



ISSN: 2036-5438

The “ASEAN Way”.  
A decolonial path beyond “Asian values”?

by

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Perspectives on Federalism, Vol. 9, issue 1, 2017





## Abstract

The difference between ASEAN and EU in the political and economic realm has an interesting parallel in the system of values and “rights” that are sustained by the two organisations. In effect if we look to ASEAN Human Rights Declaration (2012) or general political principles adopted inside ASEAN we will find several value-oriented peculiarities that distinguish it from EU political and juridical fundamental principles. At the same time such a system of values does not fit with the “Asian Values approach”. Thus the ASEAN *Sonderweg* results as an original hybrid of western and local values that goes beyond the “Orientalist” mask of Asia, defining an identity that assumes a singular inclination that could be defined as a difficult and problematic effort towards a “decolonial” option.

## Key-words

ASEAN, decolonial thought, identity, Asian Values, regional cooperation



“One Vision, One Identity, One Community”  
ASEAN motto

The ASEAN path of regional cooperation is widely recognised as different from that of the EU (Wong 2013; Berkofsky 2010; Camroux 2008). Established on 8 August 1967 with the signing of the Bangkok Declaration, the Association of South-East Asian Nations was founded on three principles that, also after the acceleration of the ASEAN Charter (2007), continue to characterise the Association’s life: respect for state sovereignty, nonintervention, and renunciation of the threat or use of force in resolving disputes (Min Lee 2006)<sup>I</sup>. Thus what has been defined – or, better, self-defined - as the “most successful inter-governmental organization in the developing world” (ASEAN website, 2016) goes very far to conceiving the sharing of sovereignty scope that still characterise the core of EU integration process<sup>II</sup> or give a new supranational role to its common institutions<sup>III</sup>. Such a difference in the political and economic realm found an interesting parallel in the system of values and “rights” that are sustained by the two organisations. If we look to ASEAN Human Rights Declaration (2012) or general political principles adopted inside ASEAN we will find several value-oriented peculiarities that distinguish it from the EU Charter of fundamental rights (2000) or EU political and juridical fundamental principles. At the same time, such a system of values does not fit with the “Asian Values approach” as officially defined by ASEAN leaders such as Mahathir Mohammad and Lee Yuan Yew<sup>IV</sup>. Thus the ASEAN *Sonderweg* results as an original hybrid of western and local values that goes beyond the “Orientalist” mask of Asia, defining an identity that assumes a singular inclination that – considering its free interaction with several cultural traditions – could be defined as a difficult and problematic effort towards a “decolonial” option<sup>V</sup>. In such a framework it is interesting to question the direction given by the regionalisation process to local identity(ies) beyond the former path of “Asian values”.

## 1.

Before focusing on “ASEAN values” it is interesting to remember how several intellectuals underlined the absence of theoretical foundation of “Asian values” ideology and its relation to a sort of “orientalist-occidental” schema<sup>VI</sup>. Asia, as a distinct region of



the world, is a product of European thought<sup>VII</sup>. After the collapse of Eurocentric world system, if it could be useful from a conventional point of view to continue to use such a concept in geography, in any case it could be use to define an homogeneous civilisation or culture<sup>VIII</sup>. As stated by Amartya Sen in the Nineties :

“There are no quintessential values that apply to this immensely large and heterogeneous population, that differentiate Asians as a group from people in the rest of the world. The temptation to see Asia as one unit reveals, in fact, a distinctly Eurocentric perspective. Indeed, the term “the Orient”, which was widely used for a long time to mean essentially what Asia means today, referred to the direction of the rising sun. It requires a heroic generalization to see such a large group of people in terms of the positional view from the European side of the Bosphorous” (Sen 1997, 13).

