozialpsychologie und der Anthropologie auf. Trotz dieses interdisziplinären Ansatzes dominiert ein politikwissenschaftlicher Jargon.

Die Autorin nähert sich der Thematik mit einer Konfliktgenese, in der sie die wesentlichsten historischen Ereignisse in chronologischer Reihenfolge nachzeichnet und sich in die allgemein gängige Geschichtsschreibung einreiht, die den Papuakonflikt als separatistisch und ethnopolitisch klassifiziert. Das wesentliche Augenmerk bezieht sich dabei auf die heftig umstrittene Eingliederung West-Papuas in den damals jungen indonesischen Nationalstaat. Dieser im Rahmen der Dekolonisierung des ehemaligen Niederländisch-Indiens entstandene Territorialstreit zwischen den Niederlanden und Indonesien wurde unter der Mitwirkung der Vereinten Nationen 1969 mit dem „Act of Free Choice" endgültig zugunsten Indonesiens entschieden und bildet den historischen Auslöser des in seiner Komplexität seither gewachsenen Konflikts.

Um dieser Komplexität gerecht zu werden, entwickelt die Autorin für ihre Analyse eine „multi-level-structure" und unterteilt den Konflikt in drei „meta levels", nämlich in „the international, the national Indonesian and the local Papuan level" (S. 28). Jene drei Metaebenen bestimmen im Wesentlichen die drei analytischen Abschnitte ihrer Arbeit. Der erste Abschnitt beinhaltet eine Bestandsaufnahme der unterschiedlichen AkteurInnen und Interessen, der zweite stellt eine Konfliktmatrix vor, in welcher einzelne Konfliktbereiche identifiziert, den „meta levels" zugeordnet und Überschneidungen aufgezeigt werden, und der dritte untersucht Konfliktlösungsstrategien.

Die Autorin verortet zunächst die AkteurInnen innerhalb der einzelnen Metaebenen. Auf internationaler Ebene jene mit sicherheitsspezifischen und wirtschaftlichen Interessen (Australien, USA) und BeobachterInnen (die Niederlande, die UN und in geringem Ausmaß die EU). Auf nationaler Ebene jene der Zentralregierung und der Provinzregierungen, den vom Konflikt profitierenden Sicherheitsapparat bestehend aus Polizei und Militärtruppen sowie („spontane") TransmigrantInnen. Sie fasst diese unter dem Titel „the actors on the Indonesian side" zusammen. Diese Klassifizierung erweist sich jedoch als problematisch, da die beiden Provinzregierungen von Papua und Irian Jaya Barat, die mittlerweile zunehmend von ethnischen Papuas dominiert werden, sowie andere Einrichtungen auf Provinzebene somit *einer* indonesischen Seite zugeschrieben werden. Eben dies passiert mit TransmigrantInnen, welche die Autorin als „closed community" bezeichnet. Auch diese Behauptung ist kritisch zu hinterfragen, bedenkt man die Heterogenität innerhalb dieser Gruppe. Die lokale Ebene bildet mit ihrer Vielzahl an AkteurInnen schließlich die weitaus dichteste Ebene dieser Bestandsaufnahme. In einer umfangreichen Auflistung werden hier

die politischen, studentischen, zivilen, religiösen u.a. Organisationen erwähnt und teilweise ausführlich beschrieben. Auch dieser analytische Schritt ist nicht gänzlich nachvollziehbar, scheinen doch auf dem „local level" nur Papuas zu agieren.

Um die Charakteristika der unterschiedlichen „levels" zu veranschaulichen führt Heidbüchel eine weitere Unterteilung ein, nämlich die in eine horizontale und eine vertikale Dimension. Sie schreibt dazu: „The vertical dimension is concerning the conflict between the Indonesian Central Government and the West Papuan directly involved actors. The horizontal dimension deals with the current emergence and aggravation of conflicts on the local Papuan level. Here the issues are socio-economic by nature, whereas the issues of the vertical dimension are political" (S. 112). Durch solche Formulierungen entsteht der Eindruck, dass die papuanische Lokalebene einer politischen Dimension entbehrt.

Des Weiteren erarbeitet die Autorin eine Konfliktmatrix, in der sie „conflict issues" identifiziert, beschreibt, deren zugrunde liegende Ursachen bestimmt und sie in ihrer „multi-level-structure" verortet. Der Komplexität des Konflikts entsprechend umfasst diese Analyse eine Vielzahl unterschiedlicher Bereiche und Prozesse, wie Sicherheitsinteressen, die Geschäfte des staatlichen Sicherheitsapparats, rechtliche Unsicherheit und Defizite in der Implementierung der Sonderautonomie, Menschenrechtsdiskurse, Korruption, Ressourcenausbeutung und die Herausbildung einer Papua-Identität, um nur einige zu nennen.

