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‘(Non-)Intervention is always for someone and for some purpose’.

A critical theory analysis on the principle of non-interference within ASEAN

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ABSTRACT

Despite its centrality for the organisation, the approach of ASEAN member states towards the *Principle of Non-Interference* has not been consistent ever since the foundation in 1967. So far, the existing scholarship has not been able to provide a comprehensive explanation for the complex reality surrounding the exercise and uses of non-interference. Acknowledging this, the paper first aims at understanding the weaknesses of existing theoretical approaches and why they differ so strongly. The main reasons identified are their ontological and epistemological assumptions that lead them to misunderstand the *Principle* as a static concept. Subsequently, drawing on ideas of Strydom (2011) and Cox (2012) contemporary Critical Theory is tested as an alternative to the existing approaches in the context of a plausibility probe using the case of Myanmar between 2007 and 2020. The meta-level application of contemporary CT reveals that the pathologies concerning the realisation of the socio-practical idea of sovereignty are the consequence of a disregard for the duality of sovereignty and actions beyond the official state level. Meanwhile, the identification of those is considered to contain the potential for transforming this realisation of the socio-practical idea of sovereignty. Both factors seemingly have been given rise by a complex mechanism shaped by implicit socio-cultural background assumptions, historically developed pragmatism, and capitalism. Based on these findings, it is argued that contemporary CT might be better suited than existing approaches to account for the complex reality surrounding the *Principle* and a full-scale application is suggested for future research.

Keywords

Association of Southeast Asian Nations (ASEAN), Critical Theory, Myanmar, Sovereignty, Principle of Non-Interference

TABLE OF CONTENTS

ABSTRACT	I
LIST OF ABBREVIATIONS.....	III
1. INTRODUCTION	5
2. LITERATURE REVIEW	6
2.1 EXTENT OF ADHERENCE TO THE PRINCIPLE OF NON-INTERFERENCE	7
2.2 MOTIVATION FOR (NON-)ADHERENCE TO THE PRINCIPLE OF NON-INTERFERENCE	9
2.3 IMPACT OF THE PRINCIPLE OF NON-INTERFERENCE ON ASEAN AND THE REGION.....	12
2.4 SUMMARY OF MAIN WEAKNESSES OF EXISTING THEORETICAL APPROACHES	13
3. THEORETICAL FRAMEWORK.....	15
4. RESEARCH DESIGN.....	16
4.1 CRITICAL RECONSTRUCTIVE EXPLANATORY METHODOLOGY	16
4.2 PLAUSIBILITY PROBE CASE SELECTION.....	18
5. ANALYSIS.....	19
5.1 PLAUSIBILITY PROBE	20
5.1.1 Problem Disclosure and Constitution	20
5.1.2 Diagnostic Reconstructive Explanatory Critique	21
5.2 FINDINGS AND INTERPRETATION	25
6. CONCLUSION.....	27
6.1 SUMMARY OF KEY FINDINGS.....	27
6.2 LIMITATIONS AND FUTURE RESEARCH AREAS	28
BIBLIOGRAPHY	V

LIST OF ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
AEC	ASEAN Economic Community
AICHR	ASEAN Intergovernmental Commission on Human Rights
APHR	ASEAN Parliamentarians for Human Rights
<i>Charter</i>	ASEAN Charter
CT	Critical Theory
HLTF	High Level Task Force
NLD	National League for Democracy
<i>Principle</i>	Principle of Non-Interference

'In theory, ASEAN should have failed. But in practice, it has succeeded brilliantly. By transforming one of the planet's most conflict-ridden and poverty-stricken regions in the 1960s into one of its most peaceful and prosperous regions, it is clear that ASEAN has delivered a true miracle. This is why only ASEAN can serve as a beacon for the rest of the world.' (Mahbubani and Tang 2018)

