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ASEAN DECISION-MAKING PROCESS: BEFORE AND AFTER THE ASEAN CHARTER



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ABSTRACT

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The Association of Southeast Asian Nations (ASEAN) has long presented IR theorists with a paradox. This is due to the fact that it survived decades of intra-mural conflicts without having provided member states with any of the benefits that justify regional institutional arrangements in Europe. Current debate over the association's effectiveness centers on ASEAN's informal, strictly intergovernmental decision-making process, generally referred to as the 'ASEAN Way'. Supporters credit it with having prevented intra-regional conflicts from escalating into open war by building confidence among member states; while critics regard endurance of this sovereignty-centered decision-making process as a fundamental obstacle to regional integration and emphasize the significant costs it entails. Notwithstanding widespread recognition of the essential role the ASEAN decision-making process plays in explaining regional cooperation, scholars seldom went beyond presenting the various formal and informal procedures, examining their consequences in relation to specific aspects of cooperation, or acknowledging their role in serving the interests of governments. The aim of this article is to provide an in-depth assessment of the evolution of regional decision-making actors and practices and examine the extent of the changes provided for by the ASEAN Charter. It looks at the role these practices play in achieving the objectives member governments set for the association, and finds that the basic policy-making cycle negotiated in late 1960s – early 1970s has been reinforced by subsequent institutional changes. The conclusion discusses implications of the continued relevance of this process to fulfilling ASEAN objectives.

Contribution/ Originality: This study contributes to existing literature on ASEAN by investigating the evolution of a key aspect of regional association which, though widely

recognized as crucial to understanding the extent and direction of cooperation, seldom constitutes the focus of research.

1. INTRODUCTION

ASEAN remains a puzzle to both regional cooperation theorists and most area scholars. Theorists struggled to explain its decades-long survival in light of continuing intra-mural enmity, competitive, sometimes incompatible state interests, and failure of the association to provide members the benefits neorealists and liberal institutionalists argue justify regional institutional arrangements in Europe (Acharya and Stubbs, 2006). For instance, the association offers little of the military or material protection against potential territorial encroachment that is central to the neorealist explanation of regional cooperation. There has been no pooling of military capabilities, on the contrary, ASEAN members have deliberately avoided displaying balancing behavior in regional agreements. Moreover, ASEAN instruments do not provide for significant constraints or sanctions in response to non-compliance, which leads to uneven, inadequate implementation (Narine, 1997; Nesadurai, 2003; ASEAN, 2006; Ravenhill, 2008; Koh *et al.*, 2009; Cockerham, 2010; Elliott, 2012; Jones, 2015; Pennisi Di Floristella, 2015).

The peculiar, informal, sovereignty-centered regional policy-making processes that characterize the so-called 'ASEAN Way' have been both blamed for these shortcomings and credited for the association's successes. Some argue that the association's efforts at building consensus and confidence among its heterogeneous membership helped manage the numerous intra-mural conflicts and facilitated continuing cooperation (Kurus, 1993a; Jetly, 2003; Kivimäki, 2012). Constructivists even suggest that enduring political commitment to ASEAN procedures and basic norms shape an emerging regional identity (Acharya, 2009). Others however claim that insistence on sovereign rights and seeking of consensus delay regional action and lead to outcomes which inevitably reflect the lowest common denominator; the result is an organization that is powerless to elicit compliance from unwilling member governments, which makes 'process, not progress', little more than a 'neighborhood watch group' (Hund, 2002; Jones and Smith, 2007; Ravenhill, 2008).

Notwithstanding the centrality of regional decision-making processes to explaining ASEAN cooperation, scholars seldom went beyond presenting the various formal and informal procedures, examining their consequences in relation to particular aspects of cooperation, or acknowledging their role in serving the interests of governments. The aim of this article is to provide an in-depth assessment of the evolution of regional decision-making actors and practices and examine the extent of the changes provided for by the ASEAN Charter. It looks at the role these practices play in achieving the objectives member governments set for the association and outlines the endurance of the basic policy-making cycle negotiated in late 1960s – early 1970s. The paper starts with an examination of the purpose of the association, proceeds by examining the formal procedures and institutions established to achieve it, and continues with a discussion of various

unwritten norms of behavior. The conclusion outlines the implications of the continued relevance of this process to fulfilling ASEAN objectives.