Es folgt eine Analyse unterschiedlicher Konfliktlösungsansätze, wozu zwei weitere Unterscheidungsebenen eingeführt werden, nämlich das „factual, objective level, which entails the hard facts and political demands" und das „relational, subjective level, which is dealing with the emotional frame related issues such as fear and trust" (S. 8). Angst und gegenseitiges Misstrauen prägen die gegenseitige Wahrnehmung der involvierten AkteurInnen, wie Heidbüchel berechtigt feststellt, was sie zu der Schlussfolgerung führt, dass der Konflikt nicht nur auf rein politische Weise gelöst werden kann, sondern auch der Berücksichtigung des „relational levels" bedarf.

Heidbüchels Resümee lautet wie folgt: Der Rahmen des gegenwärtigen Konflikts kann in drei Übergangsphasen gesehen werden: (1) Der Demokratisierungsprozess Indonesiens, in dem es um das Supremat ziviler Kräfte über das Militär geht, das einer friedlichen Lösung des Konflikts als „most powerful veto actor" im Weg steht; (2) West-Papuas Übergang von der „totalen Unterdrückung" zur „relativen

Sonderautonomie". Hier spricht die Autorin von einer großen Herausforderung für die indigenen Papuas, da diese bis vor kurzen vom politischen Leben ausgeschlossen waren und daher nicht genügend Papuas über die Fähigkeiten verfügen, politische Verantwortung zu übernehmen. Dies führt schließlich zu Misswirtschaft staatlicher Gelder und zu Korruption; (3) Die kulturellen Veränderungen innerhalb der indigenen Bevölkerung, ausgelöst durch die „Ankunft der Moderne" in einer von der Autorin verallgemeinernd als traditionell dargestellten indigenen Gesellschaft.

Den Schlüssel zur Konfliktlösung entdeckt Heidbüchel in einem Ansatz, den sie als „trinity approach" bezeichnet und der aus den Komponenten Dialog, Vertrauen und Versöhnung besteht. Die Wahl dieses Terminus, der bewusst der christlichen Terminologie entnommen wurde, begründet sie u.a. mit einem durch christliche Werte geprägten kulturellen Hintergrund der Bevölkerung West-Papuas. Dass die Bevölkerung West-Papuas jedoch auch aus muslimischen ImmigrantInnen und zu einem geringen Teil muslimischen Papuas besteht, wird mit diesem Ansatz nicht berücksichtigt. Die Autorin trägt allerdings der interreligiösen Dimension des Papuakonflikts Rechnung, wenn sie das von der katholischen Diözese in Jayapura ins Leben gerufene, inter-religiös ausgerichtete Konzept des „Tanah Damai" (Land des Friedens) beschreibt und als mögliche Plattform einer beginnenden Konflikttransformation auf lokaler Ebene ansieht.

Mit „The West Papua Conflict in Indonesia" legte Esther Heidbüchel ein umfangreich recherchiertes Buch vor, welches sich vor allem durch die deskriptive Darstellung der zahlreichen in den Konflikt involvierten AkteurInnen, Konfliktbereiche und Lösungsstrategien kennzeichnet. Die Autorin verschafft den LeserInnen einen Überblick und ersten Einblick in eine komplexe und dynamische Konfliktlandschaft.

Die analytische Seite dieser Arbeit zeigt jedoch in einigen Bereichen Schwächen. Eine Reduktion der AkteurInnen des Konflikts auf eine indonesische und eine Papua-Seite kann nicht im Interesse einer Konfliktanalyse sein, die auf eine Konfliktentschärfung abzielt. Die Feststellung, dass ein derartig vielschichtiger Konflikt wie in West-Papua nicht nur politisch gelöst werden kann, wird wohl kaum jemand bestreiten und ist keine wirklich neue Erkenntnis, obwohl Heidbüchel damit zumindest über den Tellerrand einer enger gefassten politikwissenschaftlichen Betrachtungsweise hinausblickt. In ihrer Conclusio gewinnt der Begriff Kultur, den sie nach Kevin Avruch als „actor related concept" definiert, eine zentrale Bedeutung:

„Culture matters. The West Papua conflict can not be solved politically only due to the highly differing cultures which collide in West Papua. The cultural backgrounds determine the frames used for the cognitive processing of the situation and the perception of respective issues" (S. 191). Mit dieser Formulierung schließt die Analyse, die an Huntingtons „clash of civilizations" erinnert und in der ein Kulturbegriff zur Anwendung kommt, der Kulturen als statische, in sich geschlossene, homogene Einheiten begreift. Eine Konfliktanalyse, die nahe legt, dass hier eine vermeintlich unter- oder weniger entwickelte Papua-Kultur auf eine moderne indonesische Kultur trifft, reproduziert nur Stereotype und wird der Komplexität der gegenwärtigen gesellschaftlichen Prozesse in West-Papua nicht gerecht.

