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Civil society participation in the reformed ASEAN

Reconfiguring development

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Amid much fanfare, the ASEAN Economic Community was signed into existence in December 2015 by the grouping's ten heads of state. This event was the final stage of a 15-year transformation, prompted by the regional economic crisis of the late 1990s. The ASEAN Economic Community entails the free movement of goods and services and the freer movement of capital and labor, and has been promoted as transforming member states into “a single market and production base, a highly competitive economic region, a region of equitable economic development, and a region fully integrated into the global economy” (ASEAN 2008).

Alongside the creation of the single market, ASEAN elites sought to dispel the grouping's image as a ‘club of dictators,’ attained through decades of regional governance being characterized by closed-door meetings and tacit agreements, alongside the various tactics employed by the grouping's authoritarian regimes to silence dissent. With this aim, ASEAN elites promoted the grouping's reform as being ‘people-oriented,’ and committed to strengthening good governance, the rule of law and human rights in pivotal agreements such as the ASEAN Charter.

To ascertain the development implications of this transformation, this chapter examines changing modes of political participation in regional governance. The first section charts the

context for this transformation, namely the regional economic crisis, and subsequent reforms to ASEAN's governance structures, notably the development of a regulatory framework. The chapter then looks to the strategies employed to re-legitimize this political project, particularly the participatory channels established to engage civil society organizations. This section demonstrates how these channels have been structured to include groups that are amenable to the interests of ASEAN elites, and marginalize dissenting voices.

The chapter highlights how ASEAN's reform is characteristic of neoliberal development policy, where liberalization and the deepening engagement of international capital and global markets has been pursued alongside measures to socially embed these processes and manage the conflicts generated (see [Carroll and Jarvis 2015](#)). The chapter argues that despite rhetoric of inclusion, the reform of this political project remains calibrated to defending powerful interests, thereby furthering, rather than challenging, regional inequalities. Despite its limited potential to advance more equitable and empowering forms of development, ASEAN's reform has provided a rallying point for civil society organizations across the region, with its conflicts and contradictions driving resistance and collective challenges.

Reconfiguring regional governance

The regional economic crisis of the late 1990s had far-reaching and long-lasting impacts. It resulted in widespread unemployment, a decline in real wages and a spike in poverty in those countries hardest hit – Thailand, Indonesia and Malaysia. The sudden impacts of the crisis on people's livelihoods and welfare generated widespread criticism of governments, and people mobilized in support of greater transparency and accountability. The most significant of these

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domestic upheavals was in Indonesia, where the Suharto regime collapsed after 30 years of rule. This was fueled by the violent riots that took place in many parts of Indonesia in May 1998, as people organized in opposition to the spike in prices and widespread unemployment in a context where Suharto's opponents within the government and military were vying for power. In Malaysia the dismissed Deputy Prime Minister Anwar Ibrahim led the *Reformasi* movement, advocating for the resignation of Prime Minister Mahathir Mohamad and the end of corruption and cronyism, with this conflict continuing to reverberate through Malaysian politics over the subsequent decade. Similarly, protests in Thailand forced Chavalit Yongchaiyudh to resign and eventually made way for Thaksin Shinawatra's rise to prime minister after the Thai Rak Thai Party was established in 1998. Elites in these and other affected countries pursued some social and political reforms to draw investors back to the region and restore domestic stability. ASEAN's newer members, however, faced little imperative for reform because of the weakness of opposition forces in these countries (see [Jones 2015](#)).

These political mobilizations against governments emerged alongside ASEAN's legitimacy crisis. The organization's conspicuous absence from the recovery, together with the involvement of the IMF, raised questions and criticisms. These concerns were publicly acknowledged by ASEAN elites, including the secretary-general at the time, Rodolfo Severino, who noted: "The same commentators who used to assume a future of continuous growth for ASEAN now seem to believe that ASEAN can do nothing right – or can just do nothing" ([Ahmad and Ghoshal 1999](#), 759).

To encourage the return of capital to the region and promote economic recovery, ASEAN elites embarked on a market-building program. In the post-crisis years elites agreed to a series of reforms intended to intensify regional integration and create an integrated and liberal market –

the ASEAN Economic Community. To facilitate these market-building reforms, regional governance was reconfigured around a regulatory framework where a diversity of state and non-state actors collaborate through networks to harmonize domestic standards. This regional regulatory framework is embodied in the networks that have been established across a widening set of issues, including transnational crime, forest law enforcement and governance, consumer protection, and competition policy. Elliot notes that governments reconfigured regional governance around regulatory networks so as to increase their influence and the efficacy of activities: “Member states have *instigated* these arrangements to enhance their authority and the quality of formal rules. ASEAN policy-makers have made explicit strategic and political claims for the advantages of transgovernmental network arrangements” (2012, 49, emphasis in original).

