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ASEAN: Smoke and Mirrors?**

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Efforts to Engage Southeast Asian Civil Society in ASEAN: Smoke and Mirrors?

Kelly Gerard¹

ABSTRACT: *In the wake of the Asian Financial Crisis, officials in the Association of Southeast Asian Nations (ASEAN) adopted the ASEAN Vision 2020, which outlined the Association's goal of creating a "community of caring societies" and highlighted the empowerment of civil society as a means of achieving this. This rhetorical appeal to widen participation in ASEAN was reasserted in subsequent agreements, and signalled an abrupt shift from ASEAN's previous style of regional governance that was characterised by closed-door meetings and tacit agreements among leaders, leading to the widely-held perception of ASEAN as an elitist and exclusive organisation. Two new opportunities for civil society organisations (CSOs) to participate in ASEAN subsequently emerged, namely ad hoc consultations and annual sectoral dialogues, accompanying the one existing mode of participation, this being the CSO affiliation system. Given these developments, this paper examines the opportunities that currently exist for CSOs to participate in ASEAN processes.*

While the expansion of CSO participation in ASEAN is significant, this paper argues that these opportunities cannot be assumed to be beneficial simply because they exist. Drawing on interviews with ASEAN officials and CSO representatives this paper examines who is permitted to participate in these spaces and the nature of their contribution. In doing so, the paper explores the prevalence of a trend that has been observed in post-authoritarian regimes in Southeast Asia at the regional level, namely political representation increasing alongside a decline in political contestation. The paper argues that the strict controls on the type of participants, the limited opportunities for participants to contest policy in these spaces, and also the issue-specific nature of these opportunities suggests that they currently function in building social capital and creating legitimacy for ASEAN policy.

Introduction: A 'People-Centred' ASEAN?

In the period of reform that followed the regional financial crisis of 1997-98, the leaders of member states of the Association of Southeast Asian Nations (ASEAN) began promoting the idea of building a 'people-centred' community in Southeast Asia. Towards this end ASEAN indicated its desire to open the Association to stakeholders, particularly civil society organisations (CSOs). Accompanying this rhetorical shift was the emergence of two new forms of participation for CSOs in ASEAN, namely the ad hoc consultations conducted by some ASEAN bodies, as well as two sectoral forums.

This appeal to widen participation in ASEAN signalled an abrupt shift from its previous style of regional governance that was characterised by closed-door meetings and tacit agreements among leaders. This style of governance led to the widely-held perception of ASEAN as an elitist and exclusive organisation². Ali Alatas, Indonesian

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² Over the years ASEAN has developed relationships with some non-governmental actors, namely the ASEAN Chamber of Commerce and Industry (later named the ASEAN Business Advisory Council) that was established in 1972 as a forum for interaction between ASEAN and the business community, and the

diplomat and representative to the Eminent Persons Group (EPG) on the ASEAN Charter, summarised this view of ASEAN: “For a long time ASEAN has been perceived as an ‘elitist club’, an organisation comprising mostly Government officials and the ‘we feeling’ and sense of ownership among the common citizens of ASEAN was felt to be almost non-existent” (Alatas 2006).

The shift to include CSOs in ASEAN processes is an important development, and it raises a number of questions, namely: what has prompted ASEAN to involve CSOs in its processes? Which CSOs can participate in these spaces? What contribution do CSOs make to ASEAN policies through participation? Subsequently, drawing on 54 interviews conducted with ASEAN officials and CSO representatives, the paper examines the nature of CSO participation in ASEAN-sanctioned political spaces.

The first section traces ASEAN’s rhetorical shift to widen participation before describing the political economy approach used to investigate CSO involvement in intergovernmental organisations (IGOs). The approach is drawn from the work of Jayasuriya and Rodan (2007), which considers the mode of political participation as the unit of analysis. The application of this framework – novel to the study of CSO participation in IGOs – acknowledges that different systems of structuring CSO participation in IGO-sanctioned spaces produce varying opportunities for CSOs to contribute to IGO processes.

The second section uses this analytical framework to examine the existing mode of participation, namely the affiliation system, and then the two key new opportunities that have emerged.³ In each case, I identify who is able to participate and the precise contribution that particular actors are permitted to make. Instances where CSOs have had success in pursuing their agendas by working within the bounds of these modes of participation are discussed. The paper argues that the strict controls on the type of participants, the limited opportunities for participants to contest policy, as well as the issue-specific nature of these opportunities suggests that participatory mechanisms are intended to address some of the social forces that have organised around issues arising from the mode of capitalist development that is prevalent in the region, and they currently function in creating legitimacy for ASEAN’s reform agenda.

A political economy framework for analysing the participation of CSOs in IGOs

ASEAN first signalled its shift to widen participation during the late-1990s. Thirty years after its establishment and during the turmoil of the regional financial crisis, ASEAN released its Vision 2020 in 1997. This document committed ASEAN member states to the creation of a “community of caring societies” in 2020, where “civil society is

ASEAN-ISIS network of think tanks whose meetings with ASEAN officials increased in regularity from the 1990s. Some have argued that the view of ASEAN as an exclusive club is inaccurate, as indicated by these non-governmental relationships (see Chandra 2009). However, this does not account for the elite nature of those organisations that ASEAN has historically engaged with or ASEAN’s lack of engagement with groups whose agendas are not necessarily aligned with the Association. Overall, it is broadly recognised that ASEAN did not in its first 30 years interact with the wider populace or with non-governmental actors not affiliated with the ASEAN-ISIS network or the business sector.

³ The paper is concerned with those opportunities for participation that exist in ASEAN-sanctioned spaces, and hence it does not address forms of participation that have been sanctioned by only a minority of member states or exist outside of ASEAN-sanctioned spaces, such as protests at the biannual ASEAN Summits or the ASEAN Civil Society Conference.

empowered and gives special attention to the disadvantaged, disabled and marginalised and where social justice and the rule of law reign,” and countries are “governed with the consent and greater participation of the people” (ASEAN 1997). Bali Concorde II was signed on 7 October 2003, after which the idea of a people-centred community became a buzzword in the region (Morada 2008, p. 42). This document was officially heralded as a “watershed”, and suggested significant changes were planned for the Association, particularly its commitment to the notion of democratic peace. Significantly, it was also the first time the term ‘democratic’ was used in an official accord (Luard 2003).

The Bali Concorde II agenda took a more concrete form with the Vientiane Action Programme, signed in 2004, which elucidated tangible strategies for achieving these goals, as well as indicating the Association’s commitment to the negotiation and drafting of the ASEAN Charter. In the Vientiane Action Programme, ASEAN’s leaders also endorsed the “effective participation of family, civil society and the private sector in tackling poverty and social welfare issues,” noting that “approaches and mechanisms to closely involve other ASEAN stakeholders, including the private sector and civil society, must also be addressed” (ASEAN 2004, p. 17, 24). With the decision to design the Charter, Morada notes that the term ‘people-centred’ became even more “*en vogue*” (2008). Consulting with civil society became a consistent part of ASEAN rhetoric, and the possibility of “participatory regionalism” developing in Southeast Asia was raised (Acharya 2003).