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Chua, Christian (2008).
Chinese Big Business in Indonesia: The state of capital.
London and New York: Routledge. ISBN: 978-0-415-45074-4. 192 pages

This book considers itself to be about the political economy of Chinese big business in Indonesia. Of the biggest business groups, most are either owned or headed by persons belonging to the ethnic minority of Sino-Indonesians. In his book Christian Chua attempts to illustrate why down to the present day there are almost no big corporations owned or controlled by members of other ethnic groups.

As Chua outlines within the first few chapters of his work, he attempts to fill a gap in present literature on the Chinese ethnic minority in Indonesia, which either tends to pursue a culturalist or a structuralist approach. The culturalists, to put it in a somewhat simplified way, try to explain the present situation from a point of view mainly focusing on ethnicity. They consider economic networks within South-East Asia as a mere web of trust and connections based on cultural and ethnic likeness, which leaves them somewhat unable to explain the very special Indonesian situation. The structuralists on the other hand, Chua states, insist on the idea of a Chinese minority as a capitalist class, eliminating the culturalist point of view. This, however, made it possible for them to look much deeper into the state-business relationship (p. 13). But both approaches, as Chua never wearies of stressing, fail in the attempt to

explain the present situation beyond a certain point, because they refuse to absorb certain aspects of each other theories.

Setting the very start of his work in pre-colonial times, he utilises economic, political, cultural as well as ethnic arguments as his means to depict the particular Indonesian case as a construct, used by the ruling class of each historical period to keep others, mostly the masses, out of power. So even before the European colonists, first the Portuguese and after them the Dutch, arrived, a small group of ethnic Chinese present in what once would become Indonesia was being used by rulers to keep the local gentry from accumulating economic power. By cultivating a Chinese class of capitalists and entrepreneurs, these monarchs, due to the lack of support among the main ethnic groups for the Chinese foreigners, could easily keep the Chinese from gaining means of power beyond the economic; thus they gained two advantages: first, by restricting the Chinese to the field of trade and economy, rulers assured a major part of resources remained in the hands of a group subjected to their will; and second, the local gentry, which would have support in opposing the king, would have a hard time allocating resources (p. 30). The very concept, as Chua notices, is somewhat similar to the way Jews in medieval Europe were "allowed" to deal in money-lending.

When the European colonial powers arrived and incorporated the Indonesian islands, they absorbed the existing system, though not by intention as it seems. As years passed, they obviously felt increasingly uncomfortable with the Chinese minority gaining more and more economic power. They were troubled enough to massacre most of them, which was not only a shocking crime but also turned out be a major mistake since it caused the economic life in the colony to break down (p. 32). After resettling Chinese migrants to revive the economy, they were just as before restricted from gaining social and political power to suit the needs of the new rulers, and keep the indigenous aristocrats from power.

The best part of the book now is not concerned with the history, even if one gets the impression Chua deems it to be path-breaking, but with the rule of the New Order, the regime General Soeharto led in Indonesia for more than thirty years. Chua puts much of his effort into detailing the scheme of the relationship between the ruling military-bureaucratic class and the Chinese minority, focusing on their business elite. He never seems to tire of asking how it was possible for a small ethnic group to pool most of a

nation's wealth within their ranks, especially within a country led by the military and bureaucrats who rather often stress economic disequilibrium, calling for measures to redistribute wealth and let indigenous entrepreneurs have their share. Whilst others blame the cultural background of the non-Chinese Indonesians, ineffective governmental actions against the big players or corruption, Chua favours the idea of the specific role of Chinese businessmen, which had its antecedents in the economic and social structures of colonialism. They were subordinate to and dependent on the political elite, regularly harassed by populist rhetoric and measures, and subject to extortion. They proved to be the ideal henchman any absolutist politico-bureaucrat could ask for. They were the perfect scapegoat.