2. ASEAN'S PURPOSE: GUARD REGIONAL GOVERNMENTS AGAINST UNWANTED INTERFERENCE IN INTERNAL AFFAIRS

There is general agreement among regional observers that ASEAN was set up in 1967 in order to guard internal political stability within member states against both intra- regional and external interference (Shee, 1977; Kurus, 1993b; Acharya, 1998; Narine, 1998; Funston, 2000; Ba, 2009; Nesadurai, 2009). As such, regional institutions were established to fulfill two apparently contradictory functions. On one hand, persisting vulnerability of governments to internal and external threats, coupled with outstanding regional rivalries, mandated an emphasis on national sovereignty, as a guarantee against unwanted interference from both regional institutions as well as fellow members (Narine, 1997; Severino, 2006; Ravenhill, 2008; Acharya, 2009; Cockerham, 2010). On the other hand, leaders had a strong common interest in consolidating regional cooperation and keeping interstate tensions under control, as they regarded intra-regional tensions as likely to lead to much feared great power intervention within the region (Shee, 1977; Ramcharan, 2000).

As ASEAN institutions were expected to simultaneously protect sovereignty and enhance regional cooperation among rival states, confidence-building emerged as a fundamental objective of regional cooperation (Shee, 1977; Narine, 1998; Ba, 2009). Leaders understood that building confidence was instrumental to preventing intra-mural military conflicts and facilitating agreement on issues of common concern. These, in turn, were crucial not only for the survival of the organization, but also for its ability to project an image of relative regional unity and acquire the credibility necessary to play a role in the management of regional affairs, and fend off unwanted external intervention.

This concern with building confidence and managing conflicts among the political elites of member states translated at the regional level into a strong emphasis on both state sovereignty (and its corollary non-interference in internal affairs of fellow members) as well as ASEAN unity/solidarity (Collins, 2007; Ba, 2009). Regionally, this meant decision-making powers remained firmly under the control of member governments; while emphasis on informality and building personal relations among ASEAN officials worked to facilitate consensus. Institutional and normative frameworks evolved along these lines and, as Alan Collins aptly pointed out, the association continues to function as a “support network for the governing elite” (Collins, 2007).

3. ASEAN'S FORMAL DECISION-MAKING RULES AND PROCEDURES

Decision-making rules and norm creation are a crucial aspect of regional cooperation arrangements as they reflect the degree of control member states are willing to delegate to supranational institutions. Haftel and Thompson (2006) argue that the level of autonomy of international organizations from narrow state interests is partly a function of “the number of

states required to control decision making” and “how closely these decision makers are tied to national interests”. Bearing in mind that governing elites have never envisioned ASEAN as an autonomous regional grouping, the next section examines decision making procedures along two dimensions: “how” decisions are made and “who” makes them.

3.1. Decision-Making Based on Consultation and Consensus

The diversity of views and interests among governing elites, along with outstanding territorial and political disputes, meant that cooperation could only progress at “a pace comfortable to all” and decisions had to be made through consensus (Severino, 2006). Reaching consensus however remained a challenging task. On one hand, controversial issues needed to be discussed and kept in check in order to prevent them from escalating and disrupting regional dialogue (Jetly, 2003). On the other hand, public discussion of these matters would be dangerous in itself, as leaders would have a strong incentive to adopt a hardline in order to satisfy domestic audiences (Haacke, 2003; Koh *et al.*, 2009). ASEAN elites thus made clear their preference for informality and quiet diplomacy from the very beginnings of the association, and regional bodies evolved to facilitate consensus by encouraging elite socialization.

Consensus-based decision-making enables any member at any time to veto any regional proposal that is perceived as threatening to national interests. It does not imply unanimity *per se*, nor does it involve voting, as not all members need to explicitly agree with the proposal under discussion; however, it does require enough support to endorse adoption of a proposal (a specific number is not mentioned in ASEAN documents) and that no member votes against it (Severino (2006)). In case of a deadlock, members resort to bilateral negotiations. This effectively places the specific conflict of interests outside the ASEAN framework, which in turn facilitates the progress of regional negotiations on other issues.