1. INTRODUCTION

Although the principle of non-interference (hereinafter *Principle*) is often considered the main factor behind the ASEAN miracle, ‘one of the main political attractions of membership in ASEAN’ (Ramcharan 2000, 79), and the ‘single most important principle underpinning ASEAN regionalism’ (Acharya 2009b, 57), both, the very recent and its ‘older’ history are full of examples of breaches of the obligations imposed by the *Principle*. The debates around the *Principle* have been numerous and scholars like journalists have not only disagreed with regard to the extent of, but also the motivation behind its adherence and its impact on the organisation and the region (L. Jones 2009a; Acharya 2009b; 2018; Suzuki 2019; Leifer 1999; ASEAN Post Team 2018; Tay 2021; Piromya 2019). In most of the cases, they try to answer if and why ASEAN member states decide to (not) adhere to the *Principle* and what are the implications for ASEAN’s internal and external legitimacy. The recent military coup in Myanmar in February 2021 and the discussions it has caused, constitute the latest example of different answers being given to these very same questions.

ASEAN’s action over the years, its apparent moves towards integration and institutionalization, such as the signature of the ASEAN Charter (hereinafter *Charter*) in 2007, and the disciplinary controversy around the role of the *Principle* present an interesting puzzle. In its attempt to solve it, the focus of this research lies on finding out why existing explanations differ so much and on identifying the actual factors and mechanisms that influence approaches towards the *Principle*. Doing so, this paper agrees with Acharya who laments a rather ‘static’ nature of traditional ‘accounts of the sovereignty regime in world politics’ and that ‘much empirical work remains to be done in establishing how the social constructivist process led to the emergence of the key norms of sovereignty such as non-interference’ (Acharya 2018, 72).¹

To detach itself from the rather static existing theoretical approaches, the old questions are rejected and replaced by the following – supposedly more open – research question:

How can the approach of ASEAN member states towards the principle of Non-Interference since the adoption of the ASEAN charter in 2007 be best explained?

A better understanding of the *Principle* is important for various reasons. Firstly, non-interference does not only impact regional relationships but also ASEAN’s official position towards increasing tensions between China and the USA. Secondly, regional institutions such as the ASEAN International Commission on Human Rights (AICHR) are still developing. Therefore, a better understanding of ‘misperceptions’ of common explanations regarding the *Principle* could not only offer a new perspective

¹ Based on R. Jackson (1990), Acharya (2018) argues that non-interference is the ‘negative side’ of sovereignty.

on this very same, but also inform the formulation of respective policies. An enhanced comprehension of non-interference might further provide greater insight on regional collaboration and normative regimes (L. Jones 2009a, 5; Acharya 2003, 388). Finally, through subjecting Critical Theory to a plausibility probe, this paper highlights its theoretical and methodological value within the broader field of IR.

Answering the research question, this thesis employs a contemporary critical theoretical framework, drawing on ideas of Strydom (2011) and Cox (2012). Based on the ontological assumption that ‘social reality is socio-culturally constituted in an open-ended process of constitution, organization, transformation and evolution’ (*ibid.*, p. 10), the paper’s non-positivist approach does not attempt to establish causalities. Instead it moves from ‘an essentialist question of being to a constructivist question of becoming’ (Malmvig 2006, 1). Doing so, the author refrains from constituting variables and causalities upfront and instead adopts a simplified version of Strydom’s *Critical-Reconstructive-Explanatory Methodology* focused on problem disclosure, diagnosis, reconstruction, and explanatory critique. Due to the limited scope, the aim is not to perform a full-scale critical theoretical analysis and provide significantly new knowledge about the *Principle*. Instead – through testing an approach which is ontologically, epistemologically and methodologically different from the majority of the existing scholarship on the *Principle* – this paper settles for the identification of flaws in current debates and overlooked mechanisms and factors that might impact the role of non-interference in ASEAN.

Following the introduction, a review of the dominant literature is presented in which the existing narrative is deconstructed, and the aforementioned weaknesses are revealed. The third chapter sets up the critical theoretical framework that constitutes the base for the methodology. Subsequently, the methodology is elaborated in more detail and the case selection is explained. In the fifth chapter, a plausibility probe is conducted using the case of Myanmar, and it is shown that *Critical-Reconstructive-Explanatory Methodology* might have the potential to better capture the complex reality surrounding the *Principle*. Finally, the thesis closes with a summary of the main findings, the research limitations and potential for further research.