Whenever opposition against Golkar, the ruling party of Soeharto, appeared, public opinion was easy to distract by blaming Chinese businessmen for economic and social unfairness, being the very root of most problems. Furthermore, by accumulating capital they prevented potential competition by well-off indigenous entrepreneurs as non-Chinese merchants could hardly rise to a significant level. To survive in such an environment, a Chinese businessmen had to pick a patron. Not only would he gain security from the regular anti-Chinese harassments, he also could use this connection to get governmental contracts yielding profits beyond imagination, which needless to say he had to split with his mentor. To even top that, the politico-bureaucrats could use ethnic Chinese to start building their own capitalist class, by having them assist in promoting family-owned or family-controlled business-groups up to the ranks of big business (p. 56). Chua spends half of his work on revealing how this symbiosis was set up in particular.

The other major part is concerned with the fall of the New Order, the events surrounding the Asian financial crisis at the end of the twentieth century, and with what happened in particular to Chinese big business corporations after the crisis. Accumulating ever more capital, the Chinese business-groups embedded within the New Order, due to the need for foreign investment, were allowed to, first, start internationalising, and second, go into the banking business. Following this process the former Indonesian big business groups became big enough to be fully-fledged international players no longer depending fully on their polito-bureaucratic patrons: this rather complicated process was catalysed and speeded up by the financial crisis. The chapters concerning this very scene deserve mentioning.

The author manages to set the stage for a complicated play involving the International Monetary Fund, the World Bank, international investors, the collapsing Indonesian regime and Chinese big business. The situation after these events was no longer the same. Not only was the old regime gone, the former scapegoats were rid of the bonds inflicted on them. At first it seemed like they were to vanish due to the absence of their lucrative politico-bureaucratic network, but they soon became accustomed to the new environment. One of the prerequisites for international help was to abandon the anti-Chinese legislation, which put the Chinese in an advantageous position. While the bureaucrats could now no longer exploit them in the old fashioned way, the Chinese on the other hand were not bound by such obligations. As soon as they adapted to the way of bribing the now much more feeble government officials, they had the upper hand. No longer with a strong autocratic regime, the whole country seemed to turn into a playground for capitalists (p. 114). They took control of the print and other media and where they could not gain power by means of capital, according to Chua, certain business groups turned to the more direct way of intimidation by means of brute force.

To complete his work, Chua looks at what happened to Chinese big business after the crisis by interviewing very prominent actors and analysing two case studies: first, the Lippo Group, which according to the author moved in a dubious kind of direction, sometimes reminiscent of organized crime, and second, the Salim Group, Indonesia's biggest corporation both under the New Order regime and after the Asian crisis.

Chua's conclusion and argument that with capitalism unleashed after the financial crisis, Indonesia did not become the democracy hoped for, but drifts ever further into becoming a plutocratic form of capitalism, becoming one of the most corrupt countries, is quite convincing. It is a very up-to-date work, thoroughly argued, in parts repetitive and circuitous, yet still suitable for political and economical graduate seminars. Altogether it is an excellent piece of research on Indonesia.

<div align="right">Gerhard Kraft</div>

Gainsborough, Martin *(Ed.) (2009).*
On The Borders of State Power. *Frontiers in the Greater Mekong Sub-Region.*
London & New York: Routledge. ISBN: 978-0-415-41465-4. 114 + ix pages.

This volume edited by Martin Gainsborough deals with a relevant geographical area and with interesting research issues. The research problems addressed are both interesting and relevant. Thus, the starting point of the volume is promising. The ambition as expressed in the first chapter by the editor is commendable. In this review the way in which the research issues and problems are addressed in the volume will be assessed. The review will also evaluate if the editor's ambition as outlined in the introduction chapter has been achieved.

The structure of the book is as follows. Chapter 1 by the editor Martin Gainsborough is the introduction to the volume (pp. 1-11). Chapter 2 by Emmanuel Poisson deals with the interplay between Kinh and ethnic minority rule on the Sino-Vietnamese frontier from the fifteenth to twentieth century (pp. 12-24). Chapter 3 by Bradley C. Davis discusses the collaboration between China and Vietnam in pursuing bandits in the border area in the aftermath of Taiping rebellion in China (pp. 25-34). Chapter 4 by Stan B-H Tan tackles government policies aiming at controlling land grabbing in the Central Highlands of Vietnam during the First Republic of Vietnam (1954-63) (pp. 35-50). Chapter 5 by Miwa Hirono deals with 'community development' in a village on the Chinese side of the border between China and Myanmar and the interplay between villagers, Oxfam and the Chinese authorities (pp. 51-59). Chapter 6 by Kyoko Kusakabe examines impacts of the politics of 'opening up' on female traders in the borderlands of Cambodia, Laos, Myanmar, and Thailand (pp. 60-74). Chapter 7 by Holly High investigates the mobility of the marginal in the borderlands between Laos and Thailand (pp. 75-100). Chapter 8 by Andrew Walker is a conclusion centred on the question "are the Mekong frontiers sites of exception?" (pp. 101-111).