Consensus decisions are arrived at through consultations between governments. Many ASEAN observers depict the association’s decision-making process as inspired by the traditional Malay practice of *musharawah* (consultation) and *mufakat* (consensus) (Kim and Lee, 2011). This system was used by Malay leaders to manage personal relations with the chiefs of peripheral political centers in order to avoid resorting to force. *Musharawah* takes place among friends and neighbors, not opponents, and it involves intensive discussions where participants are expected to adjust their points of view and the majority does not impose its will on the minority (Kim and Lee, 2011).

There are two additional decision-making formulas employed within ASEAN: the “ASEAN minus X” and the “X+2”. The use of these procedures is restricted to the area of economic cooperation and is aimed at speeding up the process of integration by allowing willing members to integrate at a faster pace than the general consensus would dictate (ASEAN, 2007a). Such practices do not impinge on ASEAN’s general rule of decision-making through consensus, since cooperation continues at “a pace comfortable to all”, and agreements only enter into force in relation to states that signed and ratified them.

Documents adopted under the “ASEAN minus X” rule require the consent of all member governments, but enter into force as soon as a certain number agree to implement them, only in relation to those members. The rest are free to join in whenever they are ready (ASEAN, 1992a; Severino, 2006). The “2+X” decision-making formula refers to economic arrangements worked out between two or more ASEAN member states. Though these documents do not strictly belong to ASEAN affairs, as they are negotiated outside the association’s framework, they do serve the grouping’s overall purpose of enhancing regional economic integration. Rodolfo Severino concludes that policy documents adopted under these rules may serve to reduce the pressure for economic reform on member governments, but also hold the potential to undermine ASEAN’s “sense of community” (Severino, 2006).

3.2. Decision-Makers Before and After the ASEAN Charter

ASEAN’s founding document did not include reference to any specific norms of behavior and established a regional “machinery” amounting to little more than a forum for discussions among the five Southeast Asian foreign ministers. It consisted of an Annual Meeting of Foreign Ministers (AMM); a Standing Committee (chaired by the foreign minister of the host country, consisting of member states’ ambassadors to the hosting country) tasked to carry out the work of the association between AMMs; Ad-hoc and permanent committees; and a national secretariat within each member state that would “service” the first two groups (ASEAN, 1967). There was no elaboration of AMM’s powers and functions, and the declaration was equally vague on the role of the Standing Committee.

The joint communiqués of ASEAN’s Ministerial Meetings, the only official public insight into the regional grouping’s inner workings during its early years, help clarify the various roles played by these organs.¹ By 1972, there were at least eleven ASEAN Permanent Committees covering various functional aspects of cooperation, including food production and supply, civil air transportation, shipping, air traffic services and meteorology, cultural activities and finance.² These consultations were closely supervised and coordinated by the Standing Committee, which in turn would report to the AMM on the progress of negotiations and recommend future action.³ The AMM would discuss the progress achieved, decide on the recommendations made, and formulate additional instructions and guidelines for the other regional organs.

Notwithstanding the fact that they only met once a year in an official setting, it is difficult to overestimate the involvement of ASEAN foreign ministers in the work of the association. The Standing Committee itself, whose seat would rotate every year among member states, was headed

¹ These AMM joint communiqués are available online at <http://asean.org/asean-political-security-community/asean-foreign-ministers-meeting-amm/joint-communiques/>. Accessed 2 June 2016.

² See AMM joint communiqués from 1968, 1969, and 1972, available at <http://asean.org/asean-political-security-community/asean-foreign-ministers-meeting-amm/joint-communiques/>. Accessed 2 June 2016.

³ Ibid.

by the foreign minister of the hosting country and its membership consisted of diplomats.⁴ The Standing Committee's key role in facilitating consensus, coordinating and supervising the work of the various committees, and its obligation to report to AMM ensured that foreign ministers remained engaged in the association's affairs between the annual AMMs.