Accompanying this rhetorical shift was the emergence of two new forms of participation for CSOs in ASEAN. Since 1979 an accreditation system has operated whereby CSOs can apply for affiliation, which brings with it some participatory mechanisms. However, since 2005 CSOs have been consulted by a number of ASEAN bodies on a range of issues, the most high-profile of these being the consultations conducted for the ASEAN Charter. Since 2006 CSOs have also had the opportunity to participate in ASEAN through two sectoral forums, one on Migrant Labour and the other on Social Welfare and Development, both held annually.

The participation of CSOs in ASEAN parallels the trend seen in many, if not most, IGOs. The literature on this trend is substantial and limitations of space do not warrant a comprehensive review. However, a key debate in this literature centres on the implications of CSOs participating in IGOs, and whether the growth of global civil society and its seemingly increasing influence is a force for greater democracy. It has been argued that the globalisation of governance has created new opportunities for political participation by citizens, such as the participation of CSOs in IGOs, and this is argued to have resulted in greater democratic participation – what has been termed a “power shift” (Matthews 1997). Gaventa and Tandon (2010, p. 4) present a more sombre picture: “while shifting landscapes of global authority create new spaces and opportunities for citizen engagement, they also carry with them new possibilities for and forms of power, which interact with deeply embedded local practices”. This debate highlights the question of the impact of CSOs participating in IGOs, and suggests that while these opportunities are significant, they must not be assumed to be a democratising force.

Numerous empirical studies highlight the diverse ways in which CSOs participate in IGOs. These studies describe the three-tier system of ‘consultative status’ that structures CSO participation in the United Nations (Willetts 1996; Wapner 2007); the European Parliament’s online public register of CSOs (Greenwood 2009); CSO attendance at meetings of the international financial institutions (Charnovitz 2000; O’Brien et al. 2000); and the fledgling Economic, Social and Cultural Council of the African Union (da Costa 2007; Badejo 2008). These numerous empirical studies describe

these varying opportunities, however there are substantial differences amongst IGOs in the processes they have established allowing CSOs to contribute, as well as the types of actors permitted to participate and the forms of participation allowed.

In recognition that these different systems of structuring CSO participation in IGO-sanctioned spaces produce varying opportunities for CSOs to contribute to IGO processes, this paper adopts the framework of Jayasuriya and Rodan (2007), where modes of participation serve as the unit of analysis. A mode of participation is the “institutional structures and ideologies that shape the inclusion and exclusion of individuals and groups in the political process” (2007, p.774). This framework recognises that institutions structure the form politics can take, thereby making particular forms of participation acceptable. As such, modes of participation organise conflicts because they determine which conflicts are “expressed, mediated or marginalized” (2007, p. 779).

Jayasuriya and Rodan differentiate modes of participation by their level of inclusion (a spectrum ranging from individual to collective participants), and also by their degree of autonomy from the state (moving from state-sponsored participation to autonomous participation). According to these two continuums, they identify four modes of participation, namely societal incorporation, administrative incorporation, individualised political expression and civil society expression. The case of CSOs participating in ASEAN fits the category of societal incorporation. As such, its boundaries are state-defined and intended for problem solving rather than contentious politics, carrying “an inherent bias against the contestation of democratic representative politics” (2007, p. 783, 785). Additionally, when these spaces are structured towards the inclusion of specific communities they “foster a technocratic conception of politics” (2007, p. 784). The authors argue this filters out sources of social disadvantages, such as the structural sources of inequalities, in favour of other sources of conflict that “centre instead around different cleavages, such as between local and national groups, between different ethnic groups, and between users and providers of public services such as irrigation” (2007, p. 784). The intention of this mode of participation is to “focus on ‘community’ to galvanise social capital to the task of reducing social disadvantage” (2007, p. 784).

Jayasuriya and Rodan’s interest in modes of political participation was drawn from their examination of political changes in Southeast Asia over the past decade and the emergence of a paradoxical trend where increasing political representation has been accompanied by a decline in opportunities for political contestation. They argue that the narrowing of opportunities for political contestation is linked to efforts to co-opt, marginalise or exclude social forces that have emerged around issues associated with the rapid and predatory mode of capitalist development prevalent in the region, such as groups focusing on environmental conservation, social justice, and public sector reform.

The Southeast Asian civil society sector is one such social force. Activism has grown in response to governments’ pursuit of a ‘growth at all costs’ policy carried out through authoritarian state behaviour. Issues that have been the consequence of such an approach to state management such as the commercialisation of endangered species, the mismanagement of shared resources, poor working conditions, child trafficking, and sex tourism, have increasingly been addressed by CSOs. Meanwhile, the common circumstances that these issues arose from across countries have provided fertile ground for CSOs to organise at the regional level. Over the past decade CSOs have increasingly collaborated across Southeast Asia, seen in the annual ASEAN Civil Society

Conference that has been held since 2005, as well as various issue-specific collaborations that have taken the form of workshops, publications, and seminars.

The regional collaboration amongst CSOs also reflects their aim of shaping ASEAN's reform agenda according to their interests. ASEAN has sought to reinvent itself after the financial crisis beginning in 1997. It has undertaken an ambitious reform agenda characterised by increased institutionalisation, seen in the ratification of the ASEAN Charter, as well as broadening the scope of ASEAN activities, particularly the management of transnational non-traditional security issues such as drug-smuggling, the seasonal haze, and terrorism. Creating an integrated and liberal market of approximately 600 million people, which would allow it to compete with its neighbouring powerhouses, such as India and China, is paramount in ASEAN's economic agenda. ASEAN's reform agenda has signalled to CSOs its potential relevance to their interests, and this has stimulated CSOs to seek engagement with ASEAN and also to vocally criticise its policies. To ascertain the implications of these developments, the following section examines who is represented within these sites, what forms of participation are deemed permissible, the struggles that have taken place in establishing these modes of participation and their implications for the various interests involved.

ASEAN-sanctioned spaces for CSO participation

CSO affiliation

The system of affiliating CSOs dates back to 1979 when ASEAN first certified the Federation of ASEAN Public Relations Organisations and the ASEAN Bankers Association (ASEAN 2009). The guidelines governing the accreditation system underwent review in 2006 and at the time of writing were undergoing a further review. CSOs are hopeful that the most recent review would create a more participatory system. However ASEAN officials have indicated that the review is intended only to change the wording of the guidelines so that they are up to date with the structural changes in ASEAN that were endorsed with the signing of the Charter, rather than marking an entirely new mode of engagement (ASEAN Officials 2011).

According to the 2006 guidelines, ASEAN-affiliated CSOs must be non-profit organisations committed to achieving the aims of ASEAN with membership confined to ASEAN member states. In their application for affiliation, CSOs must disclose their reasons for applying, details of their activities and membership, their constitution and registration papers, and staff background information. Applications for affiliation must receive the approval of all member states, through the ASEAN Committee of Permanent Representatives (CPR)⁴. Affiliated CSOs have certain privileges such as: being able to use the name 'ASEAN' and its logo on non-commercial correspondence; the ability to submit written statements to the CPR; and being provided with annual ASEAN publications. They can apply to receive Third Party funding for relevant projects, present information to their 'link body' (this being a nominated agency of ASEAN), attend meetings of their 'link body', access relevant ASEAN documents for research, and use the ASEAN Secretariat facilities in Jakarta (ASEAN 2006b).