Thus the idea that there are some values - community (or group), social harmony, individual duty, family ties, etc. - opposed to western ones - individual, individual freedom, individual right, atomistic family, etc. – more than a manifestation of a “Asian” or “East Asia” common culture is to be considered a kind of “Reversed Orientalism”<sup>IX</sup>. There are specific political reasons that allowed the rise of such an “Asian values” discourse. The leader of East-Asia countries, in fact, starting from the Eighties and continuing in the Nineties, tried to use a European concept against the growing western (American) influence in the region (Sen 1997, 28-29). At the same time the concept has been used in order to justify restriction on the individual and press freedom to sustain the paternalistic authority of the government in several ASEAN states (eg. Malaysia and Singapore; see Bloom 2016, 82-83). From this point of view the “Asian Values” discourse represents an example of that kind of political action that can be implemented throughout the new use of a concept, a manifestation of such a “thinking in a political mode” that – theorised by Quentin Skinner – aims to change the constraint on an action through the manipulation of certain normative terms (Visone 2014, 82-83). But such a discourse concretely worked? After the 1997 crisis what has been called the “slow death of Asian Values” began (Caryl 2012). In effect, the crisis created a progressive corrosion of the central Asian Values’ myth of a strong correlation between paternalistic/authoritarian government and economic growth. Such a phenomenon has been fed by interesting political changes in Indonesia, Malaysia and Myanmar that demonstrated how the crisis of historical ruling parties/regime does not necessary involve an economic weakening. But such a “slow death” did not



involve the end of a debate on a regional identity that today assumes a new fundamental political and cultural dimension, avoiding the “orientalist” idea of a quintessential traditional unity among Asian cultures. In particular, according to Bilahari Kausikan, the debate concerning architecture of East Asia will become fundamental in order to define, in a more nuanced way, an original path for a region seeking a new identity (Kausikan 2014). Far more than being just a geopolitical issue – beyond the same Kausikan statements – it is possible to stress how ASEAN principles (juridical and cultural) are playing an important role in (re)defining, in an original way, the regions political identity.

## 2.

In effect if we look to the ASEAN Charter (2008), we will find some interesting affirmations that could support the creation of a political and cultural identity for the South East Asia community. In terms of decision-making the Charter – in article 20, clause 1 – established that “As a basic principle, decision-making in ASEAN shall be based on consultation and consensus”<sup>x</sup>. As noted by commentators, such principles (consultation and consensus) are close to Malawi’s concept of *musjawarah* and *mufukat*<sup>x<sup>i</sup></sup>. Starting from this source it is possible to stress how the following “consensus” needs not to be interpreted according to the idea of an active “unanimity” or “majority”, but more as a mediated common interest that manifest itself in absence of active vetoes<sup>x<sup>ii</sup></sup>. Consultation, in this frame, must be thought as the attempt to arrive at a synthesis among equal partners<sup>x<sup>iii</sup></sup>. Originating from the idea of “non-interference” among national sovereignties, these principles have been conceived as characteristic of the so-called “ASEAN way” (Los Banos 2012, 5). But in any case they – directly originating from Malawian culture – cannot be easily described as just “Asian Values” according to the Nineties’ description of the latter (eg. Lew Kuan Yew). In fact interesting parallels were not only found in some practices and principles of the EU<sup>x<sup>iv</sup></sup>, but are in direct contrast with any “despotic culture”<sup>x<sup>v</sup></sup>, considering – in a way that cannot be seen as “democratic” according to western thought – the will of other participants and group members<sup>x<sup>vi</sup></sup>. From this point of view such principles can be described as a form of “elitism” or “aristocratism” without being expression of despotism or authoritarianism (Acharya 2001, 78). The Charter also presents a commitment to “strengthen democracy” (art. 1, clause 7) which - considering



the strong differences among the ASEAN national regimes and the “non-interference” principle – could have no easy implementation<sup>xvii</sup>. In any case such a commitment, if it cannot translate into the westernisation of ASEAN countries, could play a role against the further legitimisation of authoritarianism in the region. From this point of view it is possible to say that if there is an “ASEAN way”, it is difficult to fully situate it inside the “Asian values” or western liberal-democracy frames. Also the effort to create an ASEAN human rights system – which four years ago produced a fiercely criticised regional Human Rights Declaration (AHRD, 2012)<sup>xviii</sup> – shows some significant peculiarities that could allow us to see how ASEAN is trying to develop not only as a sui generis organisation but also as a particular regional political and cultural identity. The first part of the AHRD displays some interesting features arising from such an effort. The AHRD parts dedicated to General Principles (art. 1-9) and Civil and Political Rights (art. 10-25) have only one subject : the person. Such a concept - used in order to differentiate the Declaration from the western concern with “individual rights” (Clark 2012, 22) – represents an interesting point of contact among the Islamic culture of countries such as Indonesia, Malaysia, Brunei Darussalam<sup>xix</sup> and the Catholic culture of countries such as the Philippines and Vietnam (which see the biggest Catholic minority of the region - 10% of citizens)<sup>xx</sup>. Furthermore it established a possible point of dialogue with the Buddhist culture - with its attention to personal responsibility - of countries such as Cambodia, Thailand, Myanmar, Vietnam, Laos and Singapore<sup>xxi</sup>. The use of such a subject, the person, allowed thus to include inside the declaration the deeply criticised Article 6 that affirms :