Figure 1 is an outline of the relationship among the various regional bodies engaged in ASEAN decision-making/policy formulation during the first decade of cooperation.

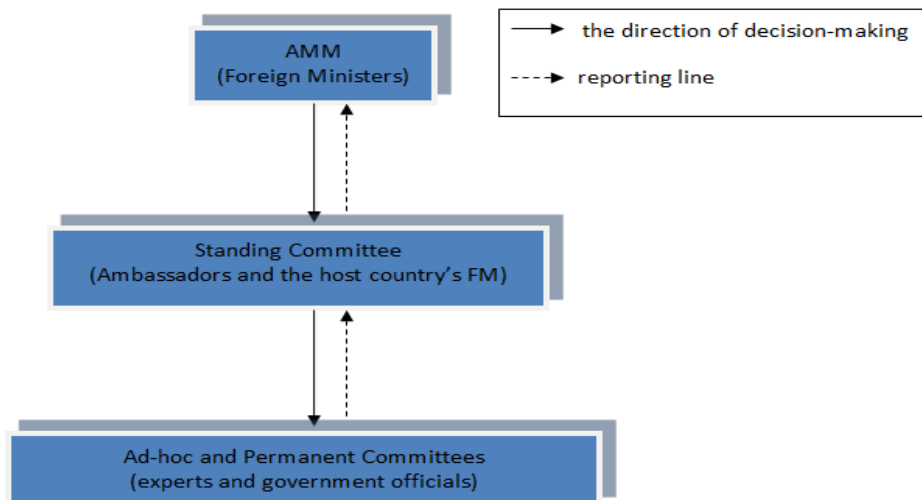


Figure-1. ASEAN's early policy-making cycle

Source: This information was compiled by the author based on texts of the 1967 Bangkok Declaration and AMM joint communiqués from 1968, 1969, and 1972, all of which are made available on ASEAN's website at <http://asean.org/>.

The impetus to strengthen and/or expand regional institutions generally came in response to several factors, in particular: external developments perceived as common threats that caused an upsurge in intra-mural unity; attempts to legalize entrenched cooperation practices; and/or efforts to improve coordination and encourage implementation of existing commitments (Kurus, 1993a; Nesadurai, 2003; Elliott, 2003; 2012; Severino, 2006). As a result, subsequent revisions of the regional institutional structure added to this main framework and sometimes helped clarify its functions, but it did not alter the policy-making cycle, nor did it interfere with the consensus-building process.

The 1976 ASEAN Concord for instance provided for a Meeting of Heads of Government to take place "as and when necessary"; and a regular Economic Ministers Meeting to supervise the coordination and implementation of existing ASEAN programs ((ASEAN, 1976a): Sections A.1 and B.5). It also called for the signing of the Agreement on the Establishment of the ASEAN Secretariat (ASEAN, 1976a). Sixteen years later, the 1992 Singapore Declaration made ASEAN Summits a regular feature of the regional cooperation process, improved the status of the ASEAN

⁴ For more information on the composition and activities of the ASEAN Standing Committee, see AMM joint communiqués from 1960s and 1970s, available at <http://asean.org/asean-political-security-community/asean-foreign-ministers-meeting-amm/joint-communiques/>. Accessed 2 June 2016.

Secretary-General, dissolved existing ASEAN Economic Committees, and charged the Senior Economic Officials Meeting (SEOM) with handling all aspects of economic cooperation (ASEAN, 1992b).

The latest revision of ASEAN's institutional framework came with the adoption of the ASEAN Charter on November 20, 2007 and its entry into force one year later. The changes it provides for with regard to ASEAN's institutional framework reinforce the remarkable inter-governmental character of decision-making. The representative of the Philippines on the High Level Task Force on the Drafting of the ASEAN Charter (HLTF), Rosario Gonzalez-Manolo, suggests that drafters and their leaders intended to consolidate and make clear ASEAN's purely intergovernmental nature in order to dispel calls for creating a supra-national entity (Gonzalez-Manolo, 2009). This is confirmed by the mandate the ten HLTF members received from ASEAN leaders, which focuses on codifying existing regional values and rules of behavior, reaffirming the principles and ideals incorporated into key ASEAN agreements, and enhancing the existing regional, institutional framework (ASEAN, 2005; 2007b; Koh *et al.*, 2009).