The first impression of the volume is that it is very short for an edited book. This is not due to the number of contributions, but due to the fact that the vast majority of them are very short. It appears that the editor faced problems even getting this short version out and hence to argue for more contributions would not have been an option. Instead, the question is why such short contributions? With the exception of chapter 7, the other contributions range between eight and fifteen pages in length.

The shortness is not motivated by the issues that are studied, all of which could have been studied in more depth. In fact they should have been studied in more detail in order to adequately deal with the issues that each of the chapters are devoted to.

The introduction provides a good overview of the process leading up to the book and delivers insights into the various contributions. It also sets out that borders, globalisation and the state are the three key issues that are studied in the book and that they are studied in historical context. The problem is that Gainsborough does not address the changing nature and definition of borders through history. The same applies to the concept of the state and relations between states in historical context. Nor does he clarify how the concept of globalisation applies to historical processes and developments. Furthermore, Gainsborough's attempt to relate chapters 2 and 3, which deal with developments along the border between China and Vietnam in history, to studies dealing with other borders in the region in the present day is not convincing.

Chapters 2 and 3 both address highly relevant issues relating to the situation in the border areas between China and Vietnam. Both would potentially have generated a considerable amount of new knowledge had the chapters been developed to their full potential. Empirically the information is relevant but leaves a number of unanswered questions. In chapter 2, Poisson manages to cover developments during more then five centuries in a few pages and this is far from satisfactory. The fact that he does not define the changing nature of the concept of border between China and Vietnam during these five centuries diminishes the relevance of his study. The reader is left wondering what the status of the Sino-Vietnamese border within the context of the tributary relationship between China and Vietnam actually was. Chapter 3 is more detailed than chapter 2 given that it deals with a shorter period of time and hence provides more data and information about the collaboration between China and Vietnam in combating bandits in the border area after the Taiping rebellion in China. A shortcoming is that the chapter ends without any information on whether the broader problem of bandit activity was resolved in the area. As in the earlier chapter, Davis does not address the nature of the relationship between China and Vietnam and in particular not such key questions as status of the border from the perspectives of both sides. Furthermore, he uses the term "sovereignty" in the Vietnamese case without defining its meaning in the particular context of the historical period that

he studies.

In Chapter 4, Tan has a declared ambition to prove that the Diem administration in the Republic of Vietnam (ROV) (South) 1954-1963 made major efforts to curb land grabbing in the Central Highlands of the ROV (pp. 35-36). In his attempt to do so, he selects the province of Lam Dong and studies the situation in this province and the government policies to curb land grabbing. The problem relates to land rights of ethnic minorities and state formation as well as relations between ethnic minorities and the majority ethnic group, i.e. Kinh. The study is well documented and shows that the government in the ROV did try to combat land grabbing through various pieces of legislation. The author takes this as proof that the government supported the land rights of the ethnic minorities (pp. 36-38). However, this is not evident from the facts presented in the study. These facts rather indicate that the goal was to enhance state control over land transfer in the Central Highlands, which is not the same as ethnic minorities' rights. The chapter leaves the reader with one important unanswered question, namely was the government successful in its attempts or not? Given the stated aim of the chapter to leave that question pending implies that the chapter falls short of its aim.

Chapter 5 deals with a very important issue, namely the relations between centre and periphery in China and the activities of international NGOs, in this case Oxfam. Although some interesting observations are made, they are not elaborated on in detail. Also the interviews referred to are vague since there are no notes to indicate when they were conducted. The overall impression is that the chapter is more a short report than a substantive academic study. In other words the potential has not been fully realised by the author. The eight pages including two notes and half a page of references are not in any way sufficient for a chapter in an academic book in the social sciences and humanities.

Chapter 6 provides an insight into the fate of female traders in the three border areas Cambodia-Thailand, Laos-Thailand and Myanmar-Thailand, and into the impact of economic liberalisation in the opening up of these border areas. Thus, the chapter deals with an interesting interplay between formal state structure and policies and more informal structures through which the female traders operate. The chapter offers interesting information about the situation in each of the three border areas, but it does not compare them with each other. Furthermore, the issues addressed in

each of the border areas are different from one area to another. Thus, the section on "strategies of resistance" deals only with the Cambodia-Thai situation (pp. 68-70) and this is not satisfactory since the existence or non-existence of such strategies in the Lao-Thai and Myanmar-Thai areas ought to have been analysed in the chapter.

