

# Deepening ASEAN cooperation through democratization? The Indonesian legislature and foreign policymaking

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## Abstract

Recent reforms of the Association of Southeast Asian Nations (ASEAN) are viewed by liberal institutionalists and constructivists as triggering a fundamental transformation of the ASEAN Way, the embodiment of the association's established, strictly intergovernmental cooperation norms. This article questions such reasoning, if it is causally linked to expectations of a greater deepening of ASEAN cooperation. Based on recent rationalist theorizing and Snyder's 'nationalist elite persuasion' hypothesis, the article argues that the causal relationships between democracy and regional integration are more complex than assumed in Eurocentric integration theories. By examining foreign policy debates in the Indonesian legislature, the article shows that foreign policymaking has become much more democratic and pluralistic since the end of

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President Suharto's New Order regime. However, as case studies of foreign policy issues suggest, democratic norms have often been localized by a neo-nationalist agenda that hamstrings the deepening of regional integration.

## 1 Introduction

The Asian financial crisis of 1997/1998 marked a low point in the 42-year history of the Association of Southeast Asian Nations (ASEAN). Never before was the association in greater disarray. The following years thus saw frantic attempts to control the damage and revitalize the grouping. Milestones on the way to recovery were the ASEAN Vision 2020, the formation of ASEAN plus Three, the Hanoi Plan of Action (1998–2004), the Initiative for ASEAN Integration, and the ASEAN Investment Area. Most notable in this respect, however, were the Bali Concord II (2003), the Vientiane Plan of Action (2004–2010), and the ASEAN Charter signed by ASEAN member countries at their 13th Summit in Singapore in November 2007.

For liberal institutionalists and constructivists with affinities for a liberal ontology, ASEAN's post-crisis reform drive will not only facilitate the legalization and contractualization of Southeast Asian regionalism, but by incorporating cosmopolitan values in ASEAN's repository of cooperation norms, may also trigger a fundamental transformation of the ASEAN Way, the embodiment of the association's established, strictly intergovernmental cooperation culture. These expectations are based on the belief that as liberal values such as democracy, respect for human rights, good governance, rule of law, and non-violent change of government become more and more recognized by ASEAN member states as legitimate normative foundation of the regional grouping, so will ASEAN's sovereignty-based core norms be eroded. Much of the diagnosed ongoing change in ASEAN's cooperation culture is attributed by liberals and – to a lesser extent – constructivists to domestic political change. According to this view, democratization in founding member countries such as Indonesia, the Philippines, Thailand, and, less markedly, Malaysia and Singapore is paving the way for normative changes at the regional level (Caballero-Anthony, 2005; Emmerson, 2007; Dosch, 2008). In this article I do not wholly dismiss these views. I do, however, question such reasoning if it is causally linked to expectations of a

greater deepening of ASEAN cooperation.<sup>1</sup> I argue that the relationship between democratization and regional integration is more complex than often assumed in Western-centric liberal theorizing with its teleological propensities. In fact, by strengthening nationalism, democratization may even have an unintended reverse effect and erode the association's cohesion. Such a conclusion can be drawn from an in-depth examination of the contributions of the Indonesian parliament to the country's foreign policymaking.

Except for the work of Etel Solingen (2005), studies on the interface of international relations and comparative politics have so far been rare in ASEAN research (Rüland and Jetschke, 2008); yet, they are overdue as they chart a way to overcome the prevalent tendency in ASEAN studies to treat states as unified actors. The following article contributes to this emerging literature, making the black box of foreign policymaking more transparent. In a first step it scrutinizes regional integration theory and the causal links it establishes between democracy and regional integration. This is followed by a brief overview of Indonesia's democratization and the increasingly assertive role of the Indonesian parliament in the post-Suharto polity. The remainder of the article examines the legislature's role in selected policy issues impacting on regional integration. These are subdivided into regional multilateral and bilateral issues and include the parliamentary debates on the ASEAN Charter, the ASEAN Transnational Haze Pollution Agreement, and Indonesia's relations with its immediate neighbors, Malaysia and Singapore. The last section summarizes these findings and reassesses them in the light of integration theory. Much of the empirical material used in the article was collected by the author during visits to Indonesia in 2006 and 2008.<sup>2</sup>

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1 An expectation occasionally also nurtured by prominent advocates of Southeast Asian regionalism such as ASEAN Secretary General Surin Pitsuwan and the Director of the prestigious Singapore-based Institute of Southeast Asian Studies, Kesavapani. See *The Jakarta Post*, 4 December 2008; (<http://www.thejakartapost.com/news/2008/12/04/making-asean-people.html> (last accessed on 5 December 2008) and FAZNet, 20 November 2007; available at <http://www.faz.net/s/RubDDBDABB9457A437BAA85A49C26F>) (last accessed on 20 November 2007)

2 The study also benefited from interviews with Indonesian legislators and academics conducted in connection with a study on *Parliaments and Security Sector Governance*, funded by the German Peace Foundation, Osnabrück.

## 2 Theoretical perspectives

Studies addressing the relationship between democracy and regional integration have multiplied in recent years. On the whole, they belong to the second image reversed literature (Gourevitch, 1978; Pevehouse, 2005, p. 4). They examine the impact of regional organizations on democratic transition and the consolidation of new democracies, suggesting that the more homogeneously democratic a regional organization's membership, the more likely it will be to pressure autocratic governments to liberalize (ibid, 3–4). Here, regional integration is the independent variable and democratization the dependent variable.<sup>3</sup>

Democracy is also the dependent variable in constructivist Europeanization research, which studies the diffusion of EU norms to accession states (Featherstone and Radaelli, 2003; Schimmelfennig and Sedelmeier, 2005). The European Commission, EU governments, and transnational civil society networks are here seen as external norm entrepreneurs propagating democracy and other liberal cosmopolitan norms. To what extent communicative action, discursive processes and complex social learning are able to effect norm transformation depends on the cultural match between the new external and established domestic norms (Checkel, 1999; Börzel and Risse, 2000).

Another strand of literature consists of studies focusing on the democratization of regional organizations. Most of these studies are normative and criticize that regional organizations suffer from democratic and legitimacy deficits (Choi and Caporaso, 2002, pp. 494–495; Hoffmann Ribeiro and van der Vleuten, 2007). They depart from the observation that the progressive transfer of decisions to supranational bureaucracies widens the distance between the rulers and the ruled. This gap can only be bridged by the introduction or strengthening of representative bodies and plebiscitary counterweights. The parliamentarization of regional organizations (Marschall, 2005), the inclusion of civil society in decision-making processes, and the prospects for deliberative democracy are key themes of this literature (Cabellero-Anthony, 2005; Schmalz-Bruns, 1999).

Much less frequently studied is democracy as an independent variable and its impact on regional integration. Liberal scholarship has partially

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3 Very recently, Keohane *et al.* (2009) went even beyond regionalism and explored the impact of multilateralism on democracy.

addressed this causality by identifying domestic interest groups and political parties as drivers of regional cooperation. Haas (1958) and Moravcsik (1993), at historically different stages of European integration, have highlighted the role of business associations as major domestic agents spurring regionalism. For liberals, a pluralistic and democratic political order provides the best conditions for voluntary groups to thrive and to influence governmental decisions on regional cooperation.

