

A COMPARATIVE PERSPECTIVE OF CIVIL SOCIETY ENGAGEMENT WITH THE ASEAN AND SAARC ¹

CELITO F. ARLEGUE, M.A

Abstract

This article provides a comparative analysis of civil society engagement with the Association of Southeast Asian Nations (ASEAN) and South Asian Association for Regional Cooperation (SAARC). In particular, it examines the participation of Solidarity for Asian People's Advocacy (SAPA) Working Group on the ASEAN and South Asia Center for Policy Studies (SACEPS) in drafting or monitoring the implementation of the ASEAN Charter and SAARC's (Citizen's) Social Charter respectively. The article does this by investigating the factors which facilitated (or obstructed) these CSOs' engagement with the ASEAN and SAARC in making or monitoring the implementation of their respective charters. Utilizing the political process theory as a framework of analysis, the paper argues that the experience of SAPA and SACEPS in regional engagement shows that seizing and making opportunities, effective framing of issues, and astute mobilization of resources can open up even the most state-centered and elitist groupings like the ASEAN and SAARC to civil society participation.

Governance in this day and age is a complex process characterized by multiple actors and levels. In the sub-national, national, regional and global arenas, a variety of actors interact, cooperate and compete to forward their respective agendas and advocacies in multiple settings or fora, both governmental and non-governmental. Indeed, the world, in a way, has transformed into a complex web of interdependence where varied and multiple transnational connections and interdependencies between states and societies appear to be increasing at an unprecedented rate. This global trend can also be observed in the sub-regions of Southeast and South Asia. In these places, governance at all levels is increasingly being challenged by civil society organizations (CSOs) operating nationally and transnationally.

Civil society is an "essentially contested concept" (Connolly 1983) as scholars and activists do not agree on what civil society's composition, strategies and goals should be. In this article, civil society refers to the realm of individuals and groups, operating at the national or transnational levels, which aims to democratize and redistribute power in the state and regional institutions (Kaldor 2002). In particular,

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civil society is viewed in this article as synonymous with international nongovernmental organizations (INGOs), defined by Tarrow (2001, 12) as “organizations that operate independently of governments, are composed of members from two or more countries, and are organized to advance their members’ international goals and provide services to citizens of other states through routine transactions with states, private actors, and international institutions.”² In the past decade, the increasing regional involvement of CSOs has been acknowledged by the rise of new regionalism approach (Hettne and Inotai, 1994; Hettne, Inotai and Sunkel, 1999). This approach essentially argues that the process of regional integration necessitates the participation of both state and non-state actors.

In Southeast Asia, the simultaneous opening of the Association of Southeast Asian Nations (ASEAN) and the realization of civil society groups and social movements of the importance of regional engagement has brought about an interesting case in analyzing governance at the regional level. ASEAN, known for being a bastion of sovereignty and national interest, has expressed greater willingness to engage with civil society organizations in recent years, which is a profound change from its state-centric and elite-driven nature in the past. The crafting of the ASEAN Charter provides a valuable case study on whether ASEAN was able to translate its rhetoric of becoming “people-centered” into reality.

Similarly, in South Asia, leaders of South Asian Association for Regional Cooperation (SAARC) had signed the Social Charter in 2004, and recently acknowledged the vital role of CSOs in “driving forward the implementation of the Social Charter and directed the NCCs (National Coordination Committees)³ to mobilize civil society organizations to achieve this end.” SAARC, like ASEAN, has placed great emphasis on state sovereignty and the doctrine of non-intervention in the affairs of member-states, and has only recently provided spaces for civil society participation in the implementation of its policies. Hence, it is interesting to know whether South Asian leaders fulfill their commitment to involve civil society actors to truly realize the objectives of the Social Charter.

It is in this light that the paper provides a comparative analysis of civil societies’ engagement with the ASEAN and SAARC. In particular, it looks into the role of Solidarity for Asian People’s Advocacy (SAPA) Working Group on the ASEAN and South Asia Center for Policy Studies (SACEPS) in drafting and in monitoring the implementation of the ASEAN Charter and SAARC’s (Citizen’s) Social Charter respectively. More specifically, it investigates the factors which facilitated (or obstructed) these CSOs’ engagement with the ASEAN and SAARC in making and enforcing their respective Charters. Engagement is defined here as

² It must be noted that Tarrow (2001) argued that INGOs are conceptually different from transnational social movements (TSMs) and transnational advocacy networks (TANs). He defined TSMs as “socially mobilized groups with constituents in at least two states, engaged in sustained contentious interaction with power holders in at least one state other than their own, or against an international institution, or a multinational economic actor” (2001, 11). TANs, on the other hand, “includes those relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services” (Keck and Sikkink 1998, 2 as cited in Tarrow 2001, 13).

³ The NCCs are the bodies created to implement the provisions of the Social Charter in SAARC member-states.

the involvement of CSOs in the consultation process regarding the drafting or enforcement of ASEAN Charter and SAARC Social Charter.⁴ By looking at the issue of engagement, this article hopes to assist CSOs within and outside the Southeast and South Asian sub-regions in refining their strategies and tactics for more effective engagement with regional groupings. It also aims to contribute to the burgeoning literature on civil society's role in governance across the globe.

The paper utilizes the political process theory in identifying and analyzing the factors which account for the success or failure of civil society groups and social movements in their engagement of state authorities in both national and supranational levels. The theory has three aspects: political opportunity structures, collective action frames and resource mobilization. While formally distinct, several scholars have already integrated these three aspects in analyzing civil society, social movements and their activities (Jenkins and Form 2005).

Being a case study, the paper concentrates on the factors which facilitated or obstructed the engagement of SAPA and SACEPS in crafting or monitoring the implementation of the ASEAN Charter and SAARC Social Charter respectively. SAPA and SACEPS were chosen because both groups consider engagement in crafting or monitoring the implementation of the regional charter as one of their main advocacies (if not the most important one). It must be noted, however, that CSOs in the Southeast Asian and South Asian sub-regions are characterized by huge number and diversity, with varying influence on the ASEAN and SAARC. With regard to the drafting of the regional charters, there were other groups which participated in and contributed substantively to the process. The paper's focus on SAPA and SACEPS, therefore, is one of its major limitations.

This descriptive paper attempts to address the questions it posted mainly through qualitative methods of data collection, namely: literature review, key informants interview and document analyses. It is divided into seven parts. The first part sets the issue in context by tracing the involvement of CSOs in the two regional groupings. The second part offers a narrative of events leading to the adoption and implementation of the ASEAN Charter and SAARC (Citizen's) Social Charter, and SAPA and SACEPS's role in the process. The next three parts, which are the heart of the discussion, provides a comparative analysis of the factors which impacted on the involvement of SAPA and SACEPS in the crafting or monitoring the implementation of their respective regional Charters. The sixth part analyzes the continuing challenges which confront CSOs in the two sub-regions. The seventh and final part presents some concluding remarks and prospects for the future.

⁴ It must be noted that CSOs do not agree on the meaning of "engagement." Some CSOs, for example, equate engagement with "official dialogue" or "lobbying". For this reason, they do not consider "resistance" as a form of engagement. This is the reason why CSOs are also not united as regards the utility of engagement. This view is drawn from the interview with Jenina Joy Chavez, Coordinator of the Focus on the Global South Philippine Programme, 4 March 2009.

CSOs in the ASEAN and SAARC: A Backgrounder

Involvement of CSOs in ASEAN

The 1997 financial crisis is a watershed event in terms of ASEAN's relationship with its people. For one, the crisis led to ASEAN's adoption of Vision 2020 which envisions Southeast Asia "being governed with the consent and greater participation of the people, with its focus on the welfare and dignity of the human person and the good of the community" (ASEAN Vision 2020 1997). This opening on the part of the ASEAN was accompanied by the simultaneous recognition of CSOs of the merit of engagement at the regional level. It must be noted that prior to the 1997 financial crisis, the focus of attention of CSOs in the sub-region had been, at various points, the United Nations (UN), World Trade Organization (WTO) and the International Monetary Fund (IMF). When ASEAN signified its commitment to better institutionalize itself and to make the people part of this process, CSOs thought that what they learned in their engagement at the global level could be applied in the Southeast Asian sub-region. The sub-region, therefore, is viewed as another arena where the different issues and advocacies of these groups can receive a hearing and hopefully, impact on supranational and national policy-making.

While it cannot be denied that regional engagement of CSOs of the ASEAN has intensified in the aftermath of the Asian financial crisis, it has to be pointed out that the regional grouping has been dealing with CSOs for more than three decades already. For this reason, the involvement of CSOs in ASEAN processes can be categorized into two periods – "restricted engagement period" (1967-1990), "increasing engagement period" (1991 to present). These periods, however, should not be seen as airtight divisions as civil society activities in the first period overflow to the succeeding period.