Chapter 7 is the most detailed of all contributions to the volume. It is the chapter that makes the most comprehensive attempt to address the issues that are researched. It seeks to both identify the aspirations of the inhabitants of Don Khiaw Island located in the Mekong in the south of Laos and the impact of relations between Laos and Thailand – with special emphasis on the border area – on the inhabitants of the island. The chapter provides some very interesting insights into the perceptions and aspirations of the inhabitants of the island, many of whom have been or want to go to Thailand to work. The author outlines how increased government control makes movement across the border between Laos and Thailand more difficult. The chapter also contains an essay on the history of the region as well as on Lao-Thai relations (pp. 79-88). This overview is unfortunately both biased and overlooks key periods of internal development in Laos. The bias lies in the broadly positive presentation of Thai policies towards Laos in historical times (pp. 79-83). This can be contrasted with the criticism of Thailand for collaborating with Laos in the current period (pp. 88-91). The author should be given due credit for her efforts in addressing the studied issues in a comprehensive way, in particular compared to other contributions to the book. However, to deal with an academic discipline different from a researcher's own area of expertise – in this case an anthropologist dealing with history – is a challenging task, as can be seen in this chapter.

Chapter 8, the concluding chapter, makes a serious attempt at identifying some of the major findings and arguments from the other chapters in the book and also at framing the analysis around the both relevant and interesting question: "are the Mekong frontiers sites of exception?" Based on the evidence provided in the volume this question cannot really be answered but the discussion in the chapter is interesting. The drawback with the chapter is that the author refers to his own book repeatedly. In fact the starting point of the chapter is derived from his earlier book and not from the edited volume that he is contributing to.

To summarise this review, the volume deals with an interesting problem and a number of relevant issues but it is too limited both in terms of content and in

terms of length to properly address the problem and its issues. Given the major weaknesses outlined in this review and the shortcomings in addressing the stated objectives of the volume, the conclusion of this review can only be that the book is not recommended reading.

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Grabowski, Maike, Herold, Heike, & Jordan, Rolf (Hrsg.). (2009).
Sicherheit kontra Menschenrechte: Antiterrorpolitik in Asien.
Köln, Deutschland: Horlemann Verlag. ISBN: 978-3-89502-284-5. 206 Seiten

Die Tatsache, dass die Sicherheit der Allgemeinheit und die (scheinbare) Stabilität des Systems oft im Konflikt mit den individuellen Rechten der betroffenen BürgerInnen stehen, wird seit langer Zeit beobachtet und erörtert. Die Terrorismusdebatten nach 9/11 rückten dieses altbekannte Dilemma wieder in den Fokus öffentlicher Diskussionen. Dabei ging es im politischen „Westen", also Regionen, die sich – durchaus zu Recht – immer noch als Vorreiter und -kämpfer der Menschenrechte sehen, allerdings primär um die bedenkliche Aushöhlung der eigenen Rechtsstaatlichkeit. Wie aber sieht es in Teilen der Welt aus, in denen rechtsstaatliche Prinzipien nie so recht Fuß fassten? Welchen Einfluss hatten die Terroranschläge in New York und Washington auf noch andauernde Demokratisierungsprozesse?

Der auf Beiträgen einer Tagung des (Essener) *Asienhauses* im Mai 2008 basierende Sammelband „Sicherheit kontra Menschenrechte: Antiterrorpolitik in Asien" beleuchtet dieses Thema von zentralasiatischen Ex-Sowjetrepubliken wie Usbekistan über Indien, Bangladesch und Ostasien bis Südostasien, das mit den Philippinen, Malaysia, Singapur, Indonesien und einer Betrachtung der ASEAN-Politik klar den Schwerpunkt des Buches darstellt.

In insgesamt zehn Beiträgen gehen die AutorInnen der Frage nach, wie es um Bürger- und Menschenrechte in ausgewählten Ländern Asiens steht und präsentieren diese Entwicklungen zumeist in Relation zu den Anschlägen des 11. Septembers 2001. Dabei wird klar, dass die westliche und insbesondere amerikanische Terrorismusdebatte, welche seit diesem Datum massiv zugenommen hat, nicht ohne Weiteres auf Asien

übertragen werden kann, da sowohl Terrorismus wie auch aus menschenrechtlicher *und* sicherheitspolitischer Sicht sehr fragwürdige Praktiken und Gesetzgebungen seitens der betroffenen Regierungen zur Bekämpfung real existierender und angeblicher Staatsfeinde lange Tradition haben und keineswegs rezente Erscheinungen sind. Daher unterscheiden sich sowohl Gründe, Auslöser als auch mit staatlichen Reaktionen einhergehende Problematiken gänzlich von jenen im Westen. In vielen Fällen stammen Konflikte ebenso wie besonders rigide Antiterrorgesetze gar aus der Kolonial- oder Gründungszeit der jeweiligen Staaten; die Bedrohung durch al-Quaida spielt dagegen außer im Diskurs mit dem Westen kaum eine Rolle.