2. LITERATURE REVIEW

Before starting with the critical examination of existing literature, the *Principle* will be introduced quickly. The subsequent review of the main literature is divided according to the three main points of disagreement highlighted in the introduction, namely the ‘extent of adherence to the *Principle*’, ASEAN members’ ‘motivation to (not) adhere to the *Principle*’ and its ‘impact on the organisation and the region’.

Since the foundation of ASEAN, the *Principle* has been a core aspect of the organization, necessary ‘to preserve their national identities in accordance with the ideals and aspirations of their peoples’ (ASEAN 1967). Although this paper – similar to Acharya (2018) - uses the expressions of non-interference and non-intervention interchangeably, it should be noted that the definition of non-interference in ASEAN official documents² shows a concept that goes beyond Westphalian sovereignty and non-intervention as e.g. recorded by the UN *Declaration on Principles of International Law Friendly Relations and Cooperation* in 1970 where intervention is clearly linked to the use of force. Furthermore, the *Principle* is one of the main aspects of the ‘ASEAN Way’, ‘a diplomatic instrument that consists of consultation and consensus[,] [...] politeness and also [a] non-confrontational [...] attitude and approaches, behind-the-door discussions and informal and non-legalistic procedures’ (Don Ramli, Hashim, and Mohammed 2019, 467).

2.1 Extent of Adherence to the Principle of Non-Interference

The statements concerning the extent of adherence to the *Principle* lie at the opposite ends of the scale of potential answers, with the majority of realist, liberalist and constructivist scholarship on ASEAN arguing for continuous adherence and a minority for endless violations. Although upon closer examination, the distance between the two sides decreases and continuous becomes ‘only broken twice’ (Leifer 1999, 35f.) or adhered to when ‘it was in their interest to do so’ (L. Jones 2009a, 7), the difference remains significant. With regard to the reality and key representatives of ASEAN explaining that the organisation’s ‘practice of non-interference has not been absolute’ (Severino 2006, 94) and that ASEAN ‘ha[s] been interfering mercilessly in each other’s internal affairs for ages, from the very beginning’ (Kausikan, 2008 in L. Jones 2010a, 4), the question arises why there is such a discrepancy. The following review of the different argumentations reveals aspects in their underlying ontological and epistemological assumptions that leads realists, liberalists and constructivists to take for granted a certain meaning to the *Principle* (and its adherence) and critical scholars such as historical materialists to do the opposite.

Realism and Liberalism

Differing in the problem identified in need of solving (*balance of power* vs. *scarcity of material resources and arbitrary sovereign states*), both, realists and liberalists treat states as ‘unitary rational and self-interested actors, consider the international system to be anarchic and static, and argue that

² Non-interference means ‘(1) refraining from criticising the actions of a member government towards its own people, including violation of human rights, and from making the domestic political system of states and the political styles of governments a basis for deciding their membership in ASEAN; (2) criticising the actions of states which were deemed to have breached the non-interference principle; (3) denying recognition, sanctuary, or other forms of support to any rebel group seeking to destabilise or overthrow the government of a neighbouring state; (4) providing political support and material assistance to member states in their campaign against subversive and destabilising activities’ (Acharya 2009b, 72).

‘domestic’ factors have no significant impact for the dynamics of international interaction’ (Weber 2007, 96). Acknowledging these ontological (*ceteris paribus*) assumptions and their preference for reducing the number of variables by setting limits and parameters to a particular problem area (Cox 1981, 129), it is clearly visible that realist and liberalist approaches to ASEAN consider the *Principle* a norm with little importance that has only been used ‘either as direct expressions of the prevailing balance of power, or as a cloak of legitimacy’ (L. Jones 2009a, 7). Arguing that ‘[i]n the international system [...] [a] logic of consequences can always prevail over a logic of appropriateness’ (Krasner 1999, 72), scholars focused only on variables and consequences that can be observed and measured. Therefore, they interpret the absence of war and economic relationships between ASEAN members as Non-Interference being the ‘only institutional principle to which ASEAN adheres’ (D. M. Jones and Smith 2006, 167f.). The main reasons for realists and liberalists to claim ‘continuous adherence’ thus seems their epistemological necessity to narrow down problem areas and their focus on ‘hard facts’ that leads them to consider the *Principle* ‘a static concept that is then hypostatized as an unchanging, concrete reality’ (Tamaki, 2006 in Dorman and Olsen 2019, 4).