The charter recognizes nine categories of ASEAN organs, namely: the ASEAN Summit, ASEAN Coordinating Council (ACC), three ASEAN Community Councils (i.e. ASEAN Political-Security Community, APSC; ASEAN Economic Community, AEM; and ASEAN Socio-Cultural Community, ASCC); thirty-seven ASEAN Sectoral Ministerial Bodies; the Committee of Permanent Representatives to ASEAN (CPR); an ASEAN Regional Human Rights Body (established in 2009 as the ASEAN Intergovernmental Commission for Human Rights, AICHR); the Secretary-General of ASEAN and the ASEAN Secretariat; ASEAN National Secretariats; and the ASEAN Foundation.

The following discussion focuses on the first five regional organs as they are at the center of intergovernmental consultations aimed at seeking consensus. It is important to keep in mind that only the Summit is invested by the ASEAN Charter with the authority to "provide policy guidance and take decisions" (ASEAN (2007a): Article 7.2.b). The main task of the remaining four ASEAN organs – the ACC, Community Councils, Sectoral Ministerial Bodies, and the CPR – is to coordinate and supervise implementation of the Summit's decisions by intergovernmental meetings under their purview, and report back to the Summit (ASEAN, 2007a).

Figure 2 below illustrates the various ASEAN bodies involved in consultations and their line of reporting (ASEAN, 2007a; Pengiran, 2009).⁵ It shows continued reliance on the policy-making process set up during the association's early years; recognition of the substantial institutional growth that accompanied the widening *scope* of cooperation; and clear efforts at improving coordination and policy coherence. Thus, annual regional ministerial-level meetings evolved

⁵ There is no official ASEAN organizational chart. The representative of Brunei Darussalam to the HLTF that negotiated the Charter explains this omission making reference to disagreements over where to place the ACC on the chart (just below the Summit or at the same level with the Community Councils), see Pengiran (2009). This author has opted for placing the ACC below the Summit and above the Community Councils due to the its role in coordinating implementation of Summit decisions and report back to it as well as its task to "coordinate the reports of the ASEAN Community Councils to the ASEAN Summit", ASEAN Charter, Articles 8.2.b and d.

from one (the annual AMM) in 1967 to no less than thirty-seven ASEAN Sectoral Ministerial Bodies (ASEAN, 2007a). The new Committee of Permanent Representatives (CPR) fulfills a role similar to that of the ASEAN Standing Committee, and consensus is reinforced as the only decision-making procedure (ASEAN, 2007a). The Charter also strengthens the role of leaders and foreign ministers in managing regional affairs. In particular, the latter is to meet formally at least five times per year as the ACC, the APSC, and the AMM (2007a: Articles 8.1, 9.5, 20.1).⁶

Though not explicitly stipulated by the Charter, the relationship between the Summit and ministerial-level bodies involved in decision-making appears to be one of subordination, since the main task of the latter is to implement Summit decisions and report back to their leaders (ASEAN, 2007a). The ACC and Community Councils coordinate implementation and reporting obligations, while the CPR and SOMs, are expected to assist as necessary (ASEAN, 2007a).

The Charter goes as far as requesting the Secretary-General of ASEAN to “monitor” implementation of regional agreements by member states and report to the Summit on an annual basis (ASEAN, 2007a). It is for the first time in the history of the association that a non-intergovernmental institution is tasked with independently monitoring member governments. The independence and/or reliability of these reports however should be considered cautiously, bearing in mind that the Secretary-General himself is appointed by the Summit to “serve with the confidence and at the pleasure” of regional leaders, and that the Secretariat lacks the resources and powers to coerce governments into providing information and/or verify available data (ASEAN, 2007a; The Brunei Times, 2014).⁷

The regional developments the Charter fails to endorse are telling as they reflect continued resistance to delegating powers to regional bodies and commitment to the long-standing ASEAN diplomatic protocol. In particular, the Charter does not mention the ASEAN Troika in relation to intra-mural dispute settlement, nor does it include any reference to the now regular ASEAN foreign ministers’ retreats (Funston, 2000; Ramcharan, 2000; Haacke, 2003). There are also no provisions on transparency of regional institutions. ASEAN meetings continue to be held behind closed doors and, apart from occasional statements from government officials, joint declarations remain the main insight into proceedings.