Restricted Engagement Period (1967- 1990)

ASEAN's first two decades of existence were almost entirely devoid of grassroots civil society participation, although it tried to ask for inputs from the business community in its different economic initiatives. In a way, one of the reasons for the lack of grassroots civil society involvement is ASEAN itself was not very institutionalized. Tay and Estanislao (2000) pointed out that from 1967 to 1976, ASEAN can be described as merely a "letter box", since its functions and programs were determined and undertaken primarily by national governments. During the second period, from 1976 to 1992, the authors labeled ASEAN as a "traveling circus" because the Secretariat remained weak despite the Association's increasing number of activities in different fields. Hence, during these years, it should not come as a surprise why ASEAN remained to be unreachable for grassroots CSOs. Furthermore, during this period, ASEAN can be labeled as largely a "club of dictators"⁵ and therefore very elitist in orientation. Human rights issues

⁵ This term is borrowed from M.R. Sukhumbhand Paribatra, former Thai Member of Parliament and currently Governor of Bangkok. The phrase was cited in Carolina Hernandez (2008, 307), "The ASEAN Charter and the Building of an ASEAN Security Community." *Indonesian Quarterly*, 36 (3-4).

were considered to be a taboo and people who forward such advocacy were arrested and detained. The relationship between national governments and grassroots civil society organization was very hostile.

The only engagement of ASEAN during this period was with the business community. The business community has interacted with the ASEAN since the 1970s. The ASEAN Chamber of Commerce and Industry (ACCI), for example, serves as a vehicle through which businesses can have input on regional economic issues. ASEAN ACCI, it has to be noted, played an important role in the creation of AFTA.

Increasing Engagement Period (1991 to present)

ASEAN moved toward greater institutionalization as a response to the changed global and regional environments brought about by the end of the Cold War and the Asian financial crisis in the 1990s. Apart from these, ASEAN also had to deal with the intensification of globalization and regionalization (in other parts of the world) and the rise of emerging high-growth economies like China and India. The complex challenges which characterized this period also pushed ASEAN to ask for inputs from different groups to properly understand and respond to these challenges.

Institutions like the ASEAN Institute of Strategic and International Studies (ASEAN-ISIS), for example, had been requested by ASEAN to provide inputs to ASEAN policies. ASEAN-ISIS is a Track 2 diplomacy composed of individuals and institutes from most of the Southeast Asian countries.⁶ Since 1991, ASEAN-ISIS has met the members of the ASEAN Senior Official Meeting. It is also holding the annual ASEAN-ISIS Colloquium on Human Rights since 1993. Furthermore, ASEAN-ISIS spearheaded the formation of ASEAN People's Assembly (APA), the first of which was held in 2000. The vision of APA is to have an inclusive ASEAN, an ASEAN which goes beyond the elites and include all sectors of society. Furthermore, APA also aims to articulate the concerns of these sectors to decision-makers as inputs to policy-making. Without a doubt, it was through APA that ASEAN and its member governments finally recognized people's participation. APA is cited at the VAP and the ASEAN Security Community Plan of Action as a means to promote people-to-people contacts. Apart from ASEAN-ISIS activities, it must also be noted that the Working Group on ASEAN Human Rights Mechanism was established in this period to forward the cause of human rights protection and promotion in the region

⁶ ASEAN-ISIS members include the Brunei Darussalam's Institute of Policy and Strategic Studies (BDIPSS), Cambodia's Institute for Cooperation and Peace (CICP), Indonesia's Centre for Strategic and International Studies (CSIS), Laos' Institute for Foreign Affairs (IFA), Malaysia's Institute for Strategic and International Studies (ISIS), the Philippines' Institute for Strategic and Development Studies (ISDS), Singapore's Institute of International Affairs (SIA), Thailand's Institute for Security and International Studies (ISIS), and Vietnam's Diplomatic Academy of Vietnam (DAV), formerly Institute for International Relations (IIR).

As noted above, ASEAN's recognition of the importance of the people in ASEAN processes only occurred in the aftermath of the Asian financial crisis. From that time on, ASEAN officials and events have never failed to reiterate this recognition. In the 4th ASEAN Informal Summit held in Singapore in November 2000, the Eminent Persons Group (EPG) declared that "the peoples of ASEAN must themselves... take ownership, of the ASEAN Vision 2020, and that ASEAN matters should not only be prerogative of governments, but also of businesses, the civil society, and ultimately the people" (Report of the ASEAN Eminent Persons Group on Vision 2020: The People's ASEAN, 2000). This was also the keystone of the ASEAN Socio-Cultural Community established by Bali Concord II in 2003. In the Vientiane Action Program (VAP) ASEAN Socio-Cultural Community (ASCC) Plan of Action, CSOs are explicitly invited to act as agents for implementing the ASCC. The four elements of the Plan of Action where CSOs could play a role were: building a community of caring societies; managing the social impact of economic integration; enhancing environmental sustainability; and strengthening the foundation of regional social cohesion (Collins 2008).

On the initiative of Malaysia, which served as head of the ASEAN Standing Committee in 2005, the first ASEAN Civil Society Conference (ACSC-1) was held. This conference brought more than 120 CSOs across the region to raise their issues and concerns to ASEAN officials. It was highlighted by the first ever 15-minute interface between ASEAN heads of states/governments and civil society representatives. It was also during the chairmanship of Malaysia that the Kuala Lumpur Declaration on the ASEAN Charter was adopted, with an encouragement of CSOs in the region to participate in crafting the regional grouping's constitution. Not wanting to lose the momentum brought about by this initiative, the Solidarity for Southeast Asian Peoples' Advocacies (SAPA) was established in 2006. SAPA is network of CSOs, trade unions, and grassroots organizations spearheaded by Focus on the Global South, the Asian Forum for Human Rights and Development (FORUM-ASIA), South East Asian Committee for Advocacy (SEACA), Third World Network (TWN), and the Asian Partnership for the Development of Human Resources in Rural Asia (AsiaDHRRA). It is "an open platform for consultation, cooperation, and coordination between ASEAN social movements and civil society organizations including NGOs, people's organizations, and trade unions that are engaged in action, advocacy, and lobbying at the level of intergovernmental processes and organizations" (Rillorta 2007a, 15). SAPA has formed a specific Working Group on the ASEAN, whose primary advocacy is to make the people part of the ASEAN community-building process, particularly in the drafting of the Charter and its Blueprints. SAPA has also been in the forefront of the organization of 2nd, 3rd and 4th ACSC held in 2006, 2007, and 2009 respectively.

Involvement of CSOs in SAARC

Whereas ASEAN has been incrementally opening up spaces for civil society engagement, SAARC remains to be "officially" closed to such process. In the SAARC Summits and other regional meetings, there is still no space for representation of CSOs or at least, for the issues and concerns of the South Asian people to be heard. This comes as a surprise, especially as SAARC noted the

importance of interaction at the people-to-people level as early as 1987 - in the Katmandu Declaration issued on the 3rd SAARC Summit. That document recognized that “academics, researchers, non-governmental organizations and others have an important role to play in promoting the SAARC spirit and giving impetus to regional programmes and projects.”

While SAARC remains to be relatively closed to official civil society engagement, this is not to deny its different initiatives to take the interests of the people into account since the mid-1990s. Broadly speaking, civil society involvement in SAARC can be divided into two periods: the restricted engagement period (1985-1996) and increasing engagement period (1997 to present). These periods, like the ones on ASEAN above, are not entirely independent of each other and are only employed here for discussion purposes.

Restricted Engagement Period (1985-1996)

This period covers the first decade of existence of SAARC. The seven (7) SAARC Summits held during the period addressed the most relevant issues and concerns for South Asian people. Given that political and security issues were (and continues to be) very sensitive due to the bilateral disputes in the sub-region, particularly the long-standing dispute between India and Pakistan, it appeared that SAARC had no choice but to discuss issues which fall in the economic and socio-cultural realm. Some of the issues discussed in the Summits during this period include rights and welfare of the child, satisfaction of basic needs, population planning, environmental protection, human development and poverty alleviation.

The seventh summit held in Dhaka in April 1993, where consensus on the eradication of poverty was arrived at, was significant because it also highlighted the importance of “people-to-people contact”. Specifically, the 7th SAARC declaration “stressed the need to further promote people-to-people contact in order to ensure increased involvement of peoples of South Asia in the process of regional cooperation.” As regards the issue of poverty, the Report of the Independent SAARC Commission on Poverty Alleviation also contained favorable references to the role of NGOs in poverty alleviation programmes across the region. Commenting on the recommendations of the report, Bhargava et.al (1995, 39) pointed out that the members of the Commission had a “common understanding that with the declining role of the governments consequent to economic liberalization in the countries of the region, significant role would have to be played by labor organizations and NGOs in such activities as awareness generation, empowerment of underprivileged groups and in the implementation of development activities.”

The 7th SAARC Dhaka declaration was also important because South Asian leaders noted in this document that “the formulation of guidelines and procedures for extending recognition to regional apex bodies would facilitate participation of these bodies in promoting regional cooperation at the people-to-people level.” Such guidelines and procedures have already been drawn and implemented. All of the regional apex organizations recognized by SAARC, however, are professional organizations such as the SAARC Chamber of Commerce and Industry (recognized

1992), and SAARC Law (recognized 1994). To this day, the regional organizations attached to SAARC are limited to business and the professions such as doctors, architects, accountants, among others.