These various regulatory networks were situated in one of three ‘communities.’ ASEAN’s restructure was agreed to through the ASEAN Charter, this being the grouping’s constituent instrument that elites committed to developing after the crisis. The Charter was a nod to a more rule-based form of governance, however its ‘opt out’ clauses in dispute settlement mechanisms suggest these continue to function as political rather than legal instruments, indicating the persistence of ‘rule by law’ rather than ‘rule of law’ (see Gerard, forthcoming). The Charter outlined ASEAN’s restructure around three ‘communities,’ replicating the language employed in the European integration process, with the ASEAN Economic Community sitting alongside the ASEAN Political-Security Community and the ASEAN Socio-Cultural Community. Regulatory networks are housed in one of these three communities and report to the relevant sectoral body. For example, the ASEAN Intergovernmental Commission on Human Rights that comprises academics, bureaucrats and civil society representatives is situated in the ASEAN-Political Security Community and reports to the ASEAN Foreign Ministers.

This shift to a regional regulatory framework mirrored transformations in statehood across members and their embedded ‘politics of competitiveness,’ where “the orientation of these regimes reflects national trajectories that have seen the outflanking or defeat of more radical class and developmental projects by enthusiastic proponents of capitalist development” (Cammack 2009, 269; see also Carroll and Jarvis 2015). Since the late 1980s, under the guidance of leading development institutions including the World Bank, ‘good governance’ directives increasingly shaped state management, with technocrats ever more involved in decision-making. New technocratic forms of government that were intended to enhance those institutions that aid markets increasingly characterized states’ operations, “replacing politics with ‘good governance’” (Robison 2011, 9–10; see also Carroll this volume). States’ new political projects were increasingly characterized by “authoritarian liberalism,” where a strong state apparatus is combined with a liberalizing economy that is organized around regulatory modes of governance, and the state serves as “guardian of the market order” to ensure market credibility (Jayasuriya 2003, 205).

ASEAN’s restructure around a regulatory framework reflected some of these transformations in state management. Jayasuriya (2015) notes that regulatory regionalism leads not to supranational governance but to the creation of regional governance spaces both within and between states. These regional governance spaces cut across national territorial boundaries, resulting in “the molding and shaping of new forms of institutional spaces within the state,” and thus transforming domestic political processes (Jayasuriya 2015, 518). Crucially, by encompassing a diversity of actors, including representatives from state agencies, the private sector, civil society organizations, think tanks, academia and scientific communities, these

regulatory networks enable a greater diversity of social groups to shape regulatory regimes, raising the question of who participates in these spaces, and how.

The regulatory reforms to establish the single market entail the rescaling of issues to the regional scale, with these governed through regulatory networks comprising a mix of state and non-state actors. The rescaling of governance to regional regulatory networks is significant because each scale (whether regional, national, subnational or local) presents a different configuration of actors, resources and political opportunities. Rescaling the governance of an issue can privilege particular interests at the expense of others, and social actors consequently attempt to rescale issue governance with the scale that is most compatible with their interests (see [Hameiri and Jones 2015](#); [Keil and Mahon 2009](#)).

For the ASEAN Economic Community, the conflicts arising from this attempt to reorganize the regional economy are reflected in the very uneven liberalization that has occurred, with a few sectors highly integrated and others remaining nationally bound. The various assessments published by the ASEAN Secretariat, governments and private actors note that the process of economic integration has generally been lackluster, with governments failing to meet various targets. As described by [Jones \(2015\)](#), this variegated integration reflects the region's political economy and the conflicts that have emerged around this attempt to rescale governance. Establishing an integrated regional market entails extensive regulatory reform that impacts the distribution of power and resources among the region's politico-business alliances. Historical processes of state-led development in Southeast Asia saw the fusing of state and business interests, such that the latter has developed a vast influence over public policy (see [Rodan et al. 2006](#)). These predatory arrangements made particular forms of economic growth possible in the 1980s and 1990s; however this degree of influence has also meant that this recent attempt to

reorganize the regional economy by liberalizing cross-border flows of goods, services, labor and capital has been strongly contested by relevant coalitions, with their support or opposition determined by the potential to gain from this process.