More recently, Mansfield *et al.* (2007, 2008) raised the question of why states choose a particular type of regional integration. They show that, on the one hand, democracies are more likely to take part in regional integration projects than autocracies, but that, on the other hand, contrary to conventional wisdom, democracies may also be averse to the deepening of regional integration. Drawing from Putnam's two-level games theory Putnam (1988), Tsebelis (2002), and Mansfield *et al.* (2008, pp. 73–75) argue that the greater the number of veto players in a democracy and the more homogeneous they are, the less likely is it that democracy facilitates the deepening of regional integration. Deepening of regional integration has distributional consequences. The greater the number of groups adversely affected by increasing adjustment costs, the greater is the resistance to the deepening of regional integration.

An alternative explanation with similar results for deepening regional integration can be derived from Snyder's 'nationalist elite persuasion' hypothesis (Snyder, 2000). According to Snyder, new democracies are particularly susceptible to nationalist appeals. Two factors account for this phenomenon: first, the historical legacies of decolonization and, second, the mode of democratic transition. In countries which, like Indonesia, had to fight a war of independence, and where independence was associated with great human and material loss, nationalist ideology tends to be deeply entrenched in the collective memory. Therefore, any group that exposes itself to doubts about its patriotism, jeopardizes mass support. In Indonesia, as will be shown below, even parties representing political Islam thus adhere to a nationalist rhetoric. Moreover, in 'pacted transitions', which are typical of the majority of 'third wave' democracies (Huntington, 1991), the domestic power equation is in flux. New democracies are thus often characterized by an intense competition for political power between old and new elites. As a 'doctrine for the people, but not necessarily by the people' (Snyder, 2000, p. 36) nationalism is attractive especially for old elites, because it allows them to respond to the opening

of the political space without fully granting civic rights (*ibid.*). In the absence of strong and mature democratic institutions, and due to the historical legacies mentioned above, even reformist forces have no alternative but to resort to nationalist populism in order to mobilize popular support. Competing elites, outbidding each other in nationalist rhetoric, thus also transform foreign policymaking into an issue area where safeguarding national self-interest becomes a major benchmark for political success.

Nevertheless, on closer scrutiny, Mansfield *et al.* and Snyder's approaches are less exclusive than appears at first sight. While Mansfield *et al.* explain the reluctance of democracies to deepen regional integration from a rationalist perspective, Snyder stresses ideational factors. Both, however, can be conveniently connected as veto players may strategically employ nationalist populism to rally popular support for their opposition to deepening regional integration. In fact, nationalism provides veto players with an excellent narrative for packaging particularist agendas in generalist rhetoric.

It does not contradict this causality if, in Indonesia, potential veto players such as the legislature and civil society organizations publicly champion norms facilitating the deepening of regional integration. While their response to the material and distributional consequences of regional integration is, expectedly, wrapped in nationalist language, this is – at least at first glance – much less obvious in the ideational domain. Indonesian legislators and civil society representatives have been vocal adherents of majority decisions, democracy, and human rights, that is norms with the capacity to markedly transform and deepen ASEAN cooperation.

Acharya's theory of constitutive localization provides an explanation for this seeming paradox (Acharya, 2004, 2009). According to localization theory, new external norms are rhetorically appropriated by local norm recipients, but their normative substance is re-interpreted in line with traditional norms and beliefs. In the Indonesian case this means that in the reform era, politicians readily embraced democracy, but adjusted it to a normative environment that is strongly colored by historically entrenched nationalist ideology. As I will show below, calls for deepening ASEAN and strengthening ASEAN democracy frame a nationalist discourse that goes hand in hand with calls for Indonesian regional leadership. These leadership claims are even more pronounced

in bilateral relations with immediate neighbors. Such populist appeals promise easy political mileage for competing elites after years of national humiliation following the Asian financial crisis of 1997/1998, the East Timor debacle (1999), and separatist challenges in the country's peripheries. However, Indonesia's self-styled role as ASEAN's 'normative power'<sup>4</sup> is regarded by fellow ASEAN members as a dual threat: it nurtures apprehension about Indonesian hegemony in ASEAN and, especially in the non-democratic ASEAN member states, fears of an erosion of domestic political stability.

### 3 Democratization, parliament, and foreign policy in Indonesia

On 20 May 1998 a reform movement, led by students and tacitly supported by military factions, toppled the 32-year old authoritarian regime of President Suharto. The new government formed by Suharto's Vice President Habibie was suspected by many as being closely affiliated with the *ancien régime*, but in an attempt to mobilize political support it launched sweeping democratic reforms. It released political prisoners, established press freedom and freedom of assembly, lifted the ban on forming political parties, promised to respect human rights, initiated military reform, launched an ambitious decentralization scheme and enacted legislation paving the way for parliamentary elections (Schuck, 2003; Bünte and Ufen, 2009).

The June 1999 parliamentary elections constituted a major milestone in Indonesia's political transition. They were the freest and fairest elections in the country's history, providing the legislature and the political system as a whole with fresh legitimacy. Four major constitutional amendments enacted by the Consultative People's Assembly or Majelis Permusyawaratan Rakyat between 1999 and 2002 transformed Indonesia into a presidential system with a bicameral parliament (Ufen, 2003). They effectively separated the powers between executive and legislature and defined the functions of the two chambers of parliament. For the House of Representatives (Dewan Perwakilan Rakyat, (DPR)), Article 20 of the amended constitution explicitly mentions legislative, budgeting, and oversight functions. The second

4 The term 'normative power' has been borrowed from the literature on European external relations. See Manners (2002).

chamber, the Regional Assembly or Dewan Perwakilan Daerah, represents the regions and may initiate and oversee legislation related to regional autonomy and the management of natural resources. Apart from these competences, it has mainly recommendatory functions, thus giving the Indonesian legislature an essentially asymmetric structure.

Conventional wisdom tends to dismiss Southeast Asian legislatures as rubber stamps. While such views may not be entirely false in many cases (Norton and Ahmed, 1999), some of the few in-depth studies of Asian legislatures have provided a more complex picture (Rüland *et al.*, 2005; Stern, 2006; Ziegenhain, 2008). They suggest that the role of legislatures in processes of political transition is usually underrated, irrespective of whether they are part of a presidential or a parliamentary system of government. The Indonesian legislature, for instance, became a politically highly assertive institution after the regime change. Its legislation output markedly exceeded that of the New Order regime. Critics of the DPR may argue that this is hardly surprising as in the early phase of democratization the legal foundations for the new political order must be laid and that the overwhelming majority of legislation still consisted of executive bills. Nevertheless, unlike previously, the DPR now exerted its oversight functions even more vigorously than its lawmaking functions. It meets regularly in the plenary and even more frequently in the eleven standing commissions, organizing public hearings and using its interpellation rights. Part of this zeal was driven by the fact that many legislators elected in June 1999 were newcomers, but also by the desire to redress the overwhelming dominance of the executive, which was seen as cause and effect of the erstwhile authoritarian rule. Many legislators were thus imbued with a strong desire to avoid authoritarian reversals. Testimony to this focus on oversight was the impeachment of President Abdurrahman Wahid in July 2001 (Ziegenhain, 2008).