Der innere Widerspruch gerade postkolonialer Gesellschaften liegt für die meisten AutorInnen nun darin, dass trotz der freiheitskämpferischen Vergangenheit dieser Regierungen – weitaus mehr noch als in den Gesellschaften der einstigen Kolonialmächte – häufig zu höchst repressiven Mitteln gegriffen wird (vgl. den Beitrag von Thorsten Otto, S. 35). Rechtfertigung dafür ist in der Regel die „Notwendigkeit zur Stabilisierung der Gesellschaft in der Übergangsphase", bis dann einfach von Terrorismus die Rede ist – wobei der amerikanisch-britische „War on Terror" diesen Regimen rhetorischen Vorschub und argumentative Unterstützung leistete. Tatsächlich handelt es sich im Urteil einiger AutorInnen dieses Sammelbandes aber um die Fortsetzung bisheriger Kämpfe und Repressalien im Rahmen einer neuen, politisch opportunen Begrifflichkeit.

Neu erlassene Antiterror-Gesetze dienen hauptsächlich der Einschüchterung größerer Volksgruppen, zur Abschreckung möglicher SympathisantInnen friedlicher oder gewalttätiger Opposition, Legitimierung staatlicher Gewalt und der Aushebelung internationaler und verfassungsmäßiger Grund- und Menschenrechte, nicht aber unbedingt zur gezielteren Verfolgung terroristisch aktiver Personen oder Gruppen.

So legt Thorsten Otto etwa die indische Sondergesetzgebung der 1950er, 1970er und 1980er Jahre dar, welche nicht nur klar den Anschlägen vom 11. September 2001 vorausgehen, sondern ihrerseits auf noch älteren britischen Kolonialgesetzen basieren. Ähnlich verhält es sich in Bangladesch, welches – wie Mitherausgeber Heiko Herold und Bernhard Hertlein ausführen – trotz Lippenbekenntnissen zu verschiedensten Menschenrechtskonventionen die Tradition der Verfolgung regierungskritischer Personen ungebrochen aufrechterhält.

Unter dem Deckmantel des „Global War on Terror" werden so lokale

Unabhängigkeitsbewegungen oder politische Gegner, Gewerkschaften und unzufriedene Bauern verfolgt, die nicht im geringsten Zusammenhang mit al-Quaida stehen. Die neben der „Hauptfront" im Nahen Osten viel zitierte „Zweite Front" gegen den Terror in Südostasien wird somit oft zum politischen Schauspiel; nationale Interessen haben stets Priorität gegenüber dem Kampf gegen gemeinsame, *globale* Bedrohungen.

Allzu oft existieren dabei Widersprüche von formal vorbildlichen Gesetzen (siehe Ottos Beitrag, S. 33, oder Herold & Hertleins Beitrag, S. 47) und deren Umsetzung. Doch selbst wenn viele der beanstandeten Gesetze in ähnlicher Form durchaus auch in Rechtsstaaten wie Deutschland oder Österreich existieren, liegt der bedeutende Unterschied in der Art und – vor allem aufgrund der fehlenden demokratischen Tradition dieser Länder – der extremen Unverhältnismäßigkeit in der Anwendung. Vage Definitionen machen aus, der Regierung unliebsamen, Nichtregierungsorganisationen schnell „terroristische Vereinigungen" – mit vielfach tödlichen Folgen für die Betroffenen und selten rechtlichen Konsequenzen für beteiligte Exekutivorgane.