The governance of labor migration through the ASEAN Economic Community illustrates how conflicts over regulatory reforms have resulted in a highly uneven integration. This unevenness can be seen in, first, sectoral differences across agreements to facilitate high-wage migration; and second, in the differences across attempts to regulate high- and low-wage migration. On sectoral differences in high-wage migration, the ASEAN Economic Community entails ‘freer’ movement of labor, referring specifically to ‘skilled’ labor.² The movement of high-wage labor has been facilitated through Mutual Recognition Arrangements where governments have agreed the conditions under which people employed in specific professions can move between countries. Eight have been negotiated, including one for architects and one for medical professionals. While the Mutual Recognition Arrangement for architects facilitates labor movement, the one for medical professionals is a protectionist arrangement, safeguarding medical jobs in each country. These differences in the regional regime governing high-wage labor movement reflects the political economy of each sector, where each government’s bargaining position has been determined by whether the sectoral national body for each country has a direct interest in supporting labor migration (Jones 2013). In the case of architects, regional labor movement builds on existing arrangements that are supported by national bodies, and they have subsequently designed their Mutual Recognition Arrangement to facilitate labor movement. However, national bodies for medical professionals, while rhetorically supporting labor movement, have developed their Mutual Recognition Arrangement to protect medical jobs in each country (see Sumano 2013). National coalitions that would be negatively impacted by

integration have opposed the required regulatory reforms while those that stand to gain have supported reforms, resulting in a highly uneven integration.

The case of labor migration also highlights the project's uneven integration through the differences in attempts to regulate high- and low-wage migration. Importantly, these differences are also indicative of how the ASEAN Economic Community is organized around the substantial inequalities that exist across communities in Southeast Asia, and that this project furthers these inequalities, rather than challenges them. The movement of high-wage labor builds on existing national regulatory regimes where countries seek to attract high-wage migrants by structuring entitlements according to income. For example, Singapore's 'Personalized Employment Pass' is for individuals earning in excess of SG\$18,000 per month prior to commencing work in Singapore, and they are granted the flexibility to change jobs, bring family members and apply for permanent residency. For people in the categories of 'Work Permits for Foreign Workers,' employed in the construction, manufacturing, marine, process and service sectors, and 'Work Permits for Foreign Domestic Workers,' they are employed on a transient basis, are tied to a specific employer and are not permitted to marry a Singaporean citizen or deliver a child in Singapore ([Ministry of Manpower 2015](#)). This revolving door for low-wage workers enables governments to increase numbers during economic expansions and decrease the intake during economic declines ([Kaur 2010](#), 10).

While high-wage migration is being facilitated in some sectors through Mutual Recognition Arrangements, attempts to regionally regulate low-wage migration – and, crucially, to improve working conditions – have stalled. ASEAN's governance of migrant workers' rights is of key relevance for intra-ASEAN migration, given that a majority of the substantial increase in intra-ASEAN migration in recent decades has comprised low-wage migration, and much of it

irregular. Negotiations for an instrument governing the rights of migrant workers commenced in 2007 with the establishment of a network to design and implement regulatory reforms, the ASEAN Committee on the Implementation of the ASEAN Declaration on the Promotion and Protection of Migrant Workers. However, negotiations deadlocked over key issues, notably whether the instrument would be legally binding and if it would cover irregular migrant workers (Bacalla 2012; Forum Asia 2013). These are not minor points of disagreement and would determine whether the instrument would have scope to improve conditions for low-wage migrants. Hence, despite elites' rhetoric on inclusive development through the ASEAN Economic Community, the regulatory reforms for labor migration are beneficial for high-wage workers and do not yet improve the conditions faced by low-wage migrants. Labor migration governance through the ASEAN Economic Community enables regional elites to assert they are working to address the issues associated with the significant expansion in intra-ASEAN low-wage migration of recent years, while continuing to facilitate flows and in doing so, enjoy the benefits this trend has conferred.

The differing approaches to governing high- and low-wage migration thus highlight how economic integration remains calibrated to defending powerful interests and furthers, rather than challenges, regional inequalities. As a consequence, civil society groups have increasingly sought to influence regional governance, responding to the conflicts and contradictions of this project. The subsequent section examines the participatory channels that have been established for civil society organizations, and how these channels have been structured to facilitate representation, but not contestation.