The affiliation system permits very limited CSO participation in ASEAN practices. This is because with the exception of written statements to the CPR, none of these

⁴ According to the 2006 Guidelines, the ASEAN Standing Committee considers applications for affiliation. ASEAN officials have indicated that as a result of the structural changes agreed with the ratification of the Charter, the CPR subsequently considers applications for affiliation.

various participatory mechanisms are guaranteed and require an application to be made. Furthermore, there are no procedures to ensure the transparency of the affiliation process, and there is no institutionalised mechanism with which to question a decision.

The affiliation system's stringent requirements also discourage many CSOs from applying. As Chong (2011, p. 14) notes, "funding, in general, is a perennial challenge for many CSOs in the region", as are human resources. Consequently, devoting time and resources to reforming a CSO to meet the affiliation requirements would detract from the main focus of its work. This system of affiliation is biased towards CSOs with formalised and legalised systems of operation, and discriminates against the grassroots CSOs that form the majority of the Southeast Asian civil society sector. These CSOs are characterised by "an absence of the culture of professionalism" with little documentation of decisions or financial reporting being undertaken (Chong 2011, p. 15), which makes it difficult and costly to meet the requirements of the affiliation system. CSO representatives also expressed their fear of losing their independence if they were to be granted affiliation (CSO Representatives 2011). While affiliation may make ASEAN officials more accessible, it holds great potential to co-opt CSOs. This is because to maintain their affiliation status a CSO must retain the favour of the CPR, which can limit their range of responses to ASEAN policies.

The restrictions of the affiliation system are indicated by the case of the ASEAN Services Employees Trade Unions Council (ASETUC). This organisation comprises Southeast Asian affiliates of three global union federations, and was founded in March 2007 specifically to meet the requirements of affiliation (CSO Representatives 2011). This network of trade unions in the ASEAN region seeks to respond to the liberalisation of the service sector in ASEAN countries that has taken place as a result of economic reforms in ASEAN, such as the move to fully liberalise the sector under the ASEAN Framework Agreement on Trade in Services. Its members felt that affiliation would help further its agenda by broadening its engagement with ASEAN. Its application for affiliation has not yet been decided upon, as it has received approval from eight countries while the remaining two have requested further information (ASEAN Officials 2011). The ASETUC's establishment for the purpose of meeting affiliation requirements so that it may engage ASEAN demonstrates the stringent requirements of the affiliation system.

When questioned regarding the affiliation system, some ASEAN officials also noted that while it is not mentioned explicitly in the guidelines, it is preferred if applicants conduct their activities in all member states to ensure their activities are ASEAN-focused (ASEAN Officials 2011). Such a requirement is extremely difficult for CSOs to meet given that some Southeast Asian governments do not officially recognise their existence. Furthermore, if a CSO has a presence in a country outside of Southeast Asia or extensive links (either through funding and staff) with international non-governmental organisations (NGOs) or non-ASEAN governments, ASEAN officials also noted that their application is unlikely to be successful because the interests and agendas of such CSOs are not considered to be representative of the region (ASEAN Officials 2011).

At the ASEAN Social Forum held in Manila from 26-28 November 2008 the Director of the Political and Security Directorate, Termsak Chalermphanupap, presented a paper on behalf of the ASEAN Secretariat titled *Proposals to Intensify ASEAN's Ongoing Interactions with Civil Society Organisations*. Regarding the list of affiliated organisations, he noted "many CSOs active in the ASEAN region are not on the list, because they are unable to meet all the qualifications to obtain the ASEAN affiliation.

And yet they do have the potential to support the purposes of ASEAN and wish to engage ASEAN and contribute to the building of the ASEAN Community” (2008). Chalermphanupap presented seven recommendations to overcome these issues, which included adjusting the affiliation guidelines so that they were less restrictive; including a provision to involve CSOs that are unable to meet the guidelines but support ASEAN’s purpose and vision; increasing efforts to share information with CSOs such as by organising information sessions and workshops; increasing CSOs’ efforts to promote ASEAN’s identity through collaborations with the ASEAN Foundation; and further institutionalising the relationship (2008). Chalermphanupap’s recommendations indicate the willingness of the ASEAN Secretariat to make the affiliation system less stringent and more accessible. However, ASEAN officials’ indication that the review currently being conducted will not yield substantial changes reflects the opposition that exists amongst some member governments to allowing CSOs to participate. ASEAN’s norm of consensus, moreover, means that reform is only possible if all members of the CPR endorse such recommendations.

The limited scope for participation that is engendered through the affiliation system has meant that it includes only one organisation that is widely respected in the CSO community, namely the Asian Partnership for Development of Human Resources in Rural Asia (AsiaDHRRA) (CSO Representatives 2011). The list of affiliated CSOs is dominated by professional bodies, such as the ASEAN Bankers Association and the ASEAN Cosmetics Association, and the inclusion of the ASEAN Kite Council and the ASEAN Vegetable Oils Club has made it a source of ridicule for critics, such as Suryodiningrat (2009) who argues it displays “the intent by which ASEAN perceives its subjects: with ridicule and condescension”. One civil society representative noted, “we should not laugh at those organisations that are on the list because we do not know what these organisations do... they might be doing great work, but they are removed from our work and our efforts to engage ASEAN” (CSO Representatives 2011). The low profile of affiliated CSOs does, however, suggest that their activities are generally focused on less controversial issues than other CSOs that have either not been granted affiliation or have chosen not to pursue affiliation.

The stringent requirements of affiliation have effectively limited the number and type of CSOs willing to apply. For AsiaDHRRA, however, it has provided the impetus for greater engagement. AsiaDHRRA is a regional partnership of 11 social development networks and organisations in 10 countries in Asia. AsiaDHRRA was invited to conduct a presentation at the ASEAN Foundation’s launch conference in 1999, where it proposed to strengthen the voice of small farmers organisations. This idea was well-received by the ASEAN Foundation (a grant-making body charged with promoting awareness of the Association), and it provided funding to AsiaDHRRA to commence its flagship initiative of creating a farmers alliance across the region (Ramirez 2008, p. 3). AsiaDHRRA then drew on its links with the ASEAN Foundation and subsequently with the ASEAN Secretariat to explore possibilities for pursuing its work in countries that were not so receptive to the work of CSOs. In the case of Myanmar, the ASEAN Foundation and the ASEAN Secretariat assisted AsiaDHRRA in organising meetings with the Ministry of Foreign Affairs of Myanmar to explain the work of CSOs and its role. Following these collaborations, AsiaDHRRA was encouraged to apply for affiliation and its application was approved without issue in 2004 (CSO Representatives 2011). AsiaDHRRA subsequently collaborated with the ASEAN Secretariat and the sectoral body aligned with its interests, namely the Senior Officials Meeting for Rural Development and Poverty Eradication (SOMRDPE) in sharing information, reviewing papers and

conducting meetings (Ramirez 2008, p. 4). AsiaDHRRA then also assisted a partner organisation, the Asian Farmers Association (AFA), in developing links with the ASEAN Secretariat by facilitating a dialogue between the two at the ASEAN Secretariat in March 2007. This meeting helped to “demystify ASEAN’s view of grassroots organisations and NGOs and vice versa” after which the ASEAN Secretariat began to invite both AFA and AsiaDHRRA to relevant meetings (Ramirez 2008, p. 5).