“The enjoyment of human rights and fundamental freedoms must be balanced with the performance of corresponding duties as every person has responsibilities to all other individuals, the community and the society where one lives. It is ultimately the primary responsibility of all ASEAN Member States to promote and protect human rights and fundamental freedoms” (AHRD 2013, 4).

What is interesting about such an article in the logic of this paper is, more than its evident distance from comparable western charters such as the EU Charter of fundamental rights, its idea to balance - in a system that focuses on the promotion and protection of human rights - freedoms and responsibilities<sup>xxii</sup>. The attempt of article 6, as of the whole ADHR, was to find a point of encounter among the main cultural traditions acting inside





the present regional social life. That includes, of course, originally western ones (such as Christianity, Enlightenment, English language, etc.) nearby Buddhism and Islam. From this standpoint it is possible to say that the logic of “Asian values” – of a direct contraposition (and mutual exclusion) among western and eastern values – is fully overtaken by the ADHR without any simplistic adaptation to a western model<sup>xxiii</sup>. ASEAN’s identity effort is thus that of a original – still working and incomplete – creation that, in a syncretistic way, attempts to put together (and to reciprocally limit) different cultural experiences. Today speaking of an “ASEAN way” entails also a consideration of the existence of a laboratory oriented towards the conception and affirmation of a new common identity<sup>xxiv</sup>. Of course, as any laboratory of this kind, it presents several political interests and risks<sup>xxv</sup>.

### 3.

In fact ASEAN governments – that comprehend absolute monarchies and military dictatorships (eg. Brunei Darussalam and Thailand) - had their decisive weight in determinate the specific equilibrium of the ADHR as of the previous ASEAN Charter. The influence of governments, for example, entailed the exclusion of the right of free association from the ADHR or the absence of any reference to the rights of gay, lesbian, bisexual, transgender people (Clark 2012, 22-23). Is the ASEAN way, considered from the point of view of identity, destined to become a new regional cover for a national reality of conservative dominion? The question is licit. If a creative process of definition of common ASEAN values and principles is underway, the possible results of such an attempt are still unclear. What is possible to say here is that to abandon the path of a vision founded on a rigid contraposition between West and East is a necessary starting point in order to be in touch with the regional complexity and cultural history (or histories)<sup>xxvi</sup>. Nevertheless it is not sufficient to open a inter-governmental process – with a insufficient role of civil society organisations - of convergence and dialogue among the different possible perspective on the regional identity (Allison and Taylor 2017, 24-41) in order to guarantee the achievement of the purposes recommended by the same ASEAN Charter that – art.1, clauses 13 and 14 – affirms :



“The Purposes of Asean are :... 13. To promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building; 14. To promote an ASEAN identity through the fostering of greater awareness of the diverse culture and heritage of the region...” (The ASEAN Charter, 2015, 5).

From this point of view, the creation of a less inter-governmental and more participated ASEAN institutional framework will be decisive in determining what will finally be attained by such an ongoing process concerning the building of a de-colonial (beyond the dialectic West/East) regional identity. Until that moment the ASEAN Way will remain hostage to the precarious equilibriums among national governments. In effect, if there is a “Eurocentric” myth that must be still abandoned in the region, it is that of Nation-State’s absolute sovereignty<sup>XXVII</sup>. But, in this realm, the ASEAN appears still far from the embodiment of an original and de-colonial solution.