Widening, yet limiting, regional governance³

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Through ASEAN's restructure, a greater diversity of actors now contributes to regional governance, and civil society organizations⁴ are one such actor. This section first charts the inclusion of civil society organizations in regional governance, and then demonstrates how this widening of policymaking has not enabled dissenting voices to shape policy or advance alternatives.

Prior to the regional economic crisis, civil society organizations paid little attention to ASEAN given its limited impact on their activities and its highly elitist and exclusive mode of governance. This is evident in ASEAN elites' limited interactions with non-state actors prior to the crisis. ASEAN elites engaged with, first, the ASEAN Chamber of Commerce and Industry that was established in 1972 and comprised the apex business chamber of each state. Second, they consulted with some professional bodies, such as the Federation of ASEAN Public Relations Organizations, through the affiliation system that was established in 1979. Third, ASEAN elites engaged with economic and security technocrats from the late 1980s through the ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS), with these engagements driven by the need for ASEAN elites to address issues arising from the declining presence of the United States in the region along with the dislocation and disruption being experienced because of rapid industrialization.

This elitist and opaque mode of governance throughout ASEAN's first few decades occurred in the context of a highly atomized and weak civil society across the region. As charted by [Hewison and Rodan \(2014\)](#), the Left was highly significant in the nationalist struggles of the 1930s and after the Second World War. However, the space for political expression was attacked and dissenting views repressed, first by colonial authorities and then by authoritarian states, such

that radical attempts for socio-economic and political transformation abated. The Cold War then presented a decidedly inhospitable environment for the political Left.

The rise of ‘authoritarian liberalism’ across the region from the late 1980s brought a rapid and predatory mode of capitalist development, along with a different set of conflicts over political representation. Those whose fortunes improved with the region’s economic development began demanding political participation, which saw the renewal of civil societies. These forces were vocal critics of governments after the regional economic crisis, leading calls for measures to address corruption and greater transparency and accountability. Ahmad and Ghosal note: “The shock of the crash prompted widespread challenges to the political and social status quo, with a bolder and better-educated middle class challenging the paternalistic order of the past” (1999, 767). However, these new demands for political representation were largely compatible with market reforms. Activism centered on the protection of rights, liberty and representative forms of government, and was detached from the region’s historical movements that had organized around reforming the structural sources of social inequality (Hewison and Rodan 2011, 25; see also Clammer 2003). Activism was thus reinvigorated over this period, but collective action was focused on supporting and improving market reforms, rather than challenging them. Civil society organizations were thus revitalized with the region’s economic development in the late 1980s, albeit along far less radical agendas than during the 1930s and 1940s, and these groups were a critical organizing force after the crisis.

ASEAN elites sought to re-legitimize their regional project, and its reform, with these discontented social forces. Vision 2020 was released in 1997, and it committed member states to creating a “community of caring societies”, where “civil society is empowered and gives special attention to the disadvantaged, disabled and marginalized and where social justice and the rule of

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law reign,” and countries are “governed with the consent and greater participation of the people with its focus on the welfare and dignity of the human person and the good of the community” (ASEAN 1997). The participatory component of ASEAN’s reform agenda was then affirmed in the Vientiane Action Program, signed in 2004, where governments endorsed the “effective participation of family, civil society, and the private sector in tackling poverty and social welfare issues” (ASEAN 2004). Finally, with the Charter of 2008, ASEAN elites agreed, “ASEAN may engage with entities which support the ASEAN Charter, in particular its purposes and principles” (ASEAN 2007a).

From the early 2000s, ASEAN elites began complementing this inclusive rhetoric with the establishment of new participatory channels for civil society organizations. The affiliation system, noted above, commenced from 1979, and organizations – predominantly professional associations – could apply to become affiliated to ASEAN and in doing so, access some participatory functions. However, in the early 2000s ASEAN elites also endorsed two new modes of participation: informal consultations on specific issues, with the most high-profile of these being the consultations conducted for the Charter; and five annual sectoral forums intended to facilitate dialogue between elites and civil society organizations. These are known as the GO-NGO forums (meaning government organization-non-governmental organization) and are held on migrant labor, rural development and poverty eradication, agriculture and forestry, social welfare and development, equal opportunity for people with disabilities, and children’s issues.