⁶ The ACC and the APSC Council each meet at least twice/year, while the AMM has at least one annual meeting. The ASEAN Charter provides that the ACC and the AMM are both comprised of member states’ foreign ministers. It also requires states to appoint a representative to every Community Council (Article 9.3). In conformity with this provision, states assigned their foreign ministers to represent them in the APSC Council (with the exception of Indonesia, who appointed its Minister of Foreign Affairs only as an alternate member).

⁷ ASEAN Secretariat’s functions include organizing and assisting in the preparation of hundreds of ASEAN-related meetings annually and, since the ASEAN Charter, monitoring implementation of almost 200 agreements within the ten member states. Its 2015 budget amounted to less than USD20 million and, as of the end of 2014, it had a staff of only 300. See “ASEAN Secretariat gets funds to raise staff salaries”, ASEAN (2007a).

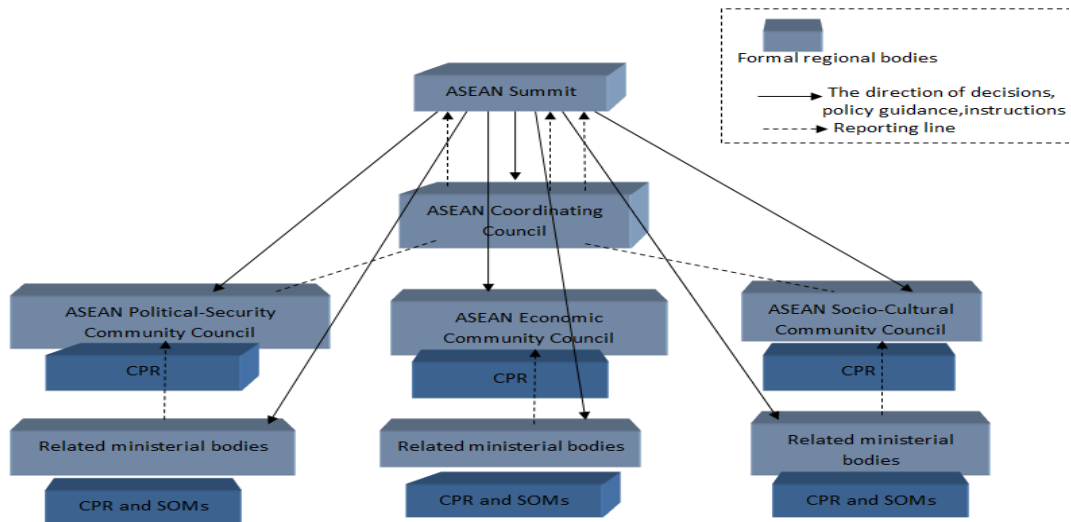


Figure-2. Regional policy-making cycle according to the ASEAN Charter

Source: This information was compiled by the author based on the provisions of the ASEAN Charter, in particular articles 7, 8, 9, 10, and 12.⁸

4. NATIONAL SOVEREIGNTY, ASEAN UNITY/SOLIDARITY, AND INFORMAL RULES OF BEHAVIOUR

Just like the association's institutional framework, informal rules of behaviour were negotiated and evolved gradually, in response to pressure to act as a united front or as a result of increased confidence. In late 1960s, the five essentially rival anti-communist governments which founded the association (Thailand, Philippines, Malaysia, Indonesia, and Singapore) could only agree on an occasional forum to discuss economic cooperation (ASEAN, 1967). Strict commitment to respecting each other's sovereign rights, though fundamental to enabling cooperation, was not sufficient to reassure the relatively weaker states that stronger fellow members will refrain from using the association to further their own interests (ASEAN, 1976a; 1976b). Thus Indonesia's attitude, as the largest, strongest member state, was instrumental for ASEAN's survival during the first decades, as the Jakarta government displayed willingness to compromise and resisted imposing its will on weaker fellow members (Anwar, 1994).