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<sup>I</sup> The aims of the association have been defined in seven Bangkok Declaration points: “1. To accelerate the economic growth, social progress and cultural development in the region through joint endeavors in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of South-East Asian Nations; 2. To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter; 3. To promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields; 4. To provide assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres; 5. To collaborate more effectively for the greater utilization of their agriculture and industries, the expansion of their trade, including the study of the problems of international commodity trade, the improvement of their transportation and communications facilities and the raising of the living standards of their peoples; 6. To promote South-East Asian studies; 7. To maintain close and beneficial cooperation with existing international and regional organizations with similar aims and purposes, and explore all avenues for even closer cooperation among themselves.” (The ASEAN Declaration, 1967).

<sup>II</sup> Of course such a “process” in Europe is facing a radical crisis (Balibar 2016, 11-32).

<sup>III</sup> As stated by Elena Poli also after the 1997 crisis – which showed to ASEAN’s elites the necessity to look with major interest to EU model – the differences among the two political and economic entities remains conspicuous and will continue to persist in future (Poli 2014, 9). On the debate for the future of ASEAN see also Masini 2015.





<sup>IV</sup> For an introduction to the concept of Asian Values see Monceri 2002.

<sup>V</sup> I use this concept according to Hamid Dabashi's statement that says "The Orient they" Europeans "had created, the Third World they had crafted to rule and denigrate, have disappeared. If only those who still see themselves as Orientals would begin to decolonize their mind too". In trying to find an original "Asean way" the people of South East Asia are defining a new singularity that does not correspond to old mechanism as "Europe/Asia" or "West/East". In this sense they began to "decolonize" their mind. See Dabashi 2015, 11.

<sup>VI</sup> E.g. see Rošker 2016, 153-164; Tew 2012, 12; Yau Hoon 2004, 154-174.

<sup>VII</sup> An invention that finds its origins in the Greek mythology and that was, only in contemporary history, adopted by the same Asian elites (Markovits 2013: 53-66).

<sup>VIII</sup> Asia could also be conceived as a political concept but, in such a case, its history is very short. It originates from the end of the XIX century and concretely played a role starting in the Nineties (Kausikan 2014).

<sup>IX</sup> And in any case they have to be considered as founded on "Confucian roots" (Rošker 2016, 163).

<sup>X</sup> See The ASEAN Charter 2015, 22. Clause 2 affirms "When Consensus cannot be achieved, the ASEAN Summit can decide how a specific decision can be made".

<sup>XI</sup> "... concepts that Sukarno and the Indonesians introduced to Southeast Asian diplomacy. These terms, rooted in the traditional village societies of the Malay region, represent an approach to decision-making that emphasizes consensus and consultation" (Min Lee 2006).

<sup>XII</sup> "However, "consensus does not assume that everyone must agree; it assumes at least that no one objects to the proposal". In other words, consensus does not require unanimity but rather leads to finding a common interest that could appeal to the whole" (Min Lee 2006).

<sup>XIII</sup> "It endorses a view that "a leader should not act arbitrarily or impose his will, but rather make gentle suggestions of the path a community should follow, being careful always to consult all other participants fully and to take their views and feelings into consideration before delivering his synthesis conclusions" (Min Lee 2006).

<sup>XIV</sup> The unanimity vote in the Council of EU Ministers is valid also with abstentions.

<sup>XV</sup> See the criticism of Lew Kuan Yew thought in Ming-Huei 2001, 85.

<sup>XVI</sup> At its origins the same Confucian culture – differently from what affirmed by Lew Kuan Yew – contained a tendency to consider the will of the people in a way that is not comparable to modern democracy (Rošker 2016, 159).

<sup>XVII</sup> About the condition of the ASEAN process of democratisation see Kraft 2014, 331-341.

<sup>XVIII</sup> See The ASEAN Human Rights Declaration (AHRD) 2013. About the criticism towards AHRD see Clark 2012, 20-23. An interesting statement about such a debate on AHRD is the one of Catherine Renshaw that affirmed: "A member of the Philippines drafting team described it as 'the ASEAN Magna Carta', a document that has finally 'laid to rest the Asian Values Debate and the specter of cultural relativism'. The US State Department has criticised the Declaration on a number of grounds, one being 'the use of the concept of "cultural relativism" to suggest that rights in the ... [UDHR] do not apply everywhere'. Many of the region's CSOs rejected the Declaration outright, on the grounds that 'some of its deeply flawed "General Principles" will serve to provide ready-made justifications for human rights violations of people within the jurisdiction of ASEAN governments"' (Renshaw 2013, 559).