The most significant opportunity for participation that affiliation has afforded AsiaDHRRA was the invitation to draft the five-year work plan for ASEAN’s Framework Action Plan on Rural Development. The SOMRDPE recognised AsiaDHRRA as a collaborative partner in its 2004-2010 work plan (SOMRDPE 2004), and following the development of the relationship in subsequent years, the SOMRDPE invited AsiaDHRRA to put forward a draft at its meeting in November 2011 in Brunei (Ramirez 2011). In preparation for this meeting, AsiaDHRRA conducted national consultations in six of the ten member countries (consultations in two countries were not feasible) and the relevant CSOs of the two remaining countries submitted written comments. AsiaDHRRA put these findings into a single set of recommendations and presented them to SOMRDPE. While this was a highly significant opportunity for AsiaDHRRA, and for Southeast Asian CSOs generally, AsiaDHRRA participants expressed a number of reservations regarding the process (CSO Representatives 2011). They were expected to contribute on a pro bono basis, and did not receive funding to support the drafting process, particularly the national consultations. AsiaDHRRA applied for and was granted funding from Oxfam Hong Kong. Participants also questioned the nature of their contribution, as they did not have the opportunity to dialogue with officials nor did officials seek to ascertain their opinion after the SOMRDPE released its work plan. Hence, affiliation has certainly been useful to AsiaDHRRA in gaining access to ASEAN officials and it has allowed them to increase ASEAN officials’ exposure to the work of CSOs. However to date, it has not granted them substantive opportunities to shape policy according to their agenda.

Ad hoc consultations with CSOs

In 2005 the Secretary-General of the time, Ong Keng Yong, showed interest in interacting with CSOs and held a meeting with senior secretariat officials as well as representatives of three high-profile and well-respected CSOs, namely AsiaDHRRA, the Southeast Asian Committee for Advocacy and Forum-Asia (Ramirez 2008). At this meeting ASEAN officials encouraged the CSO participants to hold consultations with other CSOs on the issue of engaging ASEAN. The three CSOs took up this proposal and held a CSO consultation in October in Bangkok and agreed to focus their activities on the first-ever ASEAN Civil Society Conference, held in December in Kuala Lumpur. This first meeting between key Southeast Asian CSOs and high-level ASEAN Secretariat staff was a small gathering of influential personalities and it opened the door for ASEAN bodies to consult with CSOs. CSOs were then invited to participate in consultations for the Charter in 2006. This was deemed a highly significant opportunity by CSOs because they previously had not been formally accorded space by ASEAN to participate in its processes. The Eminent Persons Group on the ASEAN Charter (EPG) led the involvement of CSOs in the Charter drafting process. The EPG comprised one representative from each member state that was nominated by their respective governments. The appointed members were retired heads of government and current and retired diplomats (ASEAN 2006a). They were given the task of “[putting] forth bold and visionary

recommendations on the drafting of an ASEAN Charter” (ASEAN 2005). *Section 4: Scope of Work* in the EPG’s Terms of Reference (ToR) notes that the EPG is to conduct “region-wide consultations of all relevant stakeholders in ASEAN in the ASEAN Charter drafting process, especially representatives of the civil society” (ASEAN 2005). This recommendation did not specify the extent of consultation that was to be undertaken by the EPG, but it provided latitude for the EPG to meet with CSOs. In discussing the implications of the Charter, Ali Alatas, Indonesian representative to the EPG, noted:

From the outset, the Leaders of ASEAN had stressed the need for ASEAN in its further growth to become more and more a "people-centered" organisation, a community rooted in the peoples of ASEAN [...] It would therefore be of the highest importance for ASEAN to develop a way of functioning and management that would ensure the real involvement and participation of the peoples of ASEAN. This need was also acutely felt by the members of the EPG (Alatas 2006).

As a means of addressing this need, the EPG undertook consultations with a range of non-governmental actors over the course of its eight meetings. It met with business groups and representatives of the ASEAN-ISIS think-tank network from 27-29 June 2006 (ASEAN 2006c). Given the historical links that ASEAN has with these two sets of actors, this meeting was not revolutionary. However, the EPG also met with representatives of the Solidarity for Asian People’s Advocacy (SAPA) network⁵ and the ASEAN Inter-Parliamentary Organisation (now known as the ASEAN Inter-Parliamentary Association) on April 17 in Ubud, Indonesia. This particular meeting was centred on the Political and Security Pillar of ASEAN. SAPA also made written submissions to the EPG on the Economic Pillar on June 28 in Singapore, and on the Socio-Cultural Pillar and Institutional Mechanisms on November 10 in Manila (SAPA 2006). SAPA then submitted a final set of seven recommendations through the Philippines EPG representative, Fidel Ramos, that reiterated the key points of its three previous submissions (SAPA 2006). Each of these submissions was based on civil society forums held at the national level, and also a two-day meeting that was held prior to the meeting with the EPG in April in Ubud (Chandra 2005). The SAPA submissions recommended incorporating environmental sustainability, human rights and human security into the ASEAN Charter, among other proposals regarding streamlining ASEAN processes and reforming institutional practices of consensus and non-interference. Chandra notes that only three EPG members were active in responding to SAPA’s submissions, namely Tan Sri Musa Hitam of Malaysia, who was also the EPG chair, Ali Alatas of Indonesia and Fidel V. Ramos of the Philippines. These three members “were outspoken to ensure that the inputs from members of the civil society were taken into consideration in the making of an ASEAN Charter” (2005). Despite this apparent lack of support on behalf of the

⁵ SAPA is a network of approximately 100 national and regional CSOs, and it has led Southeast Asian activism to engage ASEAN. It was formally established at its first regional consultation on 3-4 February 2006 in Bangkok. Its aims are twofold, namely to promote advocacies on development issues in the region and to advance civil society engagement with intergovernmental institutions. See Dano, E., 2008. *Building People-Oriented and Participatory Alternative Regionalism: Models in Southeast Asia*, Asian Farmers Association for Sustainable Rural Development and AsiaDHRRA, Manila.

majority of the EPG members for the civil society consultation process, some of SAPA's recommendations did find their way into the EPG report⁶.

The ToR of the High Level Task Force (HLTF) did not specify any form of consultation to be undertaken in the drafting of the Charter, with the exception that the HLTF could consult members of the EPG if necessary (ASEAN 2007b). However, some members of the HLTF pushed for a meeting with CSOs. Thailand initially suggested that each HLTF member hold national consultations and recommendations would then be culminated into a single input to be considered by the HLTF (Chongkittavorn 2007). However, due to time constraints a single group consultation was held. The dialogue with 60 representatives of Southeast Asian civil society was held on 27 March 2007 in Manila (ASEAN 2007a). At this meeting SAPA representatives again reiterated their three submissions on each of the pillars (Igarashi 2011). The first chair of the HLTF, Rosario Manalo, greeted participants with the instructions: "We want to get bold and visionary plans, but they must be practical" which she later qualified by noting there were no assurances that their recommendations would be included in the Charter (Chongkittavorn 2007). Chongkittavorn argues that this was an attempt to lower the expectations of CSOs, particularly given that "several ASEAN members did not want to have the dialogue at all knowing full well that it could be embarrassing for them because the plans and desires by the ASEAN non-governmental sector could be too liberal" (2007).