Constructivism

In contrast to realists and liberalists, constructivists presume that the world of international politics is constituted by human actors, rather than states, and that their interests and behaviour are ‘significantly influenced by [ideas about] who they are, and how they perceive themselves and others’ (Weber 2007, 96). They consequently contend that values and ideas have a considerable impact in shaping political relations and outcomes (Finnemore 2003; 1996; Krook and True 2012). Based on these ontological assumptions, constructivists explain that the *Principle* has mostly or continuously been adhered to because of a historically developed shared understanding of norms and values (Finnemore 2003; Acharya 2009a; Driver 2018; Acharya 2018). Additionally, by declaring adherence to the *Principle* a reflection of ‘deep-seated cultural norms’ (Kahler 2000, 560), they rendered any interference into a rebuttal of their theories and thereby made it ‘attractive’ for scholars to build their argumentation around any violations of the *Principle*, to present intervention as testing of non-interference and failed intervention as evidence for the power of the norm (L. Jones 2010a, 5). Finally, despite their different ontology, the Constructivist scholarship commits the same error like realists and liberalists by making the *Principle* a ‘static concept that is then hypostatized as an unchanging, concrete reality’ (Tamaki, 2006 in Dorman and Olsen 2019, 4).

Historical Materialism

Last but not least, there is the minority of critical scholarship on ASEAN with Lee Jones and his historical materialism being its main representatives. Jones has made it his task to provide a better understanding of the organisation and its way of working and to eliminate misunderstandings especially

regarding the *Principle*. Unlike the existing scholarship, he acknowledges that the *Principle* has not always been adhered to, and therefore does not focus on the extent of its adherence but rather on the motivation for (non-)adherence (L. Jones 2012; 2009a).

2.2 Motivation for (Non-)Adherence to the Principle of Non-Interference

This paper has identified five main factors throughout the existing literature that are used to explain why ASEAN member states do (not) adhere to the *Principle*, namely *External Pressure and Concern for International Legitimacy, Power and Regime Security, Economic Interests, Political System, and Shared Norms and Values*.

Realism

The first and second factor have mostly been used among Realists which consider ASEAN and its processes the result of and the means to balance the continuous power struggle within the region and between ASEAN and the wider international community (Leifer 1999; D. M. Jones and Smith 2006; Don Ramli, Hashim, and Mohammed 2019). Using the example of the ASEAN Intergovernmental Commission on Human Rights (AICHR), it is shown that different realist arguments contradict each other. If *Power and Regime Security* were the most important interests of the states, why would they even bother to create a human rights declaration that could potentially be used as baseline for an intervention against their will (Davies 2014, 115)? Answering this question, realists (Katsumata 2009; Jetschke 2009; Poole 2015) refer to *External (international) Pressure* to improve the difficult human rights situation across the region. Furthermore, they identify an attempt to adapt to ‘Western’ expectations (*Concern for International Legitimacy*). While these surely play a role, realists ignore two important arguments: First, there is a gap between the official commitment to human rights through the establishment of the AICHR and the actual human rights situation (Hara 2019). Second, activism in some of the ‘progressive’ states (Davies 2014, 115) of ASEAN might also have motivated the creation of the declaration and the AICHR (Ryu and Ortuoste, 2014, p. 377). Finally, the main weakness of the realist rational choice model (sovereignty is respected or rejected based on which option provides most ‘utility’ (Krasner 1999)) is that it treats states like ‘black boxes’ (L. Jones 2012) and does neither account for other additional state interests nor for their source.

Liberalism

Explaining the motivation for (non-)adherence to the *Principle*, the liberalist scholarship – referring to the *Political System* and *Economic Interests* – also seems caught up in contradictions. Assuming complex interdependence between actors and the existence of liberal universal values (Keohane and

Nye 1977), liberalists contend that for reasons of rationality, all states prefer to cooperate instead of risking market failure (Keohane and Nye 1977).