While SAARC's policies remain to be restrictive as regards civil society participation, non-official dialogues involving intellectuals, journalists, parliamentarians, environmental activists, artists, writers, women and human rights groups thrived during this period. Furthermore, grassroots CSOs and social movements started conducting parallel Summits to the SAARC at about this time. As discussed below, the origins of Peoples' SAARC can be traced to this period.

The anniversary of SAARC's first decade of existence was marked by a declaration from South Asian leaders in the 8th SAARC Summit in 1995 that people-to-people contact has already been taking place through various fora within and outside the SAARC framework. This declaration made it clear, however, that the people-to-people contact that SAARC was referring to was facilitated mainly through SAARC Chamber of Commerce and Industry and SAARC Law. Grassroots South Asian CSOs, then and now, remain to be marginalized from SAARC processes.

Increasing Engagement Period (1997 to present)

The 9th SAARC Summit held in Male in 1997 was important in terms of civil society involvement in SAARC processes as this meeting called for the creation of the "Group of Eminent Persons (GEP)". This group, with the SAARC Secretary-General as resource person, was tasked to "undertake a comprehensive appraisal of SAARC, and identify measures including mechanisms to further vitalize and enhance the effectiveness of the Association in achieving its objectives." Furthermore, SAARC leaders declared that the GEP "may develop a long-range vision and formulate a perspective plan of action including a SAARC Agenda for 2000 and Beyond which will spell out the target that can and must be achieved by the year 2020" (Male Declaration, 1997). The Group was mandated to report to the Heads of State or Government at the Tenth SAARC Summit.

The GEP's report was very significant as it recommended the creation of the "Social Charter." The Colombo Declaration of the 10th SAARC Summit states:

The Heads of State or Government reviewed the progress made in the social sector by SAARC and determined that, in order to increase effectiveness, it would be necessary to develop, beyond national plans of action, a regional dimension of action including a specific role for SAARC. In this context, they agreed that it would be necessary for SAARC to develop a Social Charter, which would focus on drawing up targets with a broad range to be achieved across the region in the areas of poverty eradication, population stabilization, the empowerment of women, youth mobilization, human resource development, the promotion of health and nutrition and the protection of children. The Heads of State or Government

further directed the Council of Ministers to initiate work on drawing up a Social Charter.

Sri Lanka, which held the Chairmanship of SAARC during this period, requested the Marga Institute based in Colombo to prepare a concept paper on the Social Charter. The concept paper prepared by the said Institute recommended the conduct of broad-based consultations with civil society groups across the sub-region in order to get inputs from the grassroots on the contents of the Charter. This recommendation, however, was not taken up by SAARC officials. For this reason, the South Asia Center for Policy Studies (SACEPS), regional think tank where the Marga Institute is one of the founding members⁷, launched a process of civil society consultations in six countries in the sub-region in order to formulate a Citizen's Social Charter to complement SAARC's initiative to come up with a Social Charter. SACEPS is an independent, non-profit making, regional, non-governmental organization engaged in promoting policy dialogues, research and interaction between policy makers, business community and civil society by drawing in a wider constituency of people committed to promote regional cooperation in South Asia.

In the next Summit held at Kathmandu in January 2002, South Asian leaders recognized the contribution of the GEP in evaluating SAARC and in drawing out a specific plan of action to better improve its performance. Furthermore, they also endorsed the report of the Council of Ministers on the implementation of the recommendations of the GEP Report⁸, and directed the same body to undertake a review of progress in this regard. This mandate from the leaders put the drafting of the Social Charter on top of SAARC's agenda.

The 12th SAARC Summit held in Katmandu witnessed the signing of the Social Charter. This landmark document seeks to establish "a people-centered framework for social development... to build a culture of cooperation and partnership and to respond to the immediate needs of those who are most affected by human distress. States Parties are determined to meet this challenge and promote social development throughout the region." In relation to civil society participation, the Charter includes as one of its principles the promotion of "participatory governance, human dignity, social justice and solidarity at the national, regional and international levels." Furthermore, on the operationalization of the Charter's provisions, the National Coordination Committee in each country is also mandated to make it a "transparent and broad-based participatory process" (SAARC Social Charter 2004). The same participatory approach should also be adopted in implementation and evaluation of the Social Charter programmes under national plans of action.

CSOs in the sub-region received a further push when South Asian heads of state and government directed the National Coordination Committees (NCCs) in the

⁷ Other founding institutes of SACEPS include Centre for Policy Dialogue (CPD) Bangladesh, Research and Information System for the Non-aligned & other Developing Countries (RIS) India, Centre for Policy Research (CPR) India, Institute for Integrated Development Studies (IIDS) Nepal, Lahore University of Management Science (LUMS) Pakistan, and Institute for Policy Studies (IPS), Sri Lanka.

⁸ The GEP Report, however, was not accepted by the Council of Ministers in its entirety.

14th SAARC Summit held in 2007 to mobilize civil society organizations in driving forward the implementation of the Social Charter. In the latest Summit held at Colombo in August 2008, SAARC leaders moved a step further in transforming SAARC into becoming more people-centered when it directed its Council of Ministers to “ensure that SAARC mechanisms identify further areas of cooperation where people-centric partnership projects could be initiated” (Colombo Declaration 2008).

Without a doubt, the adoption of the Social Charter and subsequent declarations of SAARC leaders about its implementation can be utilized by CSOs in the sub-region to demand involvement in the regional grouping’s institutions and processes. Certain segments of South Asian CSOs, however, pointed out the state-centric limitations of the Social Charter and how these would affect its effectiveness. For one, they claimed that no substantive changes in the socio-economic conditions of South Asian nations have occurred since the adoption of the Charter in 2004.

For this reason, CSOs and social movements across the sub-region, on the initiative of the South Asia Alliance for Poverty Eradication (SAAPE), floated the idea of having a “People’s SAARC.” The origins of People’s SAARC can be traced as early as 1993, when representatives of CSOs and social movements, joined by people’s organizations of women, workers, peasant, fisher-folk, marginalized castes and social groups, ethnic, religious and linguistic minorities, students, and youth conducted parallel meetings with the SAARC Summit. During those meetings, the idea of having an alternative to SAARC was brought about. This idea finally became a reality with a decision to hold the very first People’s SAARC at Kathmandu in March 2007 (Ahmed 2009). Its vision reads:

People's Solidarity in South Asia must legitimately cherish the vision and perspective of a alternative political, social, economic and cultural system in the region which will do away with all distinctions and discriminations of gender, caste, religion, language and ethnicity; will lead to a situation free from exploitation and oppression, will inaugurate a climate in which each individual will have the opportunity, in concern with the collectivity, to realize the full development of her or his human potential; will restore the balance and harmony with nature, will liquidate the artificial and inhuman barriers that divide lands, collectivities and minds and transcend all boundaries. Such a South Asia must be the goal of the people of this region and of their solidarity (People’s SAARC Concept Notes 2007)

The second People’s SAARC was held more than a year later at Colombo in July 2008. It came up with a 17-point goals and aspirations for consideration of the 15th SAARC Colombo Summit to be held more than a week later on August 2-3, 2008. More interestingly, this meeting forwarded the radical goal of a “People’s Union of South Asia”, which appears to transcend the notion of nation-state and state sovereignty, and therefore contradictory to the nature of the “official” SAARC.

Civil Society Engagement in Crafting and Implementing Regional Charters

Crafting the ASEAN Charter and the Role of SAPA

The concept of an ASEAN Charter is not something new⁹, although ASEAN's ardent desire to come up with a charter is relatively recent. It can be traced in November 2004, when the Charter was listed as one of the Association's goals in the Vientiane Action Programme (VAP). This document acknowledges the importance of a charter in strengthening ASEAN, and consequently, in realizing the ASEAN Community. One year after, the ASEAN leaders signed during the Kuala Lumpur Summit the Declaration on the Establishment of the ASEAN Charter, creating an Eminent Persons Group (EPG) to make "bold, innovative, and visionary" recommendations on the Charter. This declaration also formed the High Level Task Force (HLTF) to do the actual drafting. In January 2007, the leaders came up with the Cebu Declaration on the Blueprint of the ASEAN Charter, endorsing the EPG Report and directing the HLTF to begin drafting the Charter. From February to October 2007, the members of the HLTF conducted thirteen meetings (13), apart from their consultations with ASEAN senior officials, parliamentarians and members of the civil society. In November 2007, all the ASEAN Heads of State and Government signed the Charter at the 13th ASEAN Summit in Singapore. Immediately after its approval, the ratification process in all the ten ASEAN member-states was set into place. All the ten ASEAN member countries had already ratified the Charter. The Charter has entered into force in December 2008.