The new parliamentary assertiveness also extended to the field of foreign policymaking. Interest in foreign policy issues increased markedly in the legislature, as two-time legislator Djoko Susilo of the Partai Amanat Nasional (PAN) pointed out.<sup>5</sup> According to the amended constitution, all foreign and multilateral treaties must be ratified by the DPR. The legislature is also empowered to endorse or reject presidential nominees for ambassadorial posts abroad. Quite unique in international

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5 *The Jakarta Post*, 9 August 2007.



diplomacy, though, is the power of the DPR to recommend to the government approval or rejection of foreign envoys nominated by their governments for assignment to Indonesia.<sup>6</sup>

Foreign policy issues are scrutinized and deliberated in the powerful Commission I (Komisi I) on Foreign Affairs, Defence, and Information. Commission I is composed of 49 members. It is supported by 20 staffers and has a budget of US\$100,000. The Commission holds three meetings a week, all open to the public, except for hearings on the secret intelligence budget (Born, 2006, p. 60). It is well linked to think tanks, university institutes, civil society organizations, and the media. Due to the fact that the membership of the Commission fluctuates only moderately throughout the legislature's five-year term, members are able to acquire substantial specialist knowledge under the Commission's purview. Commission I is therefore one of the most active and vocal committees in the Indonesian parliament.

## 4 The Indonesian parliament and regional integration

The previous section described the domestic political context in which the Indonesian parliament operates and deliberates foreign policy. In the following sections, I examine parliamentary debates on a few major foreign policy issues that have an impact on regional cooperation. I hereby distinguish between issues directly related to ASEAN affairs and those of a bilateral nature, albeit with repercussions on ASEAN. Methodologically, I proceed by first studying the position of parliament toward these issues, before tracing how and to what extent parliamentary deliberations changed the position of the Indonesian government. In a third step, I assess whether Indonesian foreign policy, as a result of parliamentary intervention, promotes or impedes Southeast Asian regionalism.

### 4.1 *The debate about the ASEAN Charter*

For better or worse, the issue with perhaps the greatest long-term impact on Southeast Asian regionalism is the just concluded parliamentary

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6 In March 2008, the Indonesian legislature recommended to the government the rejection of the designated ambassador of Myanmar to Indonesia. See *The Jakarta Post*, 8 March 2008, p. 1.

ratification debate on the ASEAN Charter. As already mentioned, the ASEAN Charter was signed by the Indonesian government at the association's Singapore Summit in November 2007. The Charter gives the association a legal personality; enshrines democracy, good governance, rule of law, and human rights in the grouping's repository of norms; and provides for the establishment of an ASEAN Human Rights body (Severino, 2006). In order to keep the momentum created by the Charter, signatories pledged ratification within the space of a year.

While some of the more autocratic countries promptly ratified the Charter, ratification in democratic Indonesia turned out to be a thorny process. In the weeks after signing the Charter, public statements of legislators were predominantly skeptical. Al Muzzammil Yusuf of the Islamist Partai Keadilan dan Sejahtera (PKS), for instance, complained that the government failed to consult the House before signing the Charter, presenting it, as Golkar lawmaker Hariyanto Y. Tohari added, with a 'fait accompli'.<sup>7</sup> Indeed, parliamentary contribution to the Charter was negligible. Golkar legislator Marzuki Darusman was a co-chairman of the High Level Task Force (HLTF) on the Drafting of the ASEAN Charter, but only in an individual capacity and not as a representative of the DPR. The only noteworthy legislative input was thus a Dialogue Session in Penang in May 2007 to which the High Level Task Force on the Drafting of the ASEAN Charter had invited a delegation of the ASEAN Interparliamentary Assembly (AIPA). Curiously, however, AIPA was represented by three legislators from Malaysia and two from Singapore, but none from Indonesia, the region's largest and most vibrant democracy.<sup>8</sup>

Criticism also dominated two hearings organized by Commission I with academics from think tanks and universities in February 2008. Echoing the widespread concerns voiced by civil society organizations and scholars, the objections aired by House members may be categorized as material, normative, procedural, and geopolitical.

*Material* arguments focused on the question of what 'tangible' social and economic benefits Indonesia will gain from the Charter. Golkar legislator Tohari, for instance, criticized that there is no provision

7 Antara, 9 February 2008 and *The Jakarta Post*, 27 February 2008, p. 2.

8 Dialogue Session between the ASEAN Interparliamentary Assembly (AIPA) and the High Level Task Force on the Drafting of the ASEAN Charter in Penang, Malaysia on 17th May 2007; available at <http://www.aipo.org/Activities.htm> (last accessed on 4 April 2008).

regarding migrant workers, a particular Indonesian concern given the fact that up to two million Indonesians work in neighboring Malaysia, many of them illegally.<sup>9</sup> For Markus Silano of the Democrat Party (DP), the Charter ‘could not help Indonesia solve its illegal logging and poaching problems that have caused billions of dollars in state losses in recent years and in which neighboring countries have been implicated’.<sup>10</sup> Common to these arguments was a relative gains perspective that was most pointedly summarized by Andreas Pareira (Partai Demokrasi Indonesia-Perjuangan, PDI-P): ‘I think, we are only granting many advantages to other countries without getting anything from them’.<sup>11</sup>

*Normative* arguments mainly centered on three issues: (i) how democracy can be promoted in ASEAN through the Charter; (ii) how the Charter can improve the human rights performance of ASEAN member states; and (iii) how the Charter transforms ASEAN from a mainly state-centric into a more people-oriented regional organization. Pivotal to the democracy agenda is the situation in Myanmar. Djoko Susilo (PAN), a vocal member of the ASEAN Interparliamentary Caucus on Myanmar, criticized that the Charter does not address the question of ‘how the Burmese military junta can be persuaded to democratize the country and to improve its dismal human rights record’.<sup>12</sup> In the absence of an implementation mechanism, the envisaged Human Rights body was described as largely ‘toothless’, lacking ‘clear guidelines of actions’ and ‘a timeline when it should be formed’.<sup>13</sup> Finally, in the eyes of its critics, the Charter does not significantly alter the association’s elitist character. According to Tohari, the Charter ‘does not clearly explain ASEAN’s relationship with its peoples’.<sup>14</sup>

*Procedural* issues concerned reforms of ASEAN’s tedious decision-making process. Indonesian legislators, assisted by influential scholars such as Jusuf Wanandi and Rizal Sukma of the Centre for Strategic and International Studies, have become increasingly critical of ASEAN’s

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9 *The Jakarta Post*, 18 January 2008, p. 3.

10 *The Jakarta Post*, 5 February 2008.

11 *The Jakarta Post*, 25 July 2008; see also the deliberations of the DPR special committee scrutinizing the Charter. *The Jakarta Post*, 10 September 2008 (last accessed on 19 January 2009).

12 *The Jakarta Post*, 5 February 2008.

13 *The Jakarta Post*, 6 February 2008.