Durch diese Instrumentalisierung und Ausweitung des Terrorismusbegriffes (siehe Grabowski, Herold & Jordans Vorwort, S. 7) auf jegliche Oppositionsbewegungen und die damit oftmals einhergehende, massive Einschränkung der Meinungs- und Pressefreiheit sowie restriktive Informationspolitik wurde gerade in Gesellschaften mit noch weitgehend ungelösten sozialen, politischen oder wirtschaftsdistributiven Problemen die Diskussion um Ursache und Legitimität politischen Widerstands – auch gewalttätiger Natur – großteils abgewürgt, was zu einer Kriminalisierung und Entpolitisierung der jeweiligen Problematiken führt. Tatsächlich greifen mehrere AutorInnen des Bandes dieses Thema auf, wobei besonders Michael Clarkes Beitrag zur Verschärfung chinesischer Gesetze mit dem impliziten Ziel der Unterdrückung der Uiguren hervorsticht, da er sich nicht nur inhaltlich ähnlich wie andere – um nicht zu sagen repräsentativ –, sondern auch sichtlich bewegt und argumentativ überzeugend damit auseinandersetzt (S. 73).

Angesichts der tristen Lage in den beschriebenen Ländern argumentiert der Großteil der AutorInnen recht normativ, wobei die Sympathien klar auf Seite der jeweiligen Aufständischen oder Oppositionellen liegen und mitunter die Frage der Legitimität bewaffneten Widerstandes gegen die Regierungsgewalt in den Vordergrund gestellt wird. Der europäische Konsens hinsichtlich der prinzipiellen

Ablehnung von Folter und Willkür unabhängig von der Schuldfrage der Inhaftierten wird dabei oft überlagert; bei manchen Argumenten scheint es so, als meinten die AutorInnen, es wäre es bloß inakzeptabel „Unschuldige"zu foltern oder zu töten. Wiewohl eine Stellungnahme zugunsten unterdrückter Gruppen von menschlichem und menschrechtlichem Standpunkt aus verständlich sowie teils auch argumentativ nachvollziehbar ist – und die im Vorwort klar geäußerte Intention der Beeinflussung „politisch Interessierte[r] und Multiplikatoren" (S. 9) widerspiegelt – stellt sich bei einigen Beiträgen doch die Frage, inwieweit sie wissenschaftlich beschreibender und erklärender Natur sind oder vorrangig einer normativen Agenda folgen. Noch mehr gilt zu überlegen, ob die Internierung und Befragung Professor Song Du-yuls bei seiner Einreise nach Südkorea durch Geheimdienst und Staatsanwaltschaft – so unerfreulich und juristisch bedenklich diese auch sein mögen – tatsächlich *zwei* Artikel (jene von Song Du-yul selbst und von Herold) in einem Sammelband von nur zehn Beiträgen rechtfertigen. So diese Episode aber systematischen Charakter hat, sollte dies expliziter und klarer dargelegt werden; Begriffe wie „bizarr", „absurd" und „realitätsfremd" (Song, S. 91) innerhalb nur eines Satzes erwecken kaum den Eindruck wissenschaftlicher Distanz zum Erlebten.

Insbesondere leidet der wissenschaftliche Anspruch des Bandes aber, so verwendete Theorieansätze nicht deklariert werden oder schlicht und einfach nicht vorhanden sind. Lobend hervorzuheben sind hierbei die Beiträge des Mitherausgebers Rolf Jordan über die Menschenrechtslage in Malaysia und Singapur in einem expliziten Vergleich der Lage vor und nach 9/11 sowie des ASEAS-Redakteurs Alfred Gerstl, der – ähnlich wie auch andere AutorInnen des Bandes, aber mit klar präzisiertem Theorieansatz – die Entpolitisierung von Terrorismus am Beispiel ASEAN betrachtet. Beide Beiträge gehen ausgesprochen balanciert auf verschiedene Aspekte und Perspektiven der Problematik ein, ohne dabei aber die groben Menschenrechtsverstöße zu relativieren oder ignorieren.

Die von den HerausgeberInnen Grabowski, Herold und Jordan formulierte Leitfrage des Bandes nach den Auswirkungen neuer Gesetzgebungen vor dem Hintergrund der vermeintlichen Zäsur 9/11 (S. 8) wird vom Großteil der AutorInnen gestellt, zumeist aber mit dem Hinweis auf Rhetorik, um westliche Unterstützung zu erhalten, oder nur gradueller Verschlechterung bereits existierender fragwürdiger Menschenrechtslage beantwortet. Nicht die Anschläge von New York und Washington, sondern Ereignisse

davor und danach erklärten die Entwicklungen in Asien.

Bei allem Informationsreichtum, aus wissenschaftlicher Hinsicht ist die etwas divergierende Qualität der Beiträge ein Wermutstropfen. Für die im Vorwort deklarierte Zielgruppe – und hierbei gerade für Südostasien-Interessierte – bietet „Sicherheit kontra Menschenrechte" aber eine interessante und wertvolle Bestandsaufnahme.

Harald Krebl

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