Recognizing the importance of the ASEAN Charter, the SAPA Working Group on the ASEAN utilized all political spaces to influence its provisions. It made submissions to the EPG on the ASEAN Charter on three occasions: Security Cooperation (April 17, 2006 – Bali Indonesia), Economic Cooperation (June 28, 2006 - Singapore) and Socio-Cultural Cooperation (November 10, 2006 - Philippines). The submissions on security and economic cooperation were received by the EPG as a group. As regards the submission on socio-cultural cooperation, since EPG no longer conducted a regional consultation, the Working Group just made their submission through former President Fidel V. Ramos, the Philippine representative to the EPG, and Ambassador Rosario G. Manalo, Ramos's EPG assistant. These SAPA submissions, it must be noted, were products of the national processes conducted from 2006 to 2007. These processes were held in the Burma-Thailand border, Cambodia, Indonesia, Malaysia, the Philippines, Thailand and Vietnam. These processes were envisioned to be "fora for discussion and learning on the concept of authentic regionalism and its possibilities in the ASEAN; of civil society engagement with the ASEAN on the country level; on the advocacies for pro-poor ASEAN policies and development agenda; and to elicit civil society inputs on the ASEAN Charter framework" (SEACA 2007: 3).

The key principles of SAPA's recommendations on the political and security pillars include: a broader definition and reference to security; an introduction of human security; a more conducive political environment for peace, security and

⁹ The Philippines first proposed a charter for ASEAN in 1974, although the initiative did not take off the ground.

stability; a process of harmonizing instruments and norms with international norms and standards; and a clear definition of ASEAN key stakeholders, which should include civil society groups across the region (SAPA Submission to the EPG on Security Cooperation 2006).

On the economic pillar, SAPA's submission highlighted the following principles: economic integration; financial and monetary stability; regional harmonization and complementation in industry, agriculture and services; human resources; labor rights; harmonizing existing norms and mechanisms to address transboundary economic concerns; increased support to small-scale producers to build their potential, sustainable production and consumption; energy and development; implementation, monitoring, and mechanisms for adherence; and social dialogue (SAPA Submission to the EPG on Economic Cooperation 2006).

Finally, on the socio-cultural pillar, the ten principles that SAPA recommended for inclusion are: adherence to international norms; harmony and cultural diversity; entitlements and freedoms; environmental sustainability; rights to shared resources; recognition and protection of migrants; women's socio-cultural rights; protection of the rights and the development of full potentials of children and youth; role of a free, independent and plural media; and appropriate and people-centered science and technology development (SAPA Submission to the EPG on Socio-Cultural Cooperation 2006).

On November 26, 2006, SAPA made another submission to the EPG reiterating the main elements of the previous submissions on the three pillars. That submission identified the seven key points that SAPA wanted to include in the Charter: regional recognition of human rights and human dignity as foundation of the community; introduction of human security; regional harmonization and complementation in industry, agriculture and services; sustainable production and consumption, energy and development; environmental sustainability; institutional mechanisms for responsive regionalism; and securing a process for the ASEAN Charter (SAPA Reiteration of Civil Society Views on the ASEAN Charter 2006).

The EPG submitted its report on the occasion of the 13th Summit in Cebu City, the Philippines on January 2007. This report was subsequently endorsed by ASEAN leaders for consideration of the HLTF tasked to draft the actual provisions of the Charter. According to Corinna Lopa, they were generally satisfied with the EPG report. They were quite certain from the start; however, that the bold and forward-looking recommendations of the EPG would be watered down by the HLTF due to the latter's bureaucratic composition.¹⁰ Nonetheless, they still participated in the only regional consultation held by the HLTF in March 2007 at Manila. Apart from this meeting, some individual members of the HLTF also conducted national consultations in their respective countries. These only happened in Indonesia, the Philippines and Thailand. In majority of the Southeast Asian countries, however, no such consultations occurred.

¹⁰ Corinna Lopa, Regional Coordinator of the South East Asian Committee for Advocacy (SEACA), interview with the author, January 30, 2009, handwritten notes.

For this reason, it should not come as a surprise that the draft charter prepared by the HLTF failed to incorporate many of the principles enunciated by SAPA in their EPG submissions.¹¹ This, however, did not deter SAPA members from further engaging the ASEAN. As noted above, the members of SAPA expected that HLTF would not be that progressive in crafting the provisions of the Charter. They were also realistic enough to know that the best that they can expect from ASEAN would be incremental change.¹² This position, it must be noted, was different from some individuals who are part of ASEAN-ISIS, who expressed openly their reservation on the ratification of the ASEAN Charter.¹³

In the Statement of the 2nd ASEAN Civil Society Conference held in Cebu City, the Philippines, SAPA called for the creation of the People's Charter that embodies the "rights, interests and aspirations of all peoples in the ASEAN region." This was subsequently reaffirmed in the 3rd ASEAN Civil Society Conference in Singapore, stating CSOs commitment "work for the creation of a just, people-centered, caring and sharing ASEAN Community that shall be enshrined in an ASEAN People's Charter." This Conference also launched the process of drafting the People's Charter which is envisioned to embody the shared values and collective aspirations of the Southeast Asian people. More importantly, it is viewed to be "a consensus document and reference point for a future amendment campaign." This explains why this process was envisioned to have a five-year time frame (2008-2013), as by 2013, the ASEAN Charter would already be open for amendments.

To this end, SAPA held a meeting in Bangkok on February 1, 2008 to discuss the regional and national initiatives that must be put in place in line with the formulation of the People's Charter. The meeting also strategized on how the regional network would engage the ASEAN on the crafting of the ASEAN Political and Security Community (APSC) and ASCC Blueprints. Three days after the meeting, they held a dialogue with ASEAN Secretary General Surin Pitsuwan who expressed openness on engaging civil society on the following areas: migration, environment, Burma, internally displaced persons, child soldiers and the ASEAN Socio-Cultural Blueprint, among others. A month after, on March 5, 2008, SAPA also met with senior staff members, including the Special Assistant to the ASEAN Secretary-General/Political Officer at the ASEAN Secretariat in Jakarta to explore "windows of ASEAN engagement of civil society and laid down civil society plans for engaging the ASEAN."

In May 2008, national processes pertaining to the ASEAN People's Charter and Community Blueprints were launched in Cambodia, Indonesia, Malaysia, the Philippines, and Singapore. These processes aim to: 1) introduce the ASEAN Charter and SAPA's critique of the Charter, as well as the three Community Blueprints; 2) to develop civil society inputs for the blueprints of ASEAN political

¹¹ For a detailed discussion, see SAPA's "Analysis of the ASEAN Charter" (2007).

¹² This, however, is different from the public positioning of SAPA on the ASEAN Charter. Publicly, they signified their opposition to the Charter. Among themselves, they think they can work with it.

¹³ Herman Joseph Kraft, Executive Director, Institute for Strategic and Development Studies (ISDS), interview with the author, February 9, 2009, handwritten notes.

security community and socio-cultural community; and 3) if possible, develop an action plan of civil society organizations at the national level on the engagement with their respective government's ASEAN departments.

As regards the results of these initiatives, it was pointed out that there was a need to build a popular campaign (national and sub-regional) beyond the processes that were already conducted. On the Blueprint, no substantial policy proposals came out of the exercise. It was also noted that the drafting of Political Security and Socio-Cultural Community Blueprints was generally a closed process that did not provide spaces for civil society engagement. SAPA was also active in engaging the High Level Panel (HLP) which just submitted the terms of reference for the ASEAN Human Rights Body.¹⁴

Crafting and Monitoring the Implementation of SAARC's Social Charter and the Role of SACEPS

The importance of the Social Charter in South Asia cannot be overemphasized. South Asia, home to about one-fourth of the world's population, is characterized by severe poverty. This poverty, it must be noted, is both a cause and result of socio-political tensions, armed insurgencies, gender discrimination and violence against women, worst forms of child labor and appalling inequalities of all forms (SAAPE Website). Among SAARC member-states, at least five countries are grouped by the UN in the category of least developed countries (LDC) namely Bangladesh, Bhutan, Maldives, Nepal and SAARC's newest member, Afghanistan. The three other members – India, Pakistan and Sri Lanka - while not part of the UN's LDC list, are also not developed either.

As discussed above, the concept of the Social Charter was first mentioned in the Colombo Declaration of the 1998 SAARC Summit. The Charter was adopted six years later, in the 12th SAARC Summit in 2004, as the Summit meetings were disrupted for more than four years due to the Kargil war. The adopted Social Charter covered issues such as poverty alleviation, population stabilization, empowerment of women, youth mobilization, human resource development, promotion of health and nutrition, and protection of children. The crafting of the SAARC Social Charter, however, was generally closed to civil society participation. While Sri Lanka's Ministry of Foreign Affairs tapped a research institute to come up with a concept paper on the Charter, the institute's key recommendation of conducting broad and participatory consultations with civil society groups in all member-countries was unheeded by SAARC officials. SAARC's failure to let CSOs participate in the crafting of the Social Charter led SACEPS to formulate the so-called Citizen's Social Charter.

SACEPS commenced the Citizen's Social Charter Process by establishing a Task Force to conduct consultations with CSOs in each SAARC country.