14 Antara, 9 February 2008.

consensual decision making. For them the time has come to replace consensus in favor of a voting mechanism. The latter would enable the grouping to move faster and mitigate its long-standing and frequently criticized 'implementation problem'.<sup>15</sup> Golkar's Tohari fears that if the consensus principle is retained, the Human Rights body will prove elusive.<sup>16</sup> Lawmakers also regret that the Charter is 'basically powerless' given the 'absence of sanctions for violations'.<sup>17</sup> In their view, the association's sacred non-interference norm, explicitly upheld by the Charter, has become obsolete. In sum, for many Indonesian lawmakers the Charter is a betrayal of a grand vision as it falls behind the recommendations of the Eminent Persons Group and the High Level Task Force entrusted by ASEAN leaders with working out a Draft Charter.<sup>18</sup> Influential members of Commission I thus plainly concluded that the Charter is 'useless to Indonesia'.<sup>19</sup>

The perhaps most serious critique jeopardizing ASEAN cohesion entails a *geopolitical* dimension. At its core is the question whether ASEAN constitutes the right arena for Indonesia's foreign policy. According to this view, ASEAN membership has done Indonesia more harm than good and, in fact, stifled Indonesia's age-honored 'free and active' (*bebas dan aktif*) doctrine.<sup>20</sup> If ASEAN membership means that Indonesia's natural leadership role in Southeast Asia is contained, its benefit for Indonesia becomes dubious. Several lawmakers and academics therefore recommended that Indonesia should intensify her bilateral relations with emerging powers such as India, China, Brazil, and South Africa and play a more assertive global role.<sup>21</sup> This would, however, be a major departure from the country's established concept of a foreign

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15 See Rizal Sukma, 'Can democracy realistically prevail in Southeast Asia?', *The Jakarta Post*, 17 December 2007, p. 2 and Jusuf Wanandi, RI's Foreign Policy and the Meaning of ASEAN, in: *The Jakarta Post*, 6 May 2008, p. 3.

16 Ibid.

17 *The Jakarta Post*, 22 January 2008, p. 1.

18 *The Jakarta Post*, 25 July 2008, p. 6.

19 Golkar lawmaker Tohari quoted in *The Jakarta Post*, 6 February 2008.

20 See Jusuf Wanandi, RI's Foreign Policy and the Meaning of ASEAN, in: *The Jakarta Post*, 6 May 2008, p. 3.

21 Ibid, for similar arguments, see statements of PDI-P legislators Budiman Sujatmiko, Sutradara Ginting, and Djoko Susilo (PAN) in *The Jakarta Post*, 12 January 2008, p. 9 and 29 July 2008, p. 12.

policy based on concentric circles in which the greatest attention is devoted to ASEAN (Anwar, 2003, p. 3).

Persistent criticism by legislators delayed submission of the Charter to the legislature by several months. Instead of April or May, as initially announced, and only after intense lobbying of legislators by the Ministry of Foreign Affairs and ASEAN Secretary General Surin Pitsuwan did the government eventually submit the Charter to the House in July 2008. It had then become clear that at least the Golkar faction and the President's Partai Demokrasi (PD) would vote for ratification. Golkar legislator Marzuki Darusman, a leading advocate of ratification, sought to persuade fellow legislators by arguing that by transforming ASEAN into a legal and rules-based organization, the Charter means progress for the association. Once ratified, he contended, the Indonesian government can and should indeed push for amendments to the Charter.<sup>22</sup>

Finally, after a month of deliberations, on 8 October 2008, a special committee (*panitia khusus*) set up by Commission I and chaired by Marzuki reluctantly recommended ratification of the Charter. Two weeks later a plenary session of the DPR confirmed the committee's decision, making Indonesia the last ASEAN member country to ratify the Charter. However, the DPR, by inserting an addendum to the ratification act, insisted that the government works for early amendments, including implementation of a genuine human rights mechanism, a reform of decision-making procedures and greater popular involvement in ASEAN.<sup>23</sup> What, apart from their normative content, made these calls even less acceptable to the majority of Indonesia's ASEAN partners were their nationalist undercurrents. Often they included open references to Indonesia's size and political weight, combined with claims to leadership and a right to interfere should other member countries fail to comply with the new norms. Representative of a number of legislators and commentators, Yusron Ihza Mahendra (BPP), an erstwhile critic of ratification, argued that as a great power Indonesia must be the leader of

22 *The Jakarta Post*, 6 February 2008 and 2 June 2008.

23 See *The Jakarta Post*, 2 December 2008; available at <http://www.thejakartapost.com/news/2008/12/02/indonesia-needs-step.plate.html> (last accessed on 5 December 2008) and statements of Happy Bone Zulkarnain (Golkar), Suryama (PKS), Hananto Sukandar (PDS), Andreas Pareira (PDI-P). And the PDI-P faction Pansus Sepakat Bahas Ratifikasi Piagam ASEAN; available at <http://www.dpr.go.id/artikel/artikel.php?aid=5226> and (<http://www.dpr.go.id/artikel/artikel.php?aid=5230>) (last accessed on 21 October 2008).

ASEAN.<sup>24</sup> The ratification of the Charter makes Indonesia ‘captain’ (nakhoda) of the development of the economy and politics in the ASEAN region.<sup>25</sup> Interestingly, such statements come from legislators of Islamic parties, which are often believed to be averse to nationalism.

The strong reservations of lawmakers put the Indonesian government in a difficult position. The price for the ultimately unanimous consent of the legislators was a public recognition of the Charter’s flaws by Foreign Minister Hassan Wirayuda. After the decisive meeting of Commission I’s special committee, Hassan was quoted in the press as follows: ‘We should not counter such criticism. In fact, such criticism helps support the government’s efforts to improve the Charter in the future. After all, the Charter is not a perfect document. It’s always open to amendment’.<sup>26</sup> Domestic opposition to the Charter thus forces the government to adopt a more principled position on a number of issues, the benchmark of which is the addendum to the ratification act. One high-profile step in this direction is the just concluded Bali Democracy Forum, initiated by the Indonesia’s Ministry of Foreign Affairs in an attempt to claim leadership in the regional promotion of democracy. Another obvious example is the Myanmar policy, where the Ministry of Foreign Affairs is walking a tightrope. While stepping up pressure on the junta to free opposition icon Aung San Suu Kyi and other political prisoners and to embark on a substantive democratization process,<sup>27</sup> it must avoid alienating the other democratically less advanced ASEAN member states. A third example is the negotiations on the implementation of the Human Rights mechanism. This is the issue where the Indonesian government must prove to Charter opponents that incremental amendments to the Charter are indeed feasible. Nevertheless, the snail’s pace at which ASEAN governments are proceeding with implementation of the rules of the Human Rights body does little to assuage the skepticism of Charter critics.<sup>28</sup>

24 For a similar statement, see Mutammimul’ula (PKS). Ratifikasi Piagam ASEAN Siap Disahkan Di Paripurna; available at <http://www.dpr.go.id/artikel/artikel.php?aid=5230> (last accessed on 21 October 2008).