4.1. The Frontline State Principle/Concept

During early 1980s, when ASEAN members were negotiating a common position on Vietnam's invasion of Cambodia (then Kampuchea), Jakarta acknowledged Bangkok's higher stakes in the conflict, put aside its own strategic preferences, and allowed Thailand to assume a leading role in formulating ASEAN policy on the issue (ASEAN, 1979; Alagappa, 1993). Observers suggest that the Suharto government overcame its resentment for the Thai policy on Kampuchea out of concern for Indonesia's long-term interests in the survival of ASEAN (Alagappa, 1993; Narine, 1998).

⁸ See supra note 5.

This general attitude – of allowing the government most vulnerable to a particular situation to lead regional policy-making – turned into an unwritten rule of behavior within ASEAN and came to be called by observers as the “frontline state principle/concept” (Fifield, 1979; Simon, 1987; Snitwongse, 1998; Nischalke, 2000). It underlines the importance member governments place on the association’s unity and reflects their vision of the organization as a “support network” for governments and as a vehicle to influence regional affairs. It achieves that by sending a clear signal that, when they are most vulnerable to external events, regional governments can count on fellow ASEAN members for support. This creates a sense of solidarity, builds trust, and reveals ASEAN’s utility to governing elites.

This attitude appears to have generally continued after the Cold War, as Nischalke mentions the principle in relation to the association’s response to the 1995 Mischief Reef crisis, when it was discovered that Beijing had occupied an area claimed by the Philippines (Nischalke, 2000). At the time, ASEAN foreign ministers rallied behind Manila and, after an initial joint statement calling for peaceful resolution of the conflict, agreed to confront China during an informal senior officials meeting (Nischalke, 2000). This display of ASEAN unity proved somewhat effective, as China abandoned its preference for bilateral talks, conceding to discuss the situation with ASEAN collectively during the ASEAN Regional Forum. Commitment to this principle could also help explain the association’s support for Indonesia during the crisis in East Timor as well as member states’ willingness to follow Thailand’s policy of “constructive engagement” towards Myanmar (Buszynski, 1998; Dupont, 2000).

4.2. Consensus, Informality, and Forging Close Interpersonal Relations

Notwithstanding the willingness of some ASEAN governments to sometimes put aside their short-term interests in order to safeguard their long-term stake in the survival of the association, maintaining regional cohesion has always been a challenge. Members shared a deep sense of insecurity, in relation to external powers as well as internal insurgencies, which generated a common self-perception of vulnerability (John, 1994).⁹ This greatly facilitated agreement on the need to cooperate during the early years of the regional grouping, and continues to fuel ideas on the importance of presenting a united front in relation to outside powers (Ba, 2009; Koh *et al.*, 2009). Nonetheless, ASEAN governments started as relative rivals, with deep distrust of each other and outstanding territorial conflicts, most of which remain unsolved and continue to affect regional relations (Anwar, 1994; Severino, 2006; Ba, 2009; Roberts, 2012). ASEAN’s expansion in late 1990s (to include Cambodia, Laos, Vietnam and Myanmar) and Indonesia’s democratization following the collapse of the Suharto regime in 1998 significantly reinforced and even exacerbated intra-mural conflicts (Katsumata, 2003; Severino, 2006; Nesadurai, 2009; International Crisis Group, 2011; Chachavalponpun, 2012).

⁹ Thailand was never a formal colony, but its early state formation was heavily influenced by neighboring colonial powers. It was for instance France and the United Kingdom, the colonial powers in neighboring Cambodia and Myanmar, that determined what are now Thailand’s disputed borders with these countries.