¹⁴ This discussion on recent SAPA initiatives were largely drawn from the plenary presentation of SEACA's Corinna Lopa, "ASEAN People's Charter and the Three Pillars of Cooperation", 4th ASEAN Civil Society Conference (ACSC 4), Bangkok, Thailand, 22 February 2009.

Accordingly, meetings with CSOs in Bangladesh, India, Maldives, Nepal, Sri Lanka and Pakistan were held under the auspices of SACEPS. The consultations were described to be an open, inclusive, participatory process which involved civil society, academic and research institutions, and other segments of the society. Furthermore, “(t)here was a strong feeling that the civil society consultation should be able to project their expectations before the national leaders of SAARC and their responsibilities in resolving social concerns spelt out, so that the leaders could then be held accountable for implementing their commitments under the Charter.” (Sobhan and Rahmatullah 2003, 15).

Based on the result of these national consultations, the CSOs in each country drafted a National Citizen’s Social Charter based on a set of guidelines given by SACEPS. The Task Force, through its Convenor, consolidated these national charters into a first draft of the South Asia Citizen’s Social Charter. This draft was then presented in a symposium where an eminent group of citizens from CSOs across the region took part, including Nobel Prize winner Amartya Sen. Revisions to the draft were made based on the recommendations of the participants in the symposium. The revised draft was presented again in the CSOs in each country for comments. The final version of the Charter was afterwards written, taking the comments on national CSOs on the revised draft into account. The Citizen Social Charter is viewed as complementary to the official SAARC Social Charter. However, the two charters also have significant similarities and differences. As regards the similarities, both charters have dealt with issues like poverty, women, children, youth, and human resource development. The Citizen's Charter, however, has dealt with social integration and good governance, areas not addressed by the SAARC charter. In turn, the later has covered areas like health, education and drug-de addiction which the citizen's charter did not consider.¹⁵

At present, one of the on-going projects of SACEPS is the monitoring of Citizen’s Social Charter’s implementation in five SAARC countries. The project hopes to examine the common elements of the Charter and monitor its implementation in the following sectors: eradication of poverty; empowerment of women and promotion of their well-being; the rights and well-being of children; the rights and well-being of youth; development and utilization of human resources; environmental degradation and ecological imbalances; protection of aged population; and social integration and good governance (SACEPS Website). SACEPS Board Members also attended a number of meetings and fora on the contents of the Charter and its implementation, not to mention the reports and papers that it published on the topic.

Beyond the Social Charter, SACEPS engaged the SAARC by conducting an Annual Audit of SAARC’s policy/programs. This audit reviews the past commitments made by SAARC in its treaties and declarations, identifies what has been achieved and what parts of the commitments are still pending, and enumerates the decisions that need to be taken to carry out these obligations. Copies of the audit,

¹⁵ This is based from the news account of the speech given by the SACEPS Task Force Convenor on the Citizen Social Charter. Cited from <http://www.thedailystar.net/2004/03/01/d4030101099.htm>.

in the form of annual report, are presented to member governments, civil society and the members of the media prior to the SAARC Summit with the hope that these would be incorporated, or at least considered, in the SAARC process. In the last two summits held in New Delhi and Colombo, SACEPS even made separate recommendations for consideration of SAARC leaders.

Political Opportunities Facilitating the Engagement with the ASEAN and SAARC

In both Southeast Asia and South Asia, global and regional developments presented political opportunities which have been seized by SAPA and SACEPS to influence the crafting and implementation of regional policies. In some instances, political opportunities themselves have been made in order to facilitate civil society engagement of ASEAN and SAARC.

Political opportunity structures pertain to “consistent – but not necessarily formal or permanent – dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure” (Tarrow 1994, 85). Goldstone and Tilly, (2001, quoted in Jenkins and Form 2005, 337) also refer to them as “the probability that social protest actions will lead to success in achieving a desired outcome.” These structures deal with changes in political environment that provide incentive for undertaking collective action. They can be structural or dynamic. Structural opportunities, such as state strength, refer to “stable aspects of institutional structure (that) shape the differences in movement formation and strategy” (Tarrow 1994, 89). “From the standpoint of social movements, these aspects are essentially fixed and given, barring dramatic and unforeseen changes beyond their control” (Gamson and Meyer 1996, 277). Dynamic opportunities, on the other hand, pertain to the immediate institutional environment which may be “relatively volatile, shifting with events, policies and political actors” (Gamson and Meyer 1996, 277). They include four dimensions: opening up of access to participation; instability of ruling alignments; availability of influential allies; and cleavages within and among elites (Tarrow 1994). With regard to increasing access to participation, two points need to be emphasized: 1) even partial opening can provide an incentive to participate; and 2) there is a danger that groups which seek to expand opportunities may find themselves cut off from their base. Political instability is also another incentive for collective action as this “creates uncertainty among supporters, encourage challengers to try to exercise marginal power and may induce elites to compete for support from outside the polity” (Tarrow 1994, 87). The presence of available allies is another encouragement for collective action as it increases the probability of success. Tarrow (1994, 88) noted that “(c)hallenged are encouraged to take collective action when they have allies who can act as friends in court, as guarantors against repression or as acceptable negotiators. For resource-deficient groups, allies are an external resource that can be depended upon. The last dimension pertains to divisions of the elites, which not only encourages collective action but also pushes the disaffected elites to seek support from outsiders or to assume the role of “tribunes of the people.”

Political opportunities can also be expanded by civil society groups. As what Khagram et.al noted (quoted in Encarnacion Tadem 2008, 45), political opportunities are “not only perceived and taken advantage of by social movements... they are also created.” Tarrow (1994, 52) pointed out that groups create opportunities for themselves and for others by “diffusing collective action through social networks and by forming coalitions of social actors; by creating political space for kindred movements and counter-movements; and by creating incentives for elites to respond.” As regards diffusing opportunities, it is claimed that collective action of one group can expand the opportunities of other groups. According to Tarrow (1994, 96), this happens “when ‘early risers’ make claims on elites that can be used by those with less daring and fewer resources.” Furthermore, “collective action exposes opponents’ point of weakness that may not be evident until they are challenged.” Collective action, however, not only creates opportunities for groups and their allies, it also creates opportunities for opponents. For example, “(m)ovements that make extreme policy demands can be outmaneuvered by groups that pose the same claim in more acceptable form” (Tarrow 1994, 97). This is what is meant by the statement that collective action by one social movement can generate a countermovement. Finally, collective action also creates opportunities for the elites, both in the negative and the positive sense. Collective action can either result in repressive actions of the elites or in a situation wherein disillusioned elites proclaim themselves as representatives of the people.

In Southeast Asia, a confluence of events in the 1990s and in recent years led to changes in the political environment where CSOs operate. The end of the Cold War, intensifying globalization, increasing regionalism in other parts of the world, the expansion of ASEAN membership to include Cambodia, Myanmar, Laos and Vietnam (CMLV), and the rise of transnational and non-traditional security threats were just some of the events which led ASEAN to move for greater institutionalization. This action was further reinforced by the 1997 financial crisis.

The financial crisis which swept the region exposed the increasing mobility (and therefore volatility) of international capital movements due to information and communication technology and the liberalized policies of the states. The crisis also supposedly put to an end the East Asian economic miracle, which, consequently, cast doubt on the viability of ASEAN. ASEAN was blamed for failing to predict the crisis and for failing to mitigate its effects when it struck. While there were questions on what ASEAN could realistically do given the multifaceted nature of the crisis, it nonetheless responded by engaging East Asian countries through ASEAN + 3 and by accelerating the implementation of the AFTA.

Without a doubt, the crisis contributed immensely on the decision of ASEAN to build an open, dynamic and resilient ASEAN Community and consequently, to recognize the possible contributions of the Southeast Asian people, particularly CSOs in the process. Alternatively, the increasing clout of ASEAN in regional affairs attracted the attention of CSOs in the sub-region which used to think that ASEAN is too weak to really matter and therefore carried their advocacies in other arenas such as the UN, IMF or the WTO.

Apart from the adoption of Vision 2020 which sought to make ASEAN a “community of caring societies”, succeeding declarations and agreements of the regional grouping further opened up access to participation of CSOs. The Declaration of ASEAN (Bali) Concord II, building on the objectives set by Vision 2020, envisions the creation of an ASEAN Community based on the three interrelated and mutually reinforcing pillars of political and security cooperation, economic cooperation, and socio-cultural cooperation. As a framework to achieve the ASEAN Community, the ASEAN Security Community (ASC)¹⁶, the ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC) would be established. In the 2004 VAP, concrete measures were identified to implement Bali Concord II. As noted above, it was in this document that CSOs were tasked to assist in the realization of ASSC.

The 11th ASEAN Summit held in Malaysia in 2005 further enlarged the political space for civil society participation for two reasons. First, the Summit was held parallel to the 1st ASEAN Civil Society Conference where the first ever 15-minute interface between ASEAN heads of state/government and CSOs took place. Second, that Summit also came up with a declaration stating the desire of ASEAN leaders to establish an ASEAN Charter. For this purpose, an EPG was established to provide “bold and forward-looking” recommendations on the contents of the Charter.