<sup>XIX</sup> In effect, from the beginning the Islamic culture gives a strong importance to the idea of person (*nafs*). See Grecchi 2009. There have also been Muslims philosophers, as the Moroccan Lahbabi, that worked on a perspective of a Muslim Personalism (Lahbabi 1964).

<sup>XX</sup> In Christian thought the concept of person plays a fundamental role (Ratzinger 1990, 439-454).

<sup>XXI</sup> Buddhist thought has developed a peculiar position about the concept of "person". The doctrine of non-self or "insubstantiality" of the self *Anatman* (sanskrit) or *Anatta* (Pali) entails a view of the being as relation (and only as relation). Thus things and beings exist only as phenomenological interactions and never as "absolutes" (without relation to the rest). According to this view the person exist as a composition of five insubstantial aggregates (materiality, feeling, perception, mental formation and consciousness). Such a person disposes – some scholars don't agree on that point - of volitional action in deeds, words and thoughts, which may be morally good or bad considering that all actions are conditioned but not inescapably determined. Each person is free/responsible of his actions inside the co-dependency relation with society. A Buddhist idea of personal responsibility is present in the ASEAN integration debate. According to such a view there is a complementary role among human responsibilities and human rights. See Busquet 2007, 114-119 and Pasqualotto 2003, 42; Jones 2013 and Kooi Fong 2015. On the debate concerning Buddhism and free will see Repetti 2012, 130-197.



XXII The idea of “balance” finds a precedent in the “Joint Communique of the Twenty-Sixth ASEAN Ministerial Meeting of Singapore” of 23-24 July 1993 that affirmed “that freedom, progress and national stability are promoted by a balance between the rights of the individual and those of the community, through which many individual rights are realized, as provided for in the Universal Declaration of Human Rights... In this regard and in support of the Vienna Declaration and Program of Action of 25 June 1993, they agreed that ASEAN should also consider the establishment of an appropriate regional mechanism on human rights”. The difference lies on the 1993 absence of any reference to the concept of “person”, in the consequent passage from the “rights of the community” (1993) to the “responsibility of any person” (2012) and in a fundamental inversion of the accent on the issue of “development”. In 1993 “Communique” development feed a criticism against the interference of western countries and international institution that sought to use human rights to condition the “development right” while in ADHR art. 35 affirms “..the lack of development may not be invoked to justify the violations on internationally recognized human rights”. More generally if the text of 1993, especially on human rights, was all oriented in use the idea of balance to separate the space of ASEAN governments to that of international interference (with an accent on the relationship regarding the respect of national sovereignty and the protection and promotion of human rights) the one of 2012, birth in a different geopolitical context, operates more in trying to find a common ground among the different realities inside the ASEAN (art. 7) and among ASEAN (with its complex equilibrium) and the international community. It is not accidental that the relation among the respect of national sovereignty and the protection and promotion of Human rights completely disappeared in the ADHR. See Joint Communique of the Twenty-Sixth ASEAN Ministerial Meeting of Singapore, 1993 and AHRD 2013.

XXIII From this standpoint it is possible to disagree with those who affirm that there is a continuity between the ADHR and the Asian values discourse of the 1990’s. See Clark 2012, 20.

XXIV The ASEAN Charter in effect – differently from the Treaty of Lisbon – fixed by law the symbols of the Association such as the Flag and Emblem. See Annex 3 and 4 of The ASEAN Charter 2015.

XXV About the risks of identity dynamics see the recent work – centered on European context but not un-useful to understand also others – of Prosperi 2016.

XXVI It is important to note, also in relation to the recent history of South East Asia, how in the history of thought very frequently distinctions and struggles (eg. Order vs Revolt) have to be considered more transversal to the couple West/East than situated between the two. See Christaudo, Wah Wong and Youzhong 2014.

XXVII On this myth in international relations see Hobson 2012, 19-20. But that of “absolute”, “non-mediated”, sovereignty is more a myth than a reality in the pre-XXth century European thought (De Giovanni 2015).

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