ASEAN elites’ claims to inclusive and participatory governance along with their shift to focus on issues relevant to the region’s civil society organizations – including environmental management, human rights and migrant workers’ rights – attracted much interest. ASEAN’s reform was an important catalyst in the regionalization of advocacy, and some groups

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subsequently sought to shape regional governance in alignment with their objectives, with elites' 'people-oriented' rhetoric suggesting their contributions would be welcomed. Groups began collaborating across countries, with their common experiences organizing around issues arising from states' narrow pursuit of growth providing fertile ground for collaboration. Issues arising as a consequence of this approach to state management, such as land evictions, deforestation, election monitoring, child trafficking and sex tourism, provided rallying points for collaboration.

Regional networks were established, and ASEAN-focused activities within existing networks developed. A key network that drove the regionalization of advocacy was the Solidarity for Asian People's Advocacy (SAPA) network. SAPA was formally established in February 2006 at its first regional consultation held in Bangkok, and it comprises approximately 100 organizations, both national and regional. Its activities cover the entire Asian region, and it is organized around three sub-regions – Northeast Asia, South Asia and Southeast Asia – with working groups targeting the multilateral processes in each sub-region. In the case of Southeast Asia, the SAPA Working Group on ASEAN forms an organizational umbrella under which various task forces operate. These task forces align with a relevant regulatory network or issue, such as the SAPA Task Force on ASEAN and Human Rights that was formed in August 2007 to unite rights advocates in lobbying the ASEAN Intergovernmental Commission on Human Rights. Similarly, the SAPA Task Force on ASEAN and Migrant Workers was formed in April 2006 to bring together relevant groups to lobby the ASEAN Committee on the Implementation of the ASEAN Declaration on the Promotion and Protection of the Rights of Migrant Workers. Others include the SAPA Task Force on ASEAN and Burma and the SAPA Task Force on ASEAN and Freedom of Information. The SAPA Working Group on ASEAN was the key civil society actor in the consultations that ASEAN conducted during the drafting of the Charter (see

Gerard 2015), and it played a central role in the early years of the ASEAN Civil Society Conference, ⁵ which has become the central parallel summit (see Gerard 2013). In bringing together its very geographically dispersed and issue-specific membership, the SAPA network has contributed in unifying organizations in their attempts to influence ASEAN policy.

While signaling a substantial shift in regional governance, the channels established by ASEAN elites to include civil society organizations in fact continue their prior practice of a highly exclusive and elitist mode of governance. This is because these participatory channels offer greater opportunities for representation, but not opportunities for groups to contest policy or advance alternatives. This narrow space for political contestation is a consequence of three characteristics of these participatory channels. First, there are strict controls over who can participate. In the case of the GO-NGO forums, an informal system of affiliation operates where each country compiles a list of relevant organizations that they wish to invite to participate. Every member of the ASEAN Committee of Permanent Representatives considers each list, and if any of the nominated organizations are deemed contentious by a member state, they are removed and the remaining groups are invited to participate (Gerard 2015). Hence, all participants must receive the endorsement of all member states, making participation in these forums highly exclusive. Many of the participants in these forums are subsequently GONGOs (government-organized non-governmental organizations), these being organizations that are established and/or maintained by states. While the distinction between a GONGO and an independent organization varies, as does the extent of governmental control over an organization's activities, groups with a more contentious agenda are typically not represented in the GO-NGO forums. This mode of participation has been dominated by those groups that are nationally accredited, with this system of selecting participants biased toward groups with

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formalized and legalized systems of operation and those that do not contest national policies and maintain the favor of governments.

Second, there are strict controls over the nature of participation in these spaces. In the case of the affiliation system, the only form of participation that is guaranteed is the submission of written statements to the ASEAN Committee of Permanent Representatives. All other activities – such as presenting information to an agency, attending meetings or obtaining access to documents – must be requested in writing, and there are no mechanisms for recourse if an application is rejected. The guidelines governing the affiliation system were first agreed to in 1979, and then revised in 2006 and again in 2011, with this most recent version adopted by the Committee of Permanent Representatives on 5 November 2012. This latest revision did not lead to more substantive ways for civil society organizations to participate in policy-making. Guidelines were revised largely to align them with ASEAN's restructure, such as by referring to the ASEAN Committee of Permanent Representatives, rather than the ASEAN Standing Committee. The revised guidelines also introduced two additional obligations for affiliated organizations. First, their activities must comply with the laws of member countries ([ASEAN 2012](#), article 8). Second, affiliated organizations are to be reviewed every three years by the Committee of Permanent Representatives, and any organization that does not meet its obligations or undertakes activities contrary to ASEAN and member states' aims and principles will have its affiliation revoked ([ASEAN 2012](#), articles 10–11). Unsurprisingly, the list of 58 organizations continues to be dominated by professional associations, such as the ASEAN Cosmetics Association and the ASEAN Association of Radiologists ([ASEAN 2016](#)).