25 See Jadikan ASEAN Lebih Kuat, DPR Ratifikasi Piagam ASEAN; available at <http://www.detiknews.com/read/2008/20/08/114847/1016980/10/jadikan-asean-lebih-kuat,-dpr-ratifikasi-piagam-asean> (last accessed on 21 October 2008).

26 *The Jakarta Post*, 22 October 2008.

27 *The Jakarta Post*, 28 February 2008, p. 1.

28 Interview Jakarta, 18 March 2008.

As a result, the Indonesian government is compelled to approach these issues much less pragmatically than without domestic pressure (Dosch, 2008); yet, such a policy is deepening ASEAN's internal divisions. It speaks for itself that Indonesia is increasingly being singled out by the new mainland Southeast Asian members of ASEAN as well as Malaysia and Singapore as the party stalling the progress of ASEAN. In fact, Indonesia is blamed by these members for behaving like a Western country. Singapore, in particular, is seen among Indonesian foreign policy experts as orchestrating the resistance of ASEAN's new members against far-reaching transformations of the ASEAN Way.<sup>29</sup> However, such dynamics vindicate opposition to the Charter and, in order to pre-empt their arguments, force the Indonesian government to emphasize the nationalist credentials of its foreign policy. A foreign policy, however, based primarily on national self-interest, as demanded by ASEAN critics inside and outside the Indonesian parliament, impedes, or at least markedly slows down, the process of deepening ASEAN cooperation. Actively pushing for the democratization of ASEAN by one or two member states may thus inadvertently facilitate a mutually reinforcing process of deepening distrust and erosion of good will.

That nerves are indeed on edge was underscored by remarks of Singaporean Prime Minister Lee Hsien Loong at the grouping's 41st ministerial meeting held in the city state in July 2008. Without naming them, Lee took to task the countries that had not yet ratified the Charter.<sup>30</sup> Expectedly, Lee's admonitions caused uproar in the Indonesian legislature and the media, hardening nationalist positions. Referring to the fact that Indonesia is 'the biggest ASEAN country', PAN legislator Abdillah Toha, for instance, wondered whether the thinly veiled Singaporean critique meant that 'a country with three or four million people could dictate to a country with 200 million people'. 'Parliaments in Indonesia, Thailand and the Philippines', he added, were 'real' parliaments, 'not like the ones in Singapore and Myanmar which follow whatever their governments wish without reservation'.<sup>31</sup> Such statements are testimony to the acrimony surrounding Charter ratification. They are reflective of an increasingly vocal public support

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29 Interview, Jakarta, 18 March 2008.

30 *The Jakarta Post*, 22 July 2008.

31 *The Jakarta Post*, 25 July 2008.

for a more assertive, sovereignty-conscious, even outright hegemonic,<sup>32</sup> independent foreign policy. The less ASEAN fellow members are inclined to recognize Indonesia's democracy-driven leadership claim, the greater the probability that Indonesia's commitment to ASEAN will decline. It goes without saying that such a development does not augur well for ASEAN cohesion and resilience.

#### 4.2 ASEAN transnational haze pollution agreement

One of the major transnational issues disturbing ASEAN cooperation over the last 10 years was air pollution caused by haze. Haze is the result of forest fires and causes 'meteorological conditions in which tiny particles of dust, salt, or water are suspended in the atmosphere' (Florano, 2004, p. 2). The fires were caused primarily by excessive forest burning in order to make way for oil plantations in Indonesia, most notably in Sumatra and Kalimantan. Although forest fires and haze problems had occurred in the region before, international attention was drawn to the problem due to its unprecedented severity in 1997, causing loss of life due to aircraft accidents, serious health problems, and substantial economic damage. That the haze phenomenon paralleled the Asian financial crisis further contributed to the heightened attention it received in 1997 (Cotton, 1999). Due to the border-crossing nature of haze pollution, pressure on Indonesia from the most affected countries, Singapore and Malaysia, to tackle the issue increased. Eventually, the ASEAN Ministerial Meeting on Haze convened and agreed on a Regional Haze Action Plan in December 1997. The Action Plan was a non-binding, soft law instrument much in line with the non-interference norm of the ASEAN Way based on 'volunteerism', 'no-fault-finding' and 'offers of mutual assistance' (Florano, 2004, pp. 5–6).

However, as the haze problem did not markedly subside in the following years, calls to conclude a binding agreement became louder in Malaysia and Singapore. Especially the Singaporean public demanded sanctions, proposing a policy of conditionality toward Indonesia (Nguitraoool, 2008, p. 126). The ASEAN Transnational Haze Pollution Agreement concluded in 2002 was thus the result of increasing pressures on Indonesia to adopt more effective measures. According to Nguitraoool,

32 For such sentiments, see *KOMPAS*, Indonesia dan Piagam ASEAN, 5 March 2008, p. 7



quoting unnamed Thai officials, it was regarded ‘as an instrument for ASEAN countries to intervene in Indonesia’s domestic affairs legally’ (Nguitragoon, 2008, p. 141).

The new haze accord was indeed devised as a binding agreement,<sup>33</sup> an international treaty that needs ratification by the contracting parties. It was signed by the Megawati government in 2002, at a time when Indonesia was in the throes of its political and economic transformation and restricted in its capacity to resist international pressures. The government announced that the agreement would be ratified by mid-2003, at the latest.<sup>34</sup>

This, however, turned out to be an overly optimistic projection as the ratification process once more demonstrated the independence of the Indonesian legislature. Many legislators of the DPR’s Commission VII, which is responsible for environmental affairs, criticized the agreement which in their view squarely laid the blame for the fires on Indonesia. They deplored that the problem of illegal logging, a crucial factor in the fires, remained unaddressed in the agreement. As legislator Amris Hassan of PDI-P explained, ‘illegal logging is inseparable from the haze because it contributes to the burning of forests in Indonesia’.<sup>35</sup> Illegal logging is, however, not exclusively an Indonesian issue but one that involves neighboring Malaysia and Singapore as well. According to Amris, ‘it is not a secret that many Malaysians want to buy (timber) products from illegal logging along the borders’, a view shared by legislators across party boundaries.<sup>36</sup> Once more, Indonesian legislators invoke the relative gains logic when they argue – as do former environment minister Sonny Keraf (PDI-P) and his PAN-colleague Alvin Lie – that the costs of the agreement burden primarily Indonesia, while Singapore and Malaysia benefit from the smuggled logs.<sup>37</sup> For Lie, ratification of the agreement ‘would only benefit other members of the ASEAN and would undermine Indonesia’s interests’.<sup>38</sup> Nizar Dahlan of the Democracy

33 Albeit an agreement with many loopholes that, in effect, preserved national sovereignty. For details, see (Tan, 2005, pp. 647–722).

34 *The Jakarta Post*, 15 November 2002.

35 *The Jakarta Post*, 14 October 2006.

36 *Ibid.*

37 *The Jakarta Post*, 6 January 2007 and 14 March 2008, p. 1.

38 *The Jakarta Post*, 14 March 2008, p. 1.