The final version of the Charter did not include most of SAPA's recommendations that had made their way into the EPG's report⁷. It also did not expand CSO participation beyond the limits of the affiliation system: it specified that entities that support the ASEAN Charter may engage with ASEAN, however its reference to the list of affiliated entities limits relevant CSOs to those with affiliation and therefore codifies the existing affiliation system. Interestingly, the language of ASEAN's proclaimed 'people-focus' also changed. The EPG adopted the buzzword of "people-centered" in its report, however the Charter used "people-oriented", this being a weaker version of the original term.

Morada (2008, p.43) notes that the consultative process "appeared to have given some substance—and also created expectations especially among civil society groups in the region—to the initial perception that ASEAN is finally becoming more 'people-centered'", however the final product dashed such hopes. SAPA described the Charter as a "disappointment", and raised a number of criticisms, particularly its lack of CSO participation: "there are no clear spaces created or procedures established in the Charter to institutionalise the role of citizens and civil society organisations in regional community building. In outlining the main decision-making organs within ASEAN, there is barely a mention of engagement with citizens and civil society, or the means by which citizens and civil society can influence the decisions and processes of ASEAN" (SAPA 2007). To combat these shortcomings, SAPA reiterated its call for the Charter to be ratified at the national level through referendums, however this was not heeded.

The civil society consultations for the Charter did not reap the institutional changes that CSOs had hoped for, but they did set an important precedent that was

⁶ For a discussion of SAPA's responses to the EPG recommendations and to the Charter, see Collins, A., 2008. 'A people-oriented ASEAN: A door ajar or closed for civil society organisations?' *Contemporary Southeast Asia*, vol. 30, no. 2, pp. 313-331.

⁷ For a discussion of the differences between the EPG recommendations and the final version of the Charter, see Igarashi, S., 2011. 'The new regional order and transnational civil society in Southeast Asia: Focusing on alternative regionalism from below in the process of building the ASEAN Community', *World Political Science Review*, vol. 7, no. 1, pp. 1-31.

taken up by other ASEAN bodies, particularly the ASEAN Secretariat. Surin Pitsuwan was appointed ASEAN Secretary-General on 1 January 2008, declaring his support for CSO engagement from the outset by speaking at the SAPA Annual General Forum in Bangkok on 4 February 2008 where he “showed an openness to civil society advocacies and stressed opportunities for cooperation” (Lopa 2009). His observations were followed by a meeting between CSOs and ASEAN Secretariat officials on 5 March 2008. The meeting “explored windows of ASEAN engagement for civil society and laid down civil society plans for engaging the ASEAN” (Lopa 2009). The ASEAN Secretariat, led by the Secretary-General, later held a conference titled *Symposium on Methods of Stakeholder Involvement in Regional Organisations* from 23-25 February 2009. The Symposium was intended “to enable learning about practices and methods of stakeholder engagement from other regions, which could be constructive to the ASEAN region” (Pitsuwan 2009, p. 5). The participants of this symposium included ASEAN officials, government officials from seven member countries, representatives from regional organisations such as Mercosur, and also representatives from 18 Southeast Asian CSOs.

The Secretary-General has also pushed consultations with CSOs on sensitive issues such as human rights. ASEAN’s interactions with CSOs are influenced by the issue in question, as outlined by one ASEAN official: “If we are talking about poverty reduction or social welfare of vulnerable groups, I think those are soft issues, no hesitation from member states. But when we touch upon some sensitive issues, like for example human rights [...] then the interaction with civil society is different” (ASEAN Officials 2011). Article 7.1 of the ASEAN Intergovernmental Commission on Human Rights’ (AICHR) ToR states that the Secretary-General may “bring relevant issues to the attention of the AICHR” (AICHR 2009). To ensure that issues raised with the AICHR included the views of civil society, Pitsuwan met with human rights CSOs on two separate occasions. He proposed a meeting in 2009 and anticipating resistance from some member states, he approached an ASEAN-ISIS think-tank, the Centre for Security and International Studies (CSIS) in Jakarta, to help facilitate the meeting. As expected the CPR responded with harsh criticisms (CSO Representatives 2011). Pitsuwan nonetheless went ahead with the meeting where CSOs presented him with a statement of their concerns that they wished raised with the AICHR. Pitsuwan did, however, ask CSO representatives not to publicise the meeting’s occurrence (CSO Representatives 2011). The following year CSOs were informed that such a meeting would not be possible because of the Secretary-General’s hectic schedule. However, in 2011 Pitsuwan again approached CSIS for their assistance in organising the meeting. Again, in the lead-up to the meeting word of its occurrence spread amongst ASEAN officials. However, this time government officials from countries, supportive of CSO engagement, signalled their desire to attend the meeting. Their attendance heightened the importance of the meeting, however classifying it as ‘informal’ meant that the consensus of the member states was not necessary in order for the meeting to go ahead. These two meetings have created space for human rights CSOs to dialogue with officials on this highly sensitive topic. The struggles over its establishment, however, highlight the opposition that exists to CSO engagement at ASEAN, particularly on the issue of human rights.

The other ASEAN body that has held consultations with CSOs is the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). The ACWC was formed in 2010 following the birth of this idea in the Vientiane Action Program in 2004 (Article 1.1.4.7) as well as all member states ratifying the Convention on the Elimination of All Forms of Discrimination Against Women and the

Convention on the Rights of the Child. The ACWC comprises two representatives from each ASEAN member state, one concerned with women's issues and the other concerned with children's issues. There is substantial support amongst the ACWC representatives for engaging CSOs, which likely reflects the background of some of its representatives that previously or currently work in the CSO sector, including the vice-chair, Ahmad Taufan Damanik. The Chair, Ms Kanda Vajrabhaya, is a former Thai public official for the Ministry of Social Development and Human Security and is also a well-respected figure amongst the Southeast Asian civil society community as a result of her ardent gender equality activism. The ACWC first held a consultation with CSOs on the drafting of its ToR on 29 April 2009 where a CSO representative highlighted the work of CSOs and the potential for collaboration with the ACWC (Forum-Asia 2011). This was a significant step, particularly in contrast to the AICHR who drafted its ToR without consultation and without disseminating any information of its progress. CSOs that had shown an interest in meeting with members of the ACWC, whether by contacting the Chair or the Committee's national representatives, were invited to attend this meeting.