Third, spaces for civil society participation in ASEAN are determined by the issue under discussion, limiting the range of political activities by activists. Issues aligned with ASEAN's

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market-building agenda, such as rural development and poverty eradication, have been the focus of the GO-NGO forums and the informal ad hoc consultations between policymakers and civil society organizations. However, groups working on issues deemed contentious by elites because they directly challenge powerful interests – such as land evictions in Cambodia or the enforced disappearance of environmental activists – have been excluded from all forums for civil society engagement. These three characteristics of participatory channels established by ASEAN – determining who participates, the nature of participation and the issues discussed – narrow the possibilities for those seeking to shape, and contest, regional governance.

Alongside these three participatory channels, ASEAN elites also began to interact with civil society groups through external forums, such as the ASEAN People’s Assembly and the ASEAN Civil Society Conference.⁶ However, ASEAN elites have not institutionalized these forums, meaning that officials attend only on their terms, utilizing these activities in accordance with their interests. In the case of the ASEAN Civil Society Conference, a regional steering group collaborates with national organizations and, as necessary, the ASEAN chair for that year.⁷ This event has two components, one being a forum comprising plenaries and workshops where participants discuss advocacy strategies and collaborate in drafting a ‘People’s Statement’ addressed to ASEAN leaders. At this forum participants also appoint a representative for each country that participates in the second component of the conference, this being the interface meeting where heads of state and civil society representatives engage in some form of exchange, ranging from an informal dialogue to simply the presentation of the ‘People’s Statement.’

ASEAN elites have over the years expanded their repertoire of tactics to direct the conference and recast it according to their preferences. One strategy governments have employed is replacing the civil society-appointed representatives for the interface meeting with an

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individual of their choosing. For example, at the interface meeting in Cha-Am in October 2009 the government of Burma replaced Aung Myo Min, the director of the Human Rights Education Institute of Burma, with Police Colonel Sitt Aye, recently appointed as the head of President Thein Sein's legal advisory team (ACSC 2011). Another strategy governments have employed is setting the agenda for the interface meeting, rather than allowing civil society representatives to develop it, drawing on the conference proceedings. For example, in Jakarta in May 2011, the agenda of the interface meeting was confined to the rather non-controversial issue of 'Health towards achieving the Millennium Development Goals and/or Poverty Reduction.' A further strategy has been for governments to apply pressure to the venues where the conference has been held. For example, in Phnom Penh in March 2012 under pressure from the Cambodian government the management of the conference venue opposed some of the scheduled workshops, threatening to cut power and padlock the venue if particular workshops were not cancelled, specifically those on Myanmar's human rights abuses, land evictions, the expansion of monoculture plantations and the protection of ethnic minorities' rights to land (Tupas 2012). Through these various strategies, ASEAN elites have recast the boundaries of civil society participation in the conference, seeking to direct this event according to their preferences. These growing intrusions into the event limit civil society groups' potential to advance their objectives and indicate the hollowness of ASEAN's 'people-oriented' commitments.

ASEAN elites have thus complemented their market-building program with channels for civil society organizations to participate in policymaking. These participatory channels, however, have been organized around excluding groups that are not supportive of market-building reforms. By creating spaces for some civil society representatives to contribute their views, while

restricting their ability to contest policy, ASEAN elites have created opportunities for representation, but not contestation.

Conclusion: contesting regional governance

This chapter has considered the boundaries of some of the new modes of political participation that have emerged through ASEAN's reconfiguration over the past 15 years so as to ascertain the development implications of this project's reform. The participatory channels established by ASEAN elites function in socially embedding the single market by providing spaces through which conflicts can be managed, and mitigated. Permitting selected civil society organizations to participate and limiting their ability to contest policy, these participatory mechanisms are structured to legitimize ASEAN elites' market-building program, including amenable groups and marginalizing dissenting voices. The limited opportunities for contestation through these channels highlight the importance of examining the implementation and ongoing practice of elites' transformative claims, and also draws attention to the role of ASEAN elites in structuring these new political channels (Gerard 2015). These participatory spaces did not emerge from a vacuum, but were established in response to specific conflicts and structured by ASEAN elites, making it unsurprising that they are organized toward advancing elites' interests.