Pioneer Star faction therefore demanded that ‘the country should ratify the bill only if the ASEAN members agreed to cooperate in combating illegal logging’.<sup>39</sup> This view was also shared by environmental NGOs in Indonesia. Rully Syumanda, spokesman of the Indonesian Forum for Environment (Walhi), criticized the agreement’s ‘tendency to inflict loss on Indonesia because it fails to cover environmental issues as a whole’.<sup>40</sup> It comes as no surprise that eventually, in March 2008, after repeated debates, the DPR unanimously refused to endorse the agreement.<sup>41</sup>

This time, however, much more than in the case of the ASEAN Charter and against the explicit opposition of the Ministry of Environment,<sup>42</sup> the Yudhoyono administration largely adopted the legislature’s position. In Indonesia, Malaysian complicity in the forest fires was largely uncontested, as a government report already issued by the Suharto administration claimed that out of the implicated 176 oil palm plantations, timber estates, and transmigration schemes, no less than 43 of them were Malaysian companies (Nguitrugool, 2008, p. 127). By linking the haze problem to other environmental issues such as the illegal sand mining by neighbors in Indonesia’s Riau province and illegal waste disposal in Indonesia, Forestry Minister M.S. Kaban went even further than the DPR. For him, Indonesia’s neighbors were applying double standards. While faulting Indonesia for the haze pollution, they prefer to ‘keep quiet’ with regard to other environmental issues.<sup>43</sup>

Even more clearly than with the Charter, the legislative treatment of the haze agreement suggests two conclusions. First, elected parliaments often adopt a nationalist posture and carefully scrutinize the costs and benefits of international agreements, in both material and ideational terms. In new democracies, nationalist arguments well fit the populist mobilization strategies pursued even by program-based parties. Advocacy of the national cause provides legislators and their political parties with the opportunity to unambiguously prove to their

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39 Ibid.

40 Antara, 20 March 2007.

41 *The Jakarta Post*, 14 March 2008, p. 1.

42 Singapore Institute of International Affairs, ASEAN Agreement on Transboundary Haze Pollution: Indonesia Has Neighbors’ Support to Tackle Haze Problem; available at <http://www.siiainline.org/?q=events/asean-agreement-transboundary-haze-pollution-indonesia-has-neighbours-support-tackle-haze-pro> (last accessed on 28 June 2009)

43 Antara, 20 March 2007 and *The Jakarta Post*, 14 March 2008, p. 1.

constituency that they deserve their voters' trust. It gives them a welcome opportunity to deflect the frequently aired critique against legislatures that they are self-seeking, corrupt, and havens of patronage.<sup>44</sup> The second lesson the haze issue teaches one is that abrogation of the non-interference norm is conditional. It is considered obsolete when legislators believe that the country treads a moral high ground as in the democracy and human rights issues related to the ASEAN Charter, but they appear thin-skinned when Indonesia is faulted by its neighbors as in the case of the haze problem. Such a posture also amounts to double standards and rather than bridging differences, tends to deepen nationalist sentiments both in Indonesia and among its neighbors. The result is a destructive spiral of nationalist rhetoric and increasing distrust that is difficult to arrest by governments and hardly helps to deepen regional integration.

### 4.3 *Bilateral issues*

The preceding sections have demonstrated that Indonesian legislators tend to adopt an essentially nationalist position in regional issues. In the process, they also exert considerable pressure on the Indonesian government to pursue a more self-interested foreign policy. Nevertheless, bilateral relations, especially in a context of power asymmetries, afford aspiring regional powers even greater opportunities for exploiting dominance and pursuing national self-interest. If practiced by Indonesia, such a policy would hardly be conducive to a deepening of Southeast Asian regionalism. The following section thus addresses two major questions: first, to what extent does the DPR act as an advocate of national interest in Indonesia's bilateral relations with her immediate neighbors Malaysia and Singapore and, second, how does the government respond to such pressures?

Indonesia and Malaysia have historically and culturally much in common. Both are predominantly Malay and Islamic nations. However, despite these affinities, mutual relations were by no means always smooth and peaceful as the Indonesian *konfrontasi* (1963–66), a low-intensity war against the emerging Federation of Malaysia, indicates. Although

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44 Such criticism abounds in the media. For examples, see *The Jakarta Post*, 4 July 2007 and *Antara*, 30 July 2008. For further documentation, see Schuck (2003) and Ziegenhain (2008).

the *konfrontasi* is history and ASEAN has firmly internalized the norm of peaceful conflict resolution in the region (Kivimäki, 2008), the Indonesian–Malaysian relationship was never entirely free from tension and veiled suspicion.

The currently most vexing problem in Indonesian–Malaysian relations is a territorial dispute over a maritime region in the Sulawesi Sea known as Ambalat Block. Tensions ran high as both countries sought to exert control over the area, which is presumed to be rich in oil and gas, by deploying navy units. In April 2005, a military encounter could only be narrowly averted, after Malaysian warships allegedly hit an Indonesian navy vessel operating in the disputed waters.<sup>45</sup>

The incident fuelled widespread anti-Malaysian sentiments in Indonesia. Indonesian politicians and legislators readily jumped on the nationalist bandwagon. Some politicians and legislators are even reported to have joined the '*gerakan ganyang Malaysia*' (movement to 'crush' Malaysia), a slogan reminiscent of the *konfrontasi* period (Freistein, 2006, p. 23). Others like Chozin Chumaidy (PPP), Jeffrey Massie (PDS), Permadi (PDI-P), Yusron Ihza Mahendra (PBB), and Soeripto (PKS) recommended the use of force should diplomatic means not lead to solutions acceptable to Indonesia.<sup>46</sup> Others recommended the recall of the Malaysian ambassador.<sup>47</sup> Nationalist sentiments also prevailed when legislators criticized the defence ministry for disclosing supposedly secret details about military operations in the contested region. As in the case of the ASEAN Charter, legislators complained about a lack of government transparency, blaming the defence ministry for failing to consult the House about the deployment of troops to the disputed area.<sup>48</sup>

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45 *The Jakarta Post*, 16 April 2005.

46 *Suara Pembaruan*, 3 March 2007 (last accessed on 13 July 2008) and 5 March 2007; available at <http://www.suarapembaruan.com/News/2007/03/05/Nasional/nas01.htm> (last accessed on 11 April 2008) and Indonesia Flexes its Diplomatic Muscle, Singapore Institute of International Affairs. For a critique of the use of the language of violence, see Rizal Sukma in *The Jakarta Post*, 21 March 2005 and 21 October 2008. See also (<http://www.siiionline.org/home?wid=171&func=viewSubmission&sid=1146> (last accessed on 3 May 2007).

47 See Detik News, 7 March 2005; available at <http://www.detiknews.com/read/2005/03/07143940/311723/10/komisi-i-desak-pemerintah-panggil-pulang-dubes-ri-di-malaysia> (last accessed on 13 March 2009)

48 *The Jakarta Post*, 30 March 2005 and 27 April 2005.