Since this meeting, the ACWC has held a number of informal consultations with CSOs. Participation is open to all CSOs that show an interest in engaging the ACWC. Some ACWC representatives were opposed to meeting with CSOs so the preference has been to keep meetings informal such that the discussions cannot be publicised and the attendance of representatives is optional. One ACWC representative reports that there has been increasing enthusiasm and willingness from representatives to meet with CSOs: "At the beginning it was very informal, some of them would join us for breakfast or some would have, you know, after two or three days of meetings a few of us would talk to them. The first two meetings with them were optional, those who felt like engaging did... This time around, we were all there, and we all had to say something about what we did. I think that was very productive" (ASEAN Officials 2011). ACWC representatives also reported that they felt that these informal meetings were an improvement on their previous encounters with CSO representatives. One ACWC representative noted that CSOs would "hang around when we have formal meetings, they wait for you in the lobby or they follow you to the restroom. Always they would know where I'm staying, they are so good at spying on where I'm staying. In the middle of the night they are knocking on the door" (ASEAN Officials 2011). Holding informal consultations with CSOs overcomes these difficulties, also making the consultations attractive for ACWC representatives.

It is evident that the efficacy of the ad hoc consultations for CSO representation depends on whether these interactions are classified as formal or informal. When classified as formal, such as the consultations for the Charter, they require the approval of all member states and this reduces the opportunity for contentious politics. When classified as informal, a much freer dialogue has taken place. However the informality of such interactions also limits their potential to shape ASEAN policy, as consensus amongst all member states is needed to endorse any proposed policy changes. Meanwhile, the personalities at the helm of ASEAN entities that have pursued consultations with CSOs have been instrumental in ensuring these interactions have taken place, and hence their continuance cannot be guaranteed.

Issue-specific GO-NGO Annual Forums

Another opportunity for CSOs are the GO-NGO (government organisation non-governmental organisation) forums that have been established by the sectoral bodies

for Social Welfare and Development and for Labour. At their November 2011 meeting, SOMRDPE ministers also agreed as a part of their next five-year work plan to establish a similar mechanism (ASEAN Officials 2011). These forums are held back-to-back with the annual meeting of the relevant sectoral ministers' meeting and they provide the opportunity for CSOs to dialogue with officials⁸. These forums generally comprise a number of panels, after which participants divide into discussion groups that put forward recommendations based on discussions during the dialogue. A drafting team made up of moderators, rapporteurs and the forum organisers then consolidate the recommendations put forward by discussion groups. These are then presented to participants in a plenary session for debate. Finally the recommendations are submitted to the relevant sectoral ministers for discussion at their annual meeting.

In the case of the Social Welfare and Development GO-NGO forum, it was first held from 7-9 September 2006 in Bangkok. It was proposed by the Thai Ministry of Labour and Social Welfare in 2003, and funding for the first forum in 2006 was secured from the Japanese government (Raper 2007). The GO-NGO Forum rotates annually amongst ASEAN member states, and its organisation is shared between the Social Welfare Ministry of the host country, the ASEAN Secretariat and the International Council on Social Welfare (ICSW), which is a network of national and international social welfare organisations. The opening address to the second Forum elucidated the importance of collaboration between governments and CSOs; it noted the need to "strengthen and further formalise the GO-NGO Forum as an annual event" and also to revisit the recommendations of the previous year, particularly that of collaboration between GOs and NGOs, because "despite last year's commitments, how much GO-NGO dialogue has actually taken place at the national level since?" (Raper 2007).

The organisation of the ASEAN Forum on Migrant Labour is shared between the Labour Ministry of the host country, the ASEAN Secretariat, and the International Labour Organisation. It provides a forum for dialogue between government officials, workers' and employers' organisations, CSOs, and international organisations including the International Organisation on Migration and UNIFEM. The first was held in Manila from 24-25 April 2008 and was organised as a follow-up meeting to the ASEAN Leaders Declaration on the Promotion and Protection of the Rights of Migrant Workers that was signed at the 12th ASEAN Summit in Cebu in January 2007. This first meeting was reported by CSOs to have been a closed-door discussion amongst ASEAN leaders but it did also involve presentations by selected CSOs, including Migrant Forum in Asia and the Scalabrini Migration Centre (TFAMW 2008). Subsequent forums followed the format described above, thereby permitting dialogue amongst participants. An emphasis on the importance of collaboration between governments and CSOs has also featured in the discussions, evident in the presentation by Jackie Pollock of the MAP Foundation titled *ASEAN Stakeholders and their Roles*, conducted at the 2nd ASEAN Forum on Migrant Labour, that addressed questions of how to identify stakeholders, what their roles are, the advantages to their inclusion in government negotiations, and the processes in which they can be included (Pollock 2009).

The list of CSOs that participate in these forums is not limited to those with affiliation. An informal system of affiliation has been operating for these forums, where CSOs that are deemed to have the same intentions as ASEAN can participate (ASEAN Officials 2011). In this informal system of managing CSO participation, each country

⁸ The ASEAN Social Forum was held once in 2008 as a part of the Socio-Cultural Community Blueprint and it was intended for the same purpose, namely to provide the opportunity for dialogue between CSOs and officials, however for unknown reasons it has not been repeated.

compiles a list of relevant organisations they wish to invite. Members of the CPR consider each list and if any of the nominated CSOs are deemed contentious by a member state, they are removed from the list. An ASEAN official notes: “We never know, some organisations are blacklisted in some countries. So as long as all 10 member states are agreeable to engage with certain organisations, although they are not affiliated, that should be fine” (ASEAN Officials 2011). CSOs remaining on the list are subsequently invited to participate.

As all participants must receive the endorsement of all member states, the requirements for CSOs to be granted participation in these forums are quite strict. As a consequence, many of the participants of these forums are GONGOs (government-organised NGOs). While the distinction between a GONGO and an independent CSO varies across countries, as does the extent of governmental control over the activities of an organisation, CSOs with a more contentious agenda (such as CSOs advocating for the protection of human rights or increased access to land for rural communities) and grassroots CSOs are generally not represented in these forums. Participation is largely restricted to nationally accredited CSOs, which, like the ASEAN affiliation system, is biased towards CSOs with formalised and legalised systems of operation and groups that do not contest national policies and remain in favour with their governments.

Both government officials and CSO participants of these dialogues report that robust discussion takes place (ASEAN Officials 2011; CSO Representatives 2011). One example of collaboration between the two sets of actors at these dialogues is the 192 recommendations of the Task Force on ASEAN and Migrant Workers (TFAMW). TFAMW is a subgroup of SAPA that was established to further the interests of migrant workers in ASEAN, and after holding national consultations in seven ASEAN states it put together 192 recommendations that were then used at the 2nd ASEAN Forum on Migrant Labour to devise proposals on worker policies. These 192 recommendations were later published as a book by TFAMW as a means of uniting CSO approaches in their efforts to engage ASEAN and national governments on the issue of migrant workers. The book’s preface was written by Dr Donald Tambunan, former Head of the Social Welfare, Women, Migrant Workers and Labour Division at the ASEAN Secretariat, and clearly indicated the ASEAN Secretariat’s support for the work of TFAMW:

The development and publication of this document is another evidence of the strong interest of the ASEAN civil society to promote the ASEAN Community building process. The ASEAN Secretariat therefore congratulates the TF-AMW for such an effort. We would like to encourage the TF-AMW to continue its engagement with ASEAN through the consultation process on the protection and promotion of the rights of migrant workers at the national and regional levels (Samydorai and Robertson 2009).