The informal nature of the regional consultation process, along with the regularity and frequency of ASEAN-related meetings at various government levels, allows ASEAN leaders and officials to familiarize with each other, contributing significantly to building trust and facilitating consensus (Haacke, 2005; Koh *et al.*, 2009; Tan, 2013). Even when leaders learn about each other without necessarily bonding, the regional socialization process could function as a “safety net”, former Singapore Prime Minister Lee Kuan Yew explained:

“Thus, when an official spoke loudly, his counterpart would have known from long association that he was one to speak loudly anyway, whether happy or angry, and thus, knowing that there was no significance in it, would not get unduly excited.” (Antolik, 1990).

According to ASEAN officials themselves, the relative comfort and trust that close personal relations bring to the negotiating table have been instrumental in reaching consensus over the ASEAN Charter (Koh *et al.*, 2009; Pibulsonggram, 2009). Members of the HLTF acknowledge that their familiarity with one another and their strong we-feeling, as members of the same “ASEAN family”, allowed them to put-aside long-standing divisions over some key issues. This sense of familiarity among ASEAN officials at various government levels is built through a considerable number of regular regional meetings. Thus, by 2013, the meager regional machinery set up by the 1967 Bangkok Declaration evolved into more than 600 ASEAN-related activities on issues ranging from security cooperation and relations with external partners to science and technology, tourism and transportation (ASEAN Secretariat, 2013; 2014).

The important role these meetings play in facilitating consensus is clear when one considers that in the first 25 years of cooperation the Summit had only been convened 4 times, while member countries concluded no less than 74 treaties/agreements (ASEAN Secretariat, 2012). Antolik shows that by 1990 the Senior Officials Meeting (SOM), an institution which evolved outside the ASEAN structure, had become “the de facto political coordinating committee of the ASEAN process” (1990). The advantages of negotiating sensitive political issues through SOMs are clear. First, such meetings are free from the pressure and expectations that accompany highly visible summit or ministerial dialogues, allowing divisive issues to be discussed openly without affecting ASEAN’s image or the leaders’ domestic standing (Antolik, 1990; Ben-Dor and Dewitt, 1994). To further reduce the potential costs to ASEAN members and facilitate frank discussions, such gatherings take place behind closed doors and leave no public record behind. It was thus here, at the level of senior officials, that consultations took place over the appropriate course of action following the end of the Vietnam War in 1975 and 1976 and on security cooperation following the end of the Cold War (Nischalke, 2000).

5. CONCLUSION

This article provides a detailed account of both decision-making and decision-makers within ASEAN.

It focuses on the important function of formal and informal procedures: to facilitate consensus among members with competing economic, political and security interests; and shows that early decision-making practices were mostly reinforced by later institutional and normative developments. The endurance of the strictly intergovernmental nature of decision-makers, consensus decision-making, as well as the informal manner consultations are being conducted underscores the importance of these procedures to regional cooperation.

This system has been both credited for the association's contribution to regional peace and stability, and blamed for its limited capacity to act. ASEAN scholars agree on the reactionary nature of institution-building and the scarcity of political will in pursuing policy harmonization and regional integration (Narine, 1997; Severino, 2006; Jones and Smith, 2007).

This in turn leads to a host of issues in terms of the efficiency of regional institutions, widely recognized by both academics and officials. Such issues include, among others: vaguely formulated agreements, allowing for different interpretations and lacking effective enforcement mechanisms; incompatible interests and policies render political and security cooperation superficial; implementation of regional commitments remains uneven and dependent on the will of individual governments (Narine, 1997; Nesadurai, 2003; Ravenhill, 2008; Cockerham, 2010; Elliott, 2012; Jones, 2015; Pennisi Di Floristella, 2015).

The view presented here is that both these perspectives represent two sides of a coin and reflect the contradictory purposes the association is set up to pursue: consolidate sovereignty and enhance cooperation.

The implication is that, insofar as they manage intra-mural conflicts and facilitate cooperation without limiting sovereignty, ASEAN institutions achieve their goals. Moreover, continuing endorsement of the traditional policy-making mechanism provides a valuable insight into member governments' cost-benefit calculations, as the gains in ASEAN cohesion are seen to be worth the significant costs.

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