The drafting of the Charter is another avenue for CSOs to participate in ASEAN community-building process. As noted by Joy Chavez of Focus on the Global South, the Charter-making process was a “clear target” for the CSOs.¹⁷ It cannot be denied that this process was the primary impetus for the establishment of SAPA. SAPA was formally established in a regional consultation held in Bangkok Thailand in February 2006. This consultation was attended by more than 50 participants representing about 30 CSOs from the region. At present, more than 70 CSOs in both the national and regional level are part of SAPA. SAPA has created a specific Working Group on ASEAN in order to engage the regional grouping in drafting the ASEAN Charter.

SAPA’s engagement with the ASEAN was also brought about by the presence of a number of allies among ASEAN leaders and officials. On the EPG, SAPA noted the contributions of Fidel Ramos of the Philippines and Ali Alatas of Indonesia. As noted above, SAPA submitted its recommendations on the ASSC to Ramos as the EPG no longer conducted another civil society consultation for the socio-cultural pillar. The late Ali Alatas, on the other hand, has been a good friend of a number of SAPA officials since his stint as Indonesian foreign minister.

Former Ambassador Rosario Manalo, who headed the HLTF during the most critical stages of the drafting process, was also a key ally of SAPA. Despite her

¹⁶ This is now called ASEAN Political Security Community (APSC).

¹⁷ Jenina Joy Chavez, Coordinator, Focus on the Global South Philippine Programme, interview with the author, March 4, 2009, handwritten notes.

strong posturing in relation to civil society, CSOs in the region have a long relationship with her since her stint in the UN. Behind the scenes, it was said that former Ambassador Manalo conducted informal conversations with civil society representatives to ask for their inputs to the Charter.

On the related issues of Burma and human rights, SAPA found an unexpected ally in the persons of President Gloria Arroyo. President Arroyo, it must be remembered, even issued a statement saying that it may be hard to have the ASEAN Charter ratified in the Philippines because of Burma's rampant violation of human rights at the height of the "saffron revolution."

From Thailand, SAPA's allies include Prime Minister Abhisit Vejjajiva, Ministry of Foreign Affairs' Kasit Piromya, and ASEAN Secretary-General Surin Pitsuwan. As the current chair of ASEAN, Prime Minister Vejjajiva extended significant support for CSOs' activities, including engagement with the ASEAN. In the interface between ASEAN leaders and civil society representatives on the occasion of the 14th ASEAN Summit, the Thai Prime Minister performed an unprecedented act of meeting the representatives from Burma and Laos who were either refused entry or decided not to participate for fear of retribution from their governments. The Thai leader was the only one among the ASEAN leaders who decided to do so, despite appeals from civil society representatives during the interface for ASEAN leaders to be in solidarity with their Burmese and Laotian counterparts. During the meeting, he was joined by the Foreign Affairs Minister Kasit Piromya. It must also be noted that Minister Kasit also participated in the 4th ASEAN Civil Society Conference held on February 22, 2009 at Chulalongkorn University. At that conference, he was joined by ASEAN Secretary-General Surin, who, as pointed out above, met with SAPA during its meeting in Bangkok for the ASEAN People's Charter. Apart from Secretary-General Surin, a number of senior officials in the ASEAN Secretariat also have good relations with SAPA.

On instability in ruling alignments and cleavages within and among the elites, it may be said that the rotating leadership of ASEAN and the policy differences between the democratic and less democratic ASEAN countries also contributed to the vibrancy of SAPA. On the rotating leadership, it must be noted that ASEAN is known for "one-upmanship", wherein the Chair of the Standing Committee is expected to come up with initiatives that would define his/her country's chairmanship. This was precisely what happened in the 1st and in the 4th ACSC conferences. In both instances, the leader of the ASEAN chair country provided substantial financial support and encouragement to these conferences, as they were viewed as part of the legacy of their leadership. The division between the democratic and less democratic countries in the region also opened up spaces for civil society participation. Countries like Indonesia, Philippines, Thailand and to a lesser extent, Malaysia are known to be more supportive of CSOs compared to the other countries in the region. In the case of SAPA, their relative success may also be attributed to the fact that the past and present chair countries of ASEAN namely Malaysia, Philippines and Thailand are relatively sympathetic to the cause of CSOs in general.

SAPA, undoubtedly, also benefited from the expanded political opportunities resulting from the activities of ASEAN-ISIS and other networks such as the Regional Working Group for an ASEAN Human Rights Mechanism. ASEAN-ISIS, in particular, can be considered as an “early riser” which paved the way for the democratic opening of the ASEAN. This network’s practice of Track 2 diplomacy served as a confidence-building mechanism between two previously hostile groups – the ASEAN elites and CSOs. The increased confidence between the two camps was successfully tapped by the likes of the Regional Working Group, which, in turn, became one of SAPA’s models for successful engagement.

Developments in Southeast Asia also impacted on the dynamics of regionalization in South Asia. While the Asian financial crisis did not affect South Asia directly, the repercussions of the crisis on the ASEAN were observed with great interest by SAARC leaders. As discussed above, the crisis resulted in ASEAN’s adoption of Vision 2020, which essentially shows Southeast Asian leaders desire for greater political, economic and socio-cultural cooperation in order to weather the crisis and regain the grouping’s international prestige. Fearing either the growing regionalism in Southeast Asia or the possible spread of the crisis to the South Asian subcontinent, SAARC decided to take stock of what it had accomplished and to chart its future direction. The Group of Eminent Persons (GEP), which was created for these tasks, delivered an honest and forward-looking report which identified the ways forward for SAARC. While the report was never implemented in its entirety, many of its provisions were adopted by SAARC, including the creation of the Social Charter.

The impacts of globalization made the need for a Social Charter more glaring. Problems like widespread poverty, increasing rates of malnutrition and female illiteracy, trafficking of women and children, increasing unemployment, depletion of natural resources, among others, which have been connected to globalization directly or indirectly, gave a sense of urgency for the creation of the Charter. As noted above, the proposed Social Charter is envisioned to address a broad range of issues including poverty alleviation, health, education, human development and youth mobilization, promotion of the status of women, promotion of the rights and well-being of children, population stabilization, drug de-addiction, rehabilitation and integration, among others. For this reason, the SAARC leaders’ announcement of their desire to craft a Social Charter, apart from their directive that the process should include broad-based national consultations, attracted the attention of CSOs immediately.

In the case of SACEPS, therefore, SAARC’s decision to craft a Social Charter is a political opening which must not be left to pass. As noted by Ahmed (2009), by committing themselves to the Social Charter, SAARC leaders, wittingly or unwittingly, accepted regional integration as a goal. Regional integration, in turn, entails civil society involvement in regional decision-making and processes. For this reason, when SAARC ignored its recommendation to involve CSOs in the process, SACEPS decided to conduct a parallel process where CSOs in SAARC countries can input their contributions. The result of this process was then used as a base document to engage the drafting of the official SAARC Social Charter. This is

a clear case of CSOs creating political opportunities when there were none. By coming up with a Citizen Social Charter, SACEPS pushed SAARC elites to respond by hastening the drafting of the official Social Charter. Knowing that there is already a social charter which was a product of broad-based civil society consultations, the elites responded by ensuring that the official SAARC Social Charter include inputs from the “unofficial” social charter. It is important to note that Citizen Social Charter was eventually submitted to the SAARC Secretariat as an input to the official deliberations and finalization of the SAARC Social Charter. Another interesting point was that Dr. Godfrey Gunatileke, who was officially asked by SAARC Council of Ministers to draft the concept paper for the SAARC Social Charter, also served as Convenor of SACEPS Task Force on the Citizen Social Charter. For this reason, the Citizen Social Charter which came out of the process was complementary to the official Social Charter.

At least on the issue of the Social Charter, other political opportunities available for CSOs in Southeast Asia have not been available for South Asian CSOs. For one, there were no South Asian counterparts to the likes of Fidel Ramos, Rosario Manalo, Abhisit Vejjajiva, Kasit Piromya, among others. While there were serious divisions among SAARC member-states, particularly between India and Pakistan, these did not lead to the opening of political opportunities for CSO participation. SAARC, while it is slowly opening up, remains to be purely intergovernmental in its processes and institutions.

Framing the CSOs’ Engagement with the ASEAN and SAARC

While political opportunity structures are important for explaining collective action, civil society groups and social movements must also be concerned on formulating collective action frames that dignify and justify their action. Tarrow (1994, 122) noted out that these frames “serve as accentuating devices that either ‘underscore and embellish the seriousness and injustice of a social condition or redefine as unjust and immoral what was previously seen as unfortunate but perhaps tolerable’” Similarly, Khagram et. al (quoted in Encarnacion Tadem 2008, 45) stated that “movements help to create and recreate meanings through ‘framing’ or the ‘strategic efforts’ by groups of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective action.” Frames, therefore, are used by CSO and movement leaders to “externalize blame by attributing grievances to the mutable policies and practices of institutional elites, and they propose concrete social changes to alleviate these problems” (Jenkins and Form 2005, 339) The formulation of these frames depends on “the actors in the struggle, the opponents that they face and on their access to broader public through the forms of collective action they employ and the political opportunities they exploit” (Tarrow 1994, 134). Collective action frames must also be considered in conjunction with ideology and consequently with strategies and tactics. As noted by Jenkins and Form (2005, 341), “framing is best understood as a central component of ideological work that links grievance claims to broader movement goals as well as to specific strategies and tactics.” Also, frames, once formulated and successfully employed, can also be imported into the messages of other movements.