The influence of this document is also indicated by three out of the four government delegations that comprised the Drafting Committee of the ASEAN Committee on Migrant Workers using this document as their primary source of information, and of these three governments the Indonesian and Philippines delegations adopted approximately 60 per cent of the recommendations into their initial bargaining positions (SEARCH 2010). TFAMW has evidently played a highly influential role in negotiations to devise a regional policy protecting the rights of migrant workers, and the ASEAN Forum on Migrant Labour is one forum in which it has pursued this agenda.

Conclusion: smoke and mirrors?

Two new opportunities for CSOs to participate in ASEAN have emerged as a result of ASEAN's 'people-centered' approach to regional integration, alongside the existing system of CSO affiliation. State actors define the boundaries of these instances of societal incorporation, and hence it is not surprising that they do not serve a democratising function. However, how this is achieved and why remain compelling questions.

Two of these three opportunities, namely the affiliation system and the GO-NGO forums, are structurally biased towards the inclusion of CSOs that are well-resourced and have formalised systems of operation. These spaces, therefore, do not accommodate the grassroots CSOs that form the majority of the Southeast Asian civil society sector. Given that the CPR determines which CSOs can participate in these two spaces, they are also biased towards CSOs that do not challenge the position of their governments or ASEAN.

However, the ad hoc consultations conducted by various ASEAN bodies have presented a unique opportunity for CSOs because when conducted informally these interactions remain outside the control of the CPR. Consequently, independent CSOs and those whose activities focus on sensitive issues, such as human rights, can participate. This has allowed both the ASEAN Secretariat and the ACWC the flexibility to meet with relevant CSOs, including some that publicly criticise ASEAN and its member states' policies.

Regarding the nature of CSO participation in these modes of participation, the affiliation system does not permit CSOs to contest ASEAN policy. The only participatory privilege that is granted by the affiliation system is the submission of written statements to the CPR. The remaining privileges must be applied for and there are no mechanisms for recourse if applications are rejected. AsiaDHRRA's involvement in drafting the ASEAN Framework Action Plan on Rural Development is further testament to the lack of opportunities for contestation that exist through the affiliation system. The GO-NGO forums do appear to yield opportunities for CSOs to deliberate policy and shape it according to their agendas, as indicated by the case of TFAMW's recommendations for ASEAN policies on migrant workers. However this mechanism is limited to a narrow range of 'soft' issues that fall under the socio-cultural pillar, such as social welfare, and it is highly unlikely that they will be transferred to more sensitive issues.

CSO contributions to the ad hoc consultations, meanwhile, are dependent on whether an interaction is classified as formal or informal. Formal gatherings remain tightly controlled affairs where opportunities for CSOs to deliberate policy are minimised, such as in the case of the Charter consultations. Informal meetings, however, do not require the sanctioning of ASEAN's member states, and therefore permit a more open and free conversation to take place, such as in the case of the meetings initiated by Pitsuwan on human rights. The informal nature of these forums is central to ensuring that the types of CSOs permitted to attend and the dialogue itself are not restricted, but their informality also means that they are unlikely to have an impact on ASEAN policy because any policy decisions require the endorsement of all member states. Their occurrence has also been heavily influenced by the personalities at the helm of the relevant ASEAN bodies and hence the repetition of these interactions is not assured.

It is evident that these opportunities for CSOs are structured to hinder the participation of grassroots CSOs and those that challenge national governments through their preference for legalised and well-resourced organisations that retain the favour of their governments. The answer to why this approach has been adopted is found in the

way the issue in question influences ASEAN's approach to engaging CSOs. CSOs working on contentious issues are excluded from participation, while some working in 'soft' areas are invited to participate but are not permitted to contest policy in these spaces. For example, Pitsuwan faced great difficulties in organising a meeting with human rights CSOs, such that he requested assistance from a think-tank to organise the meeting in anticipation of opposition from some members of the CPR, who nonetheless responded with criticisms that resulted in Pitsuwan asking CSOs not to publicise the meeting's occurrence. Meanwhile, some CSOs that have formed around less controversial issues, such as social welfare and development CSOs, have been invited to participate but with limited opportunities to contest policy. Conspicuously absent from all opportunities for CSO participation, however, are CSOs with an even more contentious agenda, such as those campaigning for political reform in Burma. These CSOs are prevented from raising such issues in any ASEAN-sanctioned spaces.

Opportunities for CSOs to participate in ASEAN evidently vary according to the issue in question, which suggests that these opportunities are structured to address some of the social forces that have organised around issues arising as a consequence of the mode of capitalist development adopted throughout the region. ASEAN has sought to address these social forces by co-opting groups working on non-controversial issues, such as social welfare and development, through the creation of spaces for their participation without accompanying opportunities for them to contest ASEAN policy. At the same time, it has sought to exclude CSOs working on sensitive issues, such as political reform in Burma. ASEAN's efforts to co-opt some non-controversial groups and exclude contentious CSOs suggest that at present the principal purpose of ASEAN's drive to widen political participation is to build social capital and legitimate ASEAN policies, rather than create opportunities for contentious politics and lay the foundations for regional democratic representation.

References

- Acharya, A., 2003. 'Democratisation and the prospects for participatory regionalism in Southeast Asia', *Third World Quarterly*, vol. 24, no. 2, pp. 375-390.
- AICHR [ASEAN Intergovernmental Commission on Human Rights], 2009. *Terms of Reference of ASEAN Intergovernmental Commission on Human Rights*, ASEAN Secretariat, Jakarta, viewed 21 July 2010, <<http://www.asean.org/DOC-TOR-AHRB.pdf>>.
- Alatas, A., 2006. 'The ASEAN Charter as legal basis and guiding norm for ASEAN cooperation', *Southeast Asian Conference on Consumer Protection*. Bali, Indonesia 5-7 November 2006.
- ASEAN Officials, 2011. Anonymous interviews conducted by Kelly Gerard in Jakarta from October to December.
- ASEAN, 1997. *ASEAN Vision 2020*, ASEAN Secretariat, Jakarta.
- ASEAN, 2004. *Vientiane Action Programme*, ASEAN Secretariat, Jakarta.
- ASEAN, 2005. *Terms of Reference of the Eminent Persons Group (EPG) of the ASEAN Charter*, ASEAN Secretariat, Jakarta.
- ASEAN, 2006a. *Biographies of the Eminent Persons Group on the ASEAN Charter*, ASEAN Secretariat, Jakarta.
- ASEAN, 2006b. *Guidelines On ASEAN's Relations with Civil Society Organisations*, ASEAN Secretariat, Jakarta, viewed 12 March 2011, <<http://www.aseansec.org/18362.htm>>.
- ASEAN, 2006c. *Report of the Eminent Persons Group on the ASEAN Charter*, ASEAN Secretariat, Jakarta.
- ASEAN, 2007a. *Activities of the HLTF on the drafting of the ASEAN Charter (HLTF): January- October 2007*, ASEAN Secretariat, Jakarta.
- ASEAN, 2007b. *Terms of Reference: High Level Task Force on the Drafting of the ASEAN Charter (HLTF)*, ASEAN Secretariat, Jakarta.
- ASEAN, 2009. *Register of ASEAN-Affiliated CSOs*, ASEAN Secretariat, Jakarta, viewed 14 September 2011, <<http://www.aseansec.org/6070.pdf>>.
- Badejo, D.L., 2008. *The African Union*, Chelsea House Publishers, New York.
- Chalermphanupap, T., 2008. 'Proposals to intensify ASEAN's ongoing interactions with civil society organisations (CSOs)', *ASEAN Social Forum*. Manila, the Philippines, 26-28 November 2008.
- Chandra, A.C., 2005. *ASEAN EPG, civil society and ASEAN charter*, People's Agenda for Alternative Regionalisms, viewed 13 February, 2010, <<http://www.alternative-regionalisms.org/?p=782>>.
- Chandra, A.C., 2009. *Civil Society in Search for an Alternative Regionalism in ASEAN*, International Institute for Sustainable Development, Winnipeg, Manitoba.
- Charnovitz, S., 2000. 'Opening the WTO to Nongovernmental Interests', *Fordham International Law Journal*, vol. 24, pp. 173-216.
- Chong, T., 2011. 'Executive Summary', in T. Chong and S. Elies (eds) *An ASEAN Community for All: Exploring the Scope of Civil Society Engagement*, Frederick-Ebert-Stiftung, Singapore.
- Chongkittavorn, K., 2007. 'ASEAN drafters meet civil society groups', *The Nation*, 29 March.
- Collins, A., 2008. 'A people-oriented ASEAN: A door ajar or closed for civil society organisations?', *Contemporary Southeast Asia*, vol. 30, no. 2, pp. 313-331.