With limited opportunities for contestation through these channels, many groups avoid engaging ASEAN altogether and advocate outside of such channels, where they also contest the limited formal opportunities to influence regional governance through ASEAN structures. ASEAN's transformation over the past 15 years has, however, provided a rallying point for groups across the region and a catalyst for the regionalization of advocacy. Various online

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platforms, including Google and Facebook groups, function in connecting groups across countries. These platforms allow activists to share information on official developments and advocacy strategies, enabling them to continue to exert pressure, and to do so across governance scales.

The ASEAN Civil Society Conference, despite governments' growing incursions into its organization, continues to provide an annual opportunity for groups to 'stocktake' their progress and jointly plan activities. The conference raises awareness of activists' activities through the reporting of the event in both the official media and social media, aided by the creative means through which activists advocate their agendas, such as the various art displays and theater performances held at the 2015 conference in Kuala Lumpur and the conference's first protest march. The conference is also a space for sharing ideas about alternative means of shaping ASEAN policy. For example, at the 2015 event, in multiple workshops participants canvassed the notion of a regional strike or day of action, where people would withdraw their labor as a means of communicating their opposition to the ASEAN Economic Community and its inequalities. Similarly, in response to the Laos government's increasing restrictions over civil society activities along with suspicions regarding its involvement in the disappearance of environmental activist Sombath Somphone in December 2012, the regional steering committee controversially decided not to hold the ASEAN Civil Society Conference in Laos in 2016, as scheduled. The group agreed to instead hold it in Dili in solidarity with civil society organizations in Timor-Leste, given that the country has been seeking to join ASEAN, and its civil society organizations have been involved in the ASEAN Civil Society Conference since 2004 (THC 2016). The ASEAN Civil Society Conference thus highlights activists' persistent presence, and challenge, to the trajectory of Southeast Asian regionalism.

While ASEAN's transformation has not led to more equitable and empowering forms of development for communities in Southeast Asia, and it will likely exacerbate existing inequalities, it has provided impetus for the regionalization of advocacy. Attempts to influence regional governance through direct engagement with ASEAN elites have thus far yielded little. However, the conflicts and contradictions that this project has generated have driven regional collaboration among activists and the development of innovative strategies to collectively contest it.

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1 Termed the 'CLMV countries,' Cambodia, Laos, Myanmar and Vietnam joined ASEAN from 1995 to 1999.

2 ASEAN documentation employs the category of 'skilled' labour. The author acknowledges that the usage of this category and its counterparts – 'unskilled'/'semi-skilled'/'low-

skilled’ – can often be incorrect, given that it is not unusual for migrant workers to be employed in jobs that do not reflect their qualifications. The use of the terms ‘high-wage’ and ‘low-wage’ in this article draws from the Singaporean and Malaysian governments’ categorization of migrants’ entitlements according to their monthly salary (see [Ministry of Manpower 2015](#); [Nah 2012](#)).

3 This section substantively draws on [Gerard 2014](#).

4 ASEAN documentation refers to ‘civil society organizations,’ and this chapter adopts the same term. For a critical discussion of the use of this term in ASEAN documentation and by regional actors see [Gerard 2014](#): 14–16.

5 This forum has been held under various titles over its existence, including the ‘ASEAN People’s Forum’ and the ‘ASEAN Civil Society Conference/ASEAN People’s Forum.’ This chapter refers to these events using their original title, the ‘ASEAN Civil Society Conference.’

6 The ASEAN People’s Assembly was first held in 2000 and established by the ASEAN-ISIS network as a forum for dialogue between civil society organizations and government officials, while the ASEAN Civil Society Conference was first held in 2005, led by regional civil society organizations in collaboration with the Malaysian government, given that Malaysia was the ASEAN Chair in that year. For a detailed discussion of political participation at these two events, see [Gerard 2013](#).

7 The ASEAN chairmanship rotates annually between member states, generally moving in alphabetical order. The ASEAN chair serves as the host government and manager of key meetings, including the Leaders’ Summits.