Broadly speaking, both SAPA and SACEPS framed their engagement in the ASEAN Charter and SAARC Social Charter in terms of forging a more accountable, transparent and participatory governance at the regional level. Critical of the state-centered and elite-driven nature of both ASEAN and SAARC, these regional networks advocated greater people's participation in decisions that affect their lives. Given the widespread poverty in South Asia and the rationale of the Social Charter, SACEPS also framed the issue in terms of social development and good governance.

In the case of SAPA, the group forwarded two objectives on why it engaged the ASEAN Charter process: 1) "to cultivate ASEAN as a people-centered organization" and 2) "to strengthen the sense of ownership and belonging among its people, including enhancing the participation of and interaction among Parliamentarians, NGOs, and civil societies of its member states." Through its inputs in the ASEAN Charter, SAPA envisioned an ASEAN that recognizes universally accepted rights and standards, addresses transboundary economic, social, and environmental conflicts in a peaceful, just and effective manner, and upholds people's participation (Nuera 2007, 13).

SAPA's engagement with the ASEAN Charter process was framed in terms of making ASEAN more democratic and accountable, more effective and more "people-centered." It considers engagement "both as a right of citizens of the ASEAN region and an obligation to the region as well" (Nuera 2007, 13). This framing can be best observed in the themes of the civil society conferences which SAPA spearheaded. In the 2nd ACSC held in December 2006 in Cebu City, the theme was "Creating a Caring and Sharing Community: Enhancing People's Participation in Governance and Development." When Singapore hosted the 3rd ACSC, it adopted the theme, "Moving Forward: Building an ASEAN People's Agenda". The 4th ACSC held in February 2009 in Bangkok adopted the theme "Advancing a People's ASEAN." In all the three conferences where SAPA served as part of the organizing committee, the common threads which bind the themes are the enhancement of people's participation in ASEAN institutions and processes and building an ASEAN that truly and effectively responds to the genuine aspirations of the people in the region. These two threads, it must be noted are intricately related, as they are based on the democratic assumption that what is to the interest of the people can be best gauged by the people themselves. Hence, an ASEAN that is not democratic and accountable cannot effectively respond to the true needs and aspirations of the Southeast Asian people.

The framing of the issue in terms of forging a more people-centered ASEAN, both in processes and results, also affected SAPA's strategies, tactics, and arguably its ideological positioning. While both Corinna Lopa and Joy Chavez denied compromising their issues and concerns in the course of their engagement, they also admitted that their actions have also been shaped by ASEAN's nature. Recognizing ASEAN's traditional enmity with civil society participation, Lopa said that they learned to "tone down" their delivery of issues. On the part of Chavez, while her group Focus on the Global South's advocacy has always been "deglobalization", such term was never used in SAPA's engagement of the ASEAN. Given ASEAN's

liberal and capitalist character, SAPA's organizers knew that such advocacy would not fly.

SACEPS, on the other hand, initiated a parallel Citizen Charter process because of the lack of spaces for engagement in the crafting of the official SAARC Social Charter. As noted by Behera (2008, 29), "The intergovernmental process for preparing the SAARC Social Charter moved at its own pace with little involvement or dissemination about it among the civil society organizations. It failed to receive national and regional inputs because the SAARC Secretariat had not mandated it nor had enough resources to play a proactive role in mobilizing member states and civil society in the preparation of the Social Charter." The Citizen Social Charter, however, is not envisioned to be an alternative to the official Social Charter. The former was envisioned to be a framework document for engagement with the SAARC official process, as well as for dialogue with other civil society organizations in South Asia.

By drawing up a Citizen Social Charter parallel with the official SAARC Social Charter, SACEPS conveyed the message that the crafting of this important document cannot be left in the bureaucrat's hands, that the people's perspectives on the issues which involve them are important to make the document relevant and effective. Given SAARC's and its member-countries' lackluster record in terms of implementations of regional agreements, SACEPS also made it clear that civil society participation should be encouraged not only in the drafting process, but also in implementation and monitoring as well.

Civil society's role in the drafting, implementation and monitoring of both the Citizen Social Charter and the SAARC Social Charter is critical in giving flesh to the document. This perspective is also linked to the issue good governance and social development (or more correctly, the lack of it) in South Asia. The widespread poverty and marginalization in the sub-region, in a way, is a testament that SAARC and national officials cannot address these problems alone. They need CSOs in order to foster good governance and consequently, social development

The way SAPA and SACEPS framed the issue has been quite effective for two reasons. First, as discussed above, ASEAN and SAARC, then and now, have been perceived as an elitist association, a grouping that is primarily run by foreign and economic ministers. In the case of ASEAN, the people's alienation from the grouping can be seen in the fact that to this day, "there remains much misunderstanding about what ASEAN is and how it does things, what it has been meant to be and do, what it has done and what it has failed to do, what it can and cannot do, and the promise of what it could yet become and accomplish" (Severino 2007, xii). Given the complex global and regional challenges that ASEAN face, the claim that the regional grouping can no longer remain to be alienated from the people attracts the attention not only of people in the region but of Western countries as well. This has positive impacts for funding of CSOs as discussed below. SAARC, on the other hand, is much guiltier of being state-centered and elite-driven. As noted above, there is still a narrow political space for civil society participation in SAARC processes and institutions. This space, however, has been

increasing due to the adoption of the Social Charter and greater openness on the part of SAARC leaders to receive inputs from civil society.

Second, the call for a more democratic, accountable and people-centered ASEAN is based on the declarations that ASEAN leaders themselves made. Hence, this advocacy is just a way to make the leaders accountable for the promises and commitments that they themselves said. As discussed above, a number of ASEAN documents such as the Vision 2020, Bali Concord II, Vientiane Action Program, the EPG Report on the ASEAN Charter, among others, recognize the importance of involving the people in ASEAN institutions and processes. The same can be said with regard to SAARC. SAARC, in its recent declarations, has also recognized the importance of involving the people in the process, particularly in realizing the goals of the Social Charter. Unfortunately, these declarations are usually nothing but rhetoric, and SAARC bureaucrats and national officials do not usually translate these democratic principles into practice. Nonetheless, these commitments of South Asian leaders in recent SAARC Summits can be used as rallying points to truly make the regional grouping more democratic in its principles and practices.

Mobilizing Resources for Effective Engagement of the ASEAN and SAARC

Mobilization deals with the resources that are available for social movements to mobilize (Tarrow 1994). Resources include “any capacity for carrying out collective action, ranging from tangible resources (money, space, publicity) to people resources (leadership, expertise, access to networks and decision makers, volunteer time and commitment) and societal resources (social status, legitimacy and name and issue recognition” (Freeman 1979, quoted in Jenkins and Form 2005, 337). It also takes into consideration that “actors and their allies and targets differ in terms of resources they command, their preparedness to make resources available and their ability to use these resource effectively” (Klandermass and Staggnborg 2002, quoted in Encarnacion Tadem 2008, 45). One increasingly important resource is the mass media, which is used by CSOs and social movements to transmit messages and encourage others to follow their example or to take sympathetic notice of their claims. (Tarrow 1994, 143-144).

The increasing regional prestige of SAPA and SACEPS are also due to its ability to mobilize grassroots civil society organizations in a number of countries in the region. As regards the ASEAN Charter process, SAPA network conducted national processes in most of the countries in the sub-region to get a sense of the issues and concerns that the people want to bring in the Charter. The same process has been done again in connection with the move to come up with a People’s Charter. SACEPS also did the same thing on SAARC’s Citizen’s Social Charter. Disappointed with the slow progress of the SAARC intergovernmental process and its failure to conduct consultations wit CSOs, SACEPS initiated a parallel process marked by the formation of citizen’s groups in at least six SAARC countries. Through this participative process, “civil society organizations in each country got an opportunity to identify their own strategic issues and problems as these emerged within their development context, and design systems and strategies which could

reduce the social insecurity of their vulnerable groups and draw up country-specific Citizen's Social Charter" (Behera 2008, 29). These national social charters serve as the key inputs in drawing up a SAARC Citizen's Social Charter, whose initial draft was again presented in the citizens groups for comments and suggestions. The final version of SAARC's Citizen Social Charter also included a provision calling for the formation of Citizen's National Forum in each country to monitor the implementation of the Social Charter. These CSO-based forums have performed a good job in monitoring the discrepancies between official pronouncements made by governments and the real situation on the ground. They also guaranteed civil society participation in the process, as the National Coordination Committees established to monitor the official SAARC Social Charter are generally devoid of representation from CSOs.