- CSO Representatives, 2011. Anonymous interviews conducted by Kelly Gerard in Jakarta, Kuala Lumpur, Singapore, Manila and Bangkok from October to December.
- da Costa, P., 2007. *Civil Society Organisations and the African Union: Towards a continental advocacy strategy for World Vision*, World Vision, Nairobi.
- Dano, E., 2008. *Building People-Oriented and Participatory Alternative Regionalism: Models in Southeast Asia*, Asian Farmers Association for Sustainable Rural Development and AsiaDHRRA, Manila.
- Forum-Asia, 2011. *Rights Now: A Training Manual on ASEAN Human Rights Mechanisms*. Forum-Asia, Bangkok.
- Gaventa, J. and R. Tandon, 2010. 'Citizen engagements in a globalizing world' in J. Gaventa and R. Tandon (eds) *Globalizing citizens: new politics of inclusion and exclusion*, Zed Books, London, pp. 3-32.
- Greenwood, J., 2009. 'Institutions and civil society organisations in the EU's multilevel system' in J. Joachim and B. Locher (eds) *Transnational Activism in the UN and the EU: A Comparative Study*, Routledge, Abingdon, Oxon.
- Igarashi, S., 2011. 'The new regional order and transnational civil society in Southeast Asia: focusing on alternative regionalism from below in the process of building the ASEAN Community', *World Political Science Review*, vol. 7, no. 1, pp. 1-31.
- Jayasuriya, K. and G. Rodan, 2007. 'Beyond hybrid regimes: More participation, less contestation in Southeast Asia', *Democratization*, vol. 14, no. 5, pp. 773-794.
- Lopa, C., 2009. 'The ASEAN People's Charter and the three pillars of ASEAN cooperation', *4th ASEAN Civil Society Conference*. Hua Hin, Thailand, 18-20 October 2009.
- Luard, T., 2003. 'ASEAN: Changing, but only slowly', *BBC News*, 8 October.
- Matthews, J. T., 1997. 'Power shift', *Foreign Affairs*, vol. 76, no. 1, pp. 50-56.
- Morada, N. M., 2008. 'ASEAN at 40: Prospects for community building in Southeast Asia', *Asia-Pacific review*, vol. 15, no. 1, pp. 36-55.
- O'Brien, R., A.M. Goetz, J.A. Scholte and M. Williams, 2000. *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements*, Cambridge University Press, Cambridge.
- Pitsuwan, S., 2009. 'Foreword: Constructive engagement: Building a people-oriented ASEAN' in *Constructive Engagement: Building a People-Oriented Community: Proceedings of the Symposium on Methods of Stakeholder Involvement in Regional Organisations, 23-25 February*, ASEAN Secretariat, Jakarta.
- Pollock, J., 2009. 'ASEAN stakeholders and their roles', *2nd ASEAN Forum on Migrant Labour*. Bangkok, Thailand, 30-31 July 2009.
- Ramirez, M., 2008. 'AsiaDHRRA and ASEAN: A case study of the process of civil society engagement with a regional intergovernmental organisation', *FIM Forum*. Montreal, Canada, 8-9 February.
- Ramirez, M., 2011. 'Agriculture and the Peasantry in ASEAN: Challenges and the Way Forward', *ASEAN Civil Society Conference/ASEAN People's Forum*. Jakarta, Indonesia, 3-5 May 2011.
- Raper, M., 2007. 'Opening address', *ASEAN Social Welfare and Development GO-NGO Forum*. Ha Noi, Vietnam, 3 December 2007.
- Samydorai, S. and P.S.J. Robertson (eds), 2009. *Civil Society Proposal: ASEAN Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers*, TFAMW, Singapore.
- SAPA [Solidarity for Asian People's Advocacy], 2006. *SAPA letter to the EPG on the ASEAN Charter reiterating the key points of its submissions*, People's Agenda for

- Alternative Regionalisms, viewed 9 July 2011, <<http://www.alternative-regionalisms.org/?p=926>>.
- SAPA [Solidarity for Asian People's Advocacy], 2007. *Civil society organisations come together to criticise failings of the ASEAN Charter*, People's Agenda for Alternative Regionalisms, viewed 2 July 2011, <<http://www.alternative-regionalisms.org/?p=921>>.
- SEARCH [Southeast Asia Regional Cooperation in Human Development], 2010. *Promoting a Process of Change: The Task Force on ASEAN Migrant Workers*, SEARCH, viewed 4 January 2011, <<http://www.searchproject.ca/pubs/Task%20Force%20on%20ASEAN%20Migrant%20Workers.pdf>>.
- SOMRDPE [Senior Officials Meeting on Rural Development and Poverty Eradication], 2004. *Framework Action Plan on Rural Development and Poverty Eradication (2004-2010)*, ASEAN Secretariat, Jakarta.
- Suryodiningrat, M., 2009. 'Facing the people, ASEAN's strategic deficit', *The Jakarta Post*, 5 March.
- TFAMW [Task Force on ASEAN Migrant Workers], 2008. *ASEAN Forum on Labour Migration - Task Force Activities Reported, 24-25 April 2008*, Migrant Workers Connections, viewed 2 January 2012, <<http://workersconnection.org/articles.php?more=96>>.
- Wain, B., 2011. 'ASEAN door already closed for Dili in 2011', *The Jakarta Globe*, 5 May.
- Wapner, P., 2007. 'Civil society' in T.G. Weiss and S. Daws (eds), *The Oxford Handbook on the United Nations*, Oxford University Press, Oxford, pp. 254-263.
- Willetts, P., 1996. 'Consultative status for NGOs at the United Nations' in P. Willetts (ed.) *The Conscience of the World: the Influence of Non-governmental Organisations in the UN System*, Hurst & Company, London, pp. 31-62.