The eruption of nationalist sentiment in the public and the legislature led the Indonesian government to adopt a dual strategy in which the President and the defence ministry took a nationalist position by making it adamantly clear that Indonesia would on no account cede Indonesian territory. While President Yudhoyono pointedly stated: ‘We will not sacrifice our sovereignty, our rights and our territory’,<sup>49</sup> the defence ministry demonstrated strong-arm tactics by disclosing budgetary provisions for military operations in the disputed maritime region.<sup>50</sup> At the same time, however, the government exercised restraint despite the heated public debate. In tandem with the Malaysian forces, the navy took steps to de-escalate the tensions in the area, while the foreign ministry entered negotiations with the Malaysians. Both sides subsequently expressed their firm intention to solve the problem peacefully and in line with established ASEAN norms of conflict resolution.<sup>51</sup>

However, even 14 rounds of government negotiations<sup>52</sup> could not defuse the conflict. In May 2009, it resurfaced again, after Indonesia accused the Malaysian navy of entering its territorial waters.<sup>53</sup> Nevertheless, the question must be posed as to why precisely at this time Indonesia responded so strongly. According to its own count, there were many more violations of Indonesian sovereignty in the preceding years.<sup>54</sup> The coincidence with the 2009 presidential elections is indeed striking. Expectedly, all presidential candidates – like many legislators – have responded to the issue and threatened<sup>55</sup> stern measures should Malaysia continue what they consider as provocations. The Ambalat case is thus exemplary in demonstrating how democracy in combination with overboarding nationalist sentiments may become a fertile ground for foreign policy brinkmanship.

The strong rhetoric used by legislators, parts of the media, and nationalist organizations circumscribed the scope for compromise. In its

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49 *The Jakarta Post*, 16 April 2005.

50 *The Jakarta Post*, 30 March 2005.

51 *The Jakarta Post*, 16 April 2005.

52 *The Jakarta Post*, 19 June 2009.

53 *Republika*, 5 June 2009.

54 In 2007 the Indonesian Armed Forces recorded 76 intrusions, 23 in 2008 and so far 14 in 2009. See *The Jakarta Post*, 17 June 2009.

55 *The Jakarta Post*, 15 June 2009.

negotiations with the Malaysians, the Indonesian government has to adopt a firm nationalist position, which leaves hardly any space for a solution other than retaining full national sovereignty over the disputed region. International mediation by referring the case to the International Court of Justice has been explicitly ruled out by Indonesia.<sup>56</sup> This means, in effect, a prolonged stalemate as is the case with many other territorial disputes in ASEAN. However, unresolved and only shelved territorial disputes have adverse cognitive effects on conflict parties. They erode mutual trust and thus undermine closer cooperation. Under these circumstances self-interested policies based on the sovereignty norm tend to prevail, since – due to domestic pressure – neither the Indonesian nor the Malaysian government is in a position to give up vital interests without loss of face.

The final case to be discussed here concerns the Indonesian–Singaporean Defence Cooperation Agreement (DCA). The pact was signed by Singaporean Prime Minister Lee Hsien Loong and Indonesian President Susilo Bambang Yudhoyono in Bali in April 2007. It formalized the Military Training Arrangement between the two countries, which has been in place since 2003. Together with the Defence Pact, the two leaders signed an Extradition Treaty.<sup>57</sup> While the Defence Pact provides Singapore with access to Indonesian territory in the Natuna Islands and two areas in South Sumatra for conducting joint military exercises, including air force training, naval maneuvers, and missile firing exercises, the Extradition Treaty would allow Indonesia to prosecute corrupt tycoons who had found a safe haven in Singapore and to repatriate billions of dollars siphoned off by them.

Nevertheless, what at first sight appears to be a perfect win-win situation failed to impress many PPP, PDI-P, PAN, and PKB legislators.<sup>58</sup> Their criticism focused on the Defence Pact, which they dismissed as an encroachment on Indonesian sovereignty. While the fears expressed by PDI-P legislator Permadi that the treaty will contribute to Indonesia's 'colonization by the tiny city state' are certainly off the mark, for

56 *The Jakarta Post*, 30 January 2008.

57 'Perjanjian Ekstradisi RI-Singapur Diteken Pukul 17.00 WITA', *tempointeraktif*, jum'at 27 April 2007; available at <http://www.tempointeraktif.com/hg/nasional/2007/04/27/brk.20070427-98891.id.html> (last accessed on 5 February 2008).

58 'Kerjasama Pertahanan Dengan Singapura Rugikan Indonesia', 28 May 2007; available at <http://www.dpr.go.id/artikel/artikel.php?aid=2708> (last accessed on 4 April 2008).

Golkar's Yuddy Chrisnandi the defence agreement violated the 1945 Constitution and the law on international treaties (Law No. 24, 2000), which emphasize national interests.<sup>59</sup> What fuelled the discontent of the lawmakers with the treaty were the seemingly unclear provisions regarding the use of the military installations by the Singaporeans and a point made by Hari Prihatyono of the Pro Patria think tank that the Defence Pact also allows personnel and equipment of third countries access to Indonesian territory.<sup>60</sup>

A second line of parliamentary criticism highlighted the anticipated environmental and, ultimately, socioeconomic damage associated with military exercises, especially their harmful impact on fishermen and farmers. Legislators adopted arguments first raised by representatives of the local governments hosting the military installations. Moreover, as the DCA was valid for 25 years and the Extradition Treaty only for 15 years,<sup>61</sup> it was for many legislators a foregone conclusion that the two treaties provided 'more advantages for Singapore than for Indonesia', a view exemplified by Abdillah Toha (PAN) and Sidarto Danusubroto (PDI-P). They left no doubts that the Indonesian legislature will not ratify the two agreements without major amendments.

Again, the Indonesian government largely adopted the position of the legislators whose views resonated strongly with the Indonesian public. According to a survey conducted by the National Defence Institute Lemhanas, 60% of Indonesians are against the Defence Pact and nearly 35% opt in favor of a review of the agreement.<sup>62</sup> Given these strong currents in the legislature and the public, it did not come as a surprise that the Defence Minister and the Foreign Minister eventually pleaded for a review and re-negotiation of the Defence Pact,<sup>63</sup> even though this would mean a non-ratification of the Extradition Treaty by Singapore, a treaty Indonesia has sought since the 1970s.

The example demonstrates once more how a legislature acting as an advocate of national self-interest was able to derail an international treaty. From the perspective of Indonesia's ASEAN partners cases like

59 *The Jakarta Post*, 26 June 2007. See Article 5, Law No. 24, 2000 on Treaties.

60 *The Jakarta Post*, 26 May 2007.

61 See available at <http://www.dpr.go.id/dpr/berita.php?kom=Komisi%20I>.

62 *The Jakarta Post*, 7 December 2007, p. 8.

63 *The Jakarta Post*, 4 July 2007.

these cast doubts on the ability of the Indonesian government to conclude binding agreements or, in the case of non-binding agreements, to honor and implement them. This also raises doubts as to how far Indonesia is able and willing to bear the consequences of a deepened regional cooperation when it is at variance with the country's national interest and curtails its regional and global leadership ambitions.