The importance of these national processes cannot be discounted. Recognizing Tarrow's (1994) warning about the possibility of CSOs and social movements being "cut off" from their base as the opportunities for engagement expand, these national processes keep the SAPA and SACEPS grounded with the constituencies that they seek to represent. Furthermore, these national processes also impacts on the nature of regional engagement. As what SAPA itself recognize, "(i)n engaging the ASEAN Charter process at the regional level, strong foundations should have been first at the national level because national interests defines one's regional agenda" (Nuera 2007, 19).

The participation of SAPA in the ASEAN Charter process was also due the generous support provided by Western governments and foundations to their activities. As discussed above, Western countries played a huge role in pressuring ASEAN's to open up spaces for people's participation. It should not come as a surprise, therefore, if these countries are very supportive of the activities and processes which aim to achieve a more people-centered ASEAN. SAPA-initiated civil society conferences also showed efficient use of resources by letting participating organizations fund their delegations. Apart from being cost-efficient, it also creates a sense of ownership among the participants. Furthermore, SAPA also effectively used the media to turn around events to their favor, such as ASEAN leaders' refusal to grant access to civil society participants from Burma and Cambodia in the 14th ASEAN Summit. Immediately after the commotion, APF/ACSC organizers gave interviews and release a statement drawing attention to ASEAN's actions.

In the case of SACEPS, it also benefited from the generous foreign funding of United Nations Department of Economic and Social Affairs (UNDESA). UNDESA financed SACEPS process of drawing up a Citizen's Social Charter from its initiation to its adoption. Apart from foreign support, SACEPS also utilized its links with eminent persons in the sub-region in order to put prestige and credibility to their policy recommendations. These group of distinguished individuals, who also served as the think tank's international advisors include: Professor Amartya Sen, Nobel Laureate, Master, Trinity College, Cambridge University; Professor Nurul Islam Emeritus Professor, IFPRI, Former Deputy Chairman, Bangladesh Planning Commission; Mr. Rafeuddin Ahmed, Former Associate Administrator,

UNDP, New York; Mr. K. K. Bhargava, Former Secretary General, SAARC; Dr. Mohammad Latheef, Permanent Representative of the Maldives to the United Nations, New York; Former Minister of Education, Maldives; and Dr. Gowher Rizvi, Director, Ash Institute for Democratic Governance and Innovation, Harvard University.

Challenges Facing CSOs in Southeast and South Asia

Given the differences in the political, economic, socio-cultural and historical contexts of Southeast and South Asia, the nature of the challenges confronting CSOs in the two sub-regions is varied. However, there are still common problems that Southeast and South Asian CSOs face. The first one is the inability of civil society groups to come up with a united stance vis-à-vis their respective regional organizations. In Southeast Asia, this is most evident in the seeming division between APA and ACSC and its organizers, ASEAN-ISIS and SAPA. As Collins (2008, 322) observed, “The danger for CSOs is that having both APA and ACSC, and in 2007 those two were joined by another civil society conference meaning that three civil society conferences about ASEAN were held in the span of thirteen days, creates the perception of confusion over what CSOs want and thus hinders the likelihood of them achieving an institutionalized relationship with ASEAN.” In South Asia, the same problem can also be observed. As observed by Behera (2008, 26), “(t)here are too many tracks operating in the non-governmental domain with little coordination. This often results in duplication and frittering away of limited resources and energies to achieve the same goal. More importantly, there are divisions among their ranks. Professionals involved in policy advocacy at the top tend to look down upon NGOs and activists...This is only matched by activists’ disdain for the veterans of Track Two dialogues who are often debunked as living in ivory towers, divorced from the social realities on the ground.” While there was no evident competition between SACEPS and SAAPE, it cannot be denied that these two are miles apart ideologically. While SACEPS activities are consciously crafted to provide inputs to the SAARC process, SAAPE-initiated People’s SAARC is designed to provide an alternative political, social, economic and cultural system in the sub-region that appears to go beyond SAARC. In a way, this plurality of perspectives is a good thing. However, this ultimately affects other considerations such as funding among others.

The second challenge is that ASEAN and SAARC, generally speaking, remain to be essentially the same. In the case of ASEAN, its modus operandi remains to be the “talk big, act modestly approach” (Katsumata, 2007). This can be gleaned in the ASEAN Charter, which did not include any provision on institutionalizing CSO participation in ASEAN decision-making processes. While the political space for engagement has widened in recent years, this process remains determined, directed and controlled by the state elite, as evidenced by the 2006 guidelines on CSO engagement. As observed by Collins (2008, 315), “it is a top-down process where ASEAN establishes the objectives that the CSOs pursues and it is perhaps not surprising that the types of the CSOs that are granted accreditation represent professional and industry associations...” Similarly, SAARC institutions and processes remain to be off-limits to civil society participation. There was not even

an institutional mechanism to link Track 1 and Track 2. To this day, the linkage remains to be informal, ad hoc, and based on personal networks. Furthermore, all the organizations attached to the regional grouping continue to be from business or the professions. No accreditation is given to grassroots CSOs up to the present.

Conclusion and Prospects

This paper investigated regional civil society organizations' engagement of Association of Southeast Asian Nations (ASEAN) and South Asian Association for Regional Cooperation (SAARC). In particular, it looked into the factors that facilitated or obstructed the engagement of regional CSO networks, Solidarity of Asian Peoples' Advocacies (SAPA) Working Group on the ASEAN and South Asia Center for Policy Studies (SACEPS) of their respective regional organizations. To provide greater focus on the study, their involvement in crafting and/or implementing the ASEAN Charter (in the case of SAPA) and SAARC Citizen Social Charter (in the case of SACEPS) were analyzed and compared using political process theory. The theory's three elements namely political opportunity structures, collective action frames and mobilization served as the basis for comparison of SAPA's and SACEPS's engagement of ASEAN and SAARC respectively.

With regard to political opportunity structures, it appears that the political environment in Southeast Asia provided greater incentives for civil society engagement. Developments outside and within ASEAN, particularly the Asian financial crisis and the subsequent ASEAN community-building efforts, opened up spaces for SAPA participation. These spaces were buttressed by a number of influential allies, both in the ASEAN structure and in national governments, who carried the cause of SAPA. Division among ASEAN leaders and their practice of "one-upmanship" also benefited SAPA as this led to the establishment and funding support for ASEAN Civil Society Conferences (ACSCs). More importantly, these divisions lead to the inclusion of some progressive provisions in the Charter such as the creation of ASEAN human rights body and adherence to democracy, human rights and good governance, which in turn, could become the focal points of new advocacies.

Apart from the opportunities presented by the political environment, SAPA also effectively framed the issue of engagement and mobilized resources to forward their advocacy. Aware that ASEAN has been perceived as an elitist organization primarily run by foreign and economic ministers of member countries, it portrayed its engagement of the ASEAN Charter process as a way to make the regional grouping more democratic, accountable, and participatory. It also astutely used the official declarations of ASEAN leaders themselves to push for its greater involvement in crafting the ASEAN Charter. Moreover, its engagement was also made possible by the generous support from donors within and outside the sub-region. The way SAPA structured its conferences, particularly the ACSC where its member organizations fund their own delegation, resulted in more efficient use of resources and creating a sense of ownership of the process.

In the case of South Asia, the political environment was not the same with that of Southeast Asia. While the repercussions of globalization and regional developments in other parts of the world pushed SAARC to adopt a Social Charter, the regional grouping remains to be elitist in both its institutions and processes. To this day, there was no institutional mechanism for civil society participation in SAARC. Despite this, however, SACEPS was able to make political opportunities available by crafting a Citizen Social Charter. Since the process of drafting the “official” Social Charter was closed to civil society involvement, the SACEPS-led initiative of coming up with a Citizen Social Charter forced the SAARC elites to respond accordingly.

SACEPS, like SAPA, also framed the Citizen Social Charter process as a mechanism for civil society organizations across South Asia to participate for their issues and concerns to be incorporated in the Citizen Social Charter. The broad-based and participatory way of crafting the Citizen Social Charter was also contrasted with the elitist and managerial manner of drafting the official Social Charter. For this reason, SACEPS was able to make the SAARC leaders realize that their citizen charter has higher legitimacy in the eyes of the people and therefore its provisions should at least be taken into consideration in making the official Social Charter. In terms of mobilization of resources, SACEPS, in the process of drafting the Citizen Social Charter, received generous funding support from UNDESA, which supported the process from beginning to end. It also imbued greater prestige and legitimacy to the process by mobilizing its own group of eminent persons.

SAPA’s and SACEPS’s experience in engaging their respective regional organizations, while characterized by varying degrees of success, shows that seizing and making opportunities, effective framing of issues, and astute mobilization of resources can open up even the most state-centered and elitist groupings like the ASEAN and SAARC to civil society participation. However, this should not make CSOs in both sub-regions complacent. As discussed above, there were still obstacles to be overcome like division among the ranks of CSOs and the still largely elitist nature of both ASEAN and SAARC. These, and other problems unique to each sub-region, must be addressed if a democratic Southeast and South Asia is to be realized.

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