## 5 Conclusion

The above case studies confirm Dosch's findings of a marked democratization and pluralization of foreign policymaking in Indonesia (Dosch, 2008). Coming on the coat-tails of Indonesia's comparatively stable democratization, this is indeed a very welcome development to which the DPR has made an important contribution. Among the new stakeholders including the academe, the media, and civil society organizations, the legislature has become a particularly vocal and influential domestic actor and, in many cases, even veto player. It has been able to influence the government in two directions:

First, in tandem with the epistemic community, it has been instrumental in persuading the government to elevate democracy and human rights to core norms of its foreign policy and in its interactions with other ASEAN members. This is most evident in the debate on the ASEAN Charter. Even after ratification of the Charter, the legislature ensures that the government presses for substantive amendments and pursues a principled policy in areas such as human rights and democratization.

Second, it could be shown that democratization, if taking place in a normatively heterogeneous environment, may have unintended and even quite divisive effects on regional integration. Indonesian democratization is thus not necessarily a driving factor for a deepening of regional cooperation. The ambiguous effects of a more democratized foreign policy must be attributed to the fact that legislators – and accordingly the Indonesian government – localize the democracy concept by framing with it a neo-nationalist agenda. As in the New Order period, the current 'awakening'<sup>64</sup> of Indonesia as a major regional and even global power is based on material criteria such as territorial and demographic size, but unlike previously it now also rests on what Barnett and

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64 For this term, see *The Jakarta Post*, 19 May 2008 (last accessed on 1 November 2008).



Duvall call ‘constitutive power’ (Barnett and Duvall, 2005). Constitutive power denotes the ability to effect major changes in the regional mode of governance and – transcending the Southeast Asian region – to disseminate the message that Indonesia has become a role model for reconciling Islam with modernization and liberal democracy.<sup>65</sup>

The democracy-driven claim to regional leadership is the expression of a deeply felt sense of entitlement severely frustrated during and in the aftermath of the Asian financial crisis. With its disastrous socioeconomic consequences, the crisis transformed a promising tiger economy into one temporarily dependent on IMF tutelage. The post-crisis turbulences triggered separatist movements in the peripheral regions of the country, nurturing fears that Indonesia was on the verge of becoming a failing state (Törnquist, 2002). The intervention of a UN-peace keeping force following the post-referendum violence in East Timor in August 1999 was regarded in Indonesia as humiliating as were the international calls for a UN-tribunal to investigate the violence in the former Portuguese colony annexed by Indonesia in 1975. While the East Timor violence severely tarnished Indonesia’s image abroad, the leadership vacuum in ASEAN was increasingly filled by Malaysia, Singapore, and, until the 2006 coup, Thailand. Spearheading the democracy drive in ASEAN was thus regarded by the Indonesian political elite as a noble cause legitimizing renewed claims to regional leadership.

This policy was, however, not without contradictions. Where Indonesia was blamed for non-compliance with regional or international agreements – as in the ASEAN Haze Pollution Agreement – legislators exerted pressure on the Indonesian government to pursue a policy of national self-interest, even more so as regards the country’s bilateral relations with its immediate neighbors Malaysia and Singapore. Here, too, legislators saw Indonesia in a disadvantageous position, which they attributed to the post-Asian crisis weakness of the country. In 2002, for instance, the International Court of Justice ruled against Indonesia in the territorial dispute with Malaysia over Sipadan and Ligatan, two islands off East Kalimantan. The court ruling against Indonesia explains the outburst of nationalist sentiment in the more recent Ambalat tussles and why Indonesia refuses to refer the dispute to international arbitration. Deepening these feelings of inferiority were reports about the

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65 *The Jakarta Post*, 14 April 2005 (last accessed on 1 November 2008).

maltreatment of Indonesian migrant workers in Malaysia, alleged infringement by Malaysia on Indonesian cultural products, and seeming complicity of Malaysian firms in illegal logging.<sup>66</sup> Singapore was regarded as a beneficiary of the capital flight from Indonesia in the aftermath of the Asian financial crisis and, more recently, as a country protecting its environment at the expense of Indonesia. Legislators and wide sections of the public thus shared the belief that Indonesia's self-respect can only be restored if the government pursues a less accommodating course in relations with these countries.

Legislators were at the forefront of these policies, both with respect to the norm-based leadership claims as well as the neo-nationalist, relative-gains oriented foreign policy. Perhaps with the exception of the oppositionist PDI-P, the legislature's position can hardly be regarded as deliberate moves to weaken the presidency in an executive–legislative tug-of-war. The grand coalitions formed by Indonesia's elite have strong centripetal effects and for the sake of securing the flow of patronage political parties in the legislature avoid rocking the government boat (Slater, 2004; Reilly, 2006). This is also corroborated by the fact that the Indonesian government indeed embraced parliamentary positions to varying degrees, although with the effect of impeding rather than promoting regional integration. As far as the democracy-oriented components are concerned, they are met with great suspicion and skepticism by ASEAN's less democratic partners. While the authoritarian regimes on mainland Southeast Asia regard them as a major threat to their domestic stability, official quarters in Malaysia and Singapore regard the Indonesian type of democracy as a recipe for creating societal disorder, bad governance, and economic inefficiency. Contrary to expectations in Indonesia, the country does not constitute a model to be emulated in the eyes of most of its ASEAN partners.

Summing up, the study has demonstrated that there is no linear relationship between democracy and the deepening of regional integration. In fact, the relationship is much more complex than Eurocentric regional integration theories make us believe. It confirms studies on other countries that suggest that democratically elected legislatures may become major brakes on deepening multilateral cooperation. In the Southeast Asian case, one major hindrance is the great diversity of elite norms and political systems.

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66 See *The Jakarta Post*, 11 January 2008, p. 6.

Normative cleavages, however, being conventional wisdom in IR studies, are less easy to reconcile than material conflicts. The gap between the old (authoritarian, power and sovereignty-based) norms and the new (liberal) norms is still wide, contradictory, and difficult to bridge. A second major aspect is that democratizers who fail to gain recognition as a regional role model are ineffective norm entrepreneurs. Rather, they are suspected of seeking normative leadership for the sake of building or strengthening regional hegemony. Furthermore, finally, the study has shown that there are domestic flaws in Indonesia's democratization. As long as democratization does not entail the early inclusion of the legislature in foreign policymaking (especially the negotiation of international treaties), the likelihood of retarding policies by parliamentarians increases. Despite many reforms, the foreign ministry in Indonesia still regards treaty-making as an executive prerogative. The price Indonesia may pay for this failure is a paralyzed foreign policy, increasing isolation in ASEAN, and an attrition of the trust of its partners. If this is the case, Indonesia could respond to what ASEAN critics inside and outside the legislature have recommended anyway: to downgrade ASEAN's significance for Indonesian foreign policy and become more globally oriented. Formulated differently, they advocate for a more "free and active" foreign policy than one committed to regional integration. The DCAs Indonesia signed with non-ASEAN countries such as China, India, and Australia, which have been approved by the DPR, could be harbingers of such a policy.

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## Erratum

The publishers would like to apologise for an error in *International Relations of the Asia-Pacific* 9(3), 2009, p. 373. The author's affiliation was published incorrectly as Keio University, Japan. The correct affiliation should be as follows:

University of Freiburg, Department of Political Science, Freiburg, Germany.