Consequently, they argue that ‘only democratization is likely to prompt ASEAN to change this principle’ (Nguyen 2016, 6) and that many ASEAN member states are currently in a democratisation process (Idris and Kamaruddin 2019, 171). This does not only contradict the also liberalist declaration that ‘global ideas, including liberalism, tend to be carefully selected through ASEAN institutions’ (He, 2008 in Bae 2018, 34) but also the fact that according to the Global Freedom Status in 2019 (Freedom House 2019), no ASEAN member state has qualified as democracy from a substantive point of view.

Additionally, there is the liberalist claim of ‘preference for cooperation instead of risking market failure’ that explains why, after the economic crisis in 1997, ASEAN members were willing to strengthen economic integration and to partially soften the *Principle* (Suzuki 2019; Ryu and Ortuoste 2014; Bae 2018) and why they decided in 2007 to launch the ASEAN Economic Community (AEC) Blueprint, ‘the most ambitious regional economic integration initiative in the world outside of Europe’ (L. Jones 2015, 1). In contrast to this, the failure to fully establish the AEC by 2015 suggests there are other, potentially stronger, preferences than the one recognised by liberalists. According to Jones (2010a; 2015) the reason for this is that, despite the liberalist focus on domestic political coalitions and institutions (Solingen 1998; Bae 2018), they neglect the impact of domestic struggles between social and political forces on the state’s decisions (L. Jones 2010a; 2015).

Constructivism

Although constructivist scholars seemingly agree that *Shared Norms and Values* have been the main factor behind (non-)interference (Finnemore 2003; Acharya 2009a; L. Jones 2009a; Driver 2018; Kahler 2000), the review of constructivist literature on ASEAN reveals significant disagreements on how they impact the *Principle*, what it actually means to (not) adhere to it, and if and how the impact of norms has changed over the last few decades.

Acharya (Acharya, 2009a in L. Jones 2012, 3) asserts that *Shared Norms and Values* ‘do not merely ‘regulate’ behaviour [...] [but] acquire a ‘life of their own’, produc[e] ‘cognitive transition’, [and] redefin[e] states’ interests and identities through ‘socialisation’’. If this was true and ASEAN states would have been truly socialized, how can constructivists explain the numerous interventions (e.g. Cambodia, Timor-Leste, Myanmar etc.) throughout the years? They have two, slightly opposing, ways of doing so. One way is discarding it as ‘testing’ non-interference (Acharya 2009b, 127–34). Another is that rather than representing a renunciation of the *Principle*, interference (e.g. Depayin incident)

qualifies as ‘enhanced interaction’³, a concept established as alternative to Pitsuwan’s ‘flexible engagement’ in the wake of the 1997 financial crisis (Haacke 2005, 189f.).

Sometimes, scholars even contradict themselves. For instance, in one work Acharya explained that non-interference is ‘the single most important principle underpinning ASEAN regionalism’ (2009b, 70) and in another that ASEAN members have actually deliberately damaged the ASEAN Way and thereby the *Principle* (Acharya 2009a, 493). This divergence between strength and decline is perpetuated by several scholars in favour of the latter, explaining that the ‘increasing regional integration has led to the erosion of old norms, allowing for modern values of good governance and increased accountability’ (Driver 2018, 122) or referring to a ‘global normative shift away from the traditional understanding of state sovereignty as guaranteeing rights of non-interference towards acceptance of sovereignty as responsibility’ (Bellamy and Drummond 2011, 180). A similar disagreement is also found regarding the *Charter*, with some scholars contending that it constitutes an institutionalisation and strengthening of the norms (Tan, 2017) and others calling it the consequence of a need for recalibration and change (Tamaki 2006; Poole 2015; Woon 2017). The reality provides a third perspective, with ‘less democratic regimes upheld[ing] the traditional concern for non-interference’ (Yates 2019, 242) and with the most recent example of the military coup in Myanmar that has so far not experienced any significant intervention from the other ASEAN member states (Kurlantzick 2021).

Overall, the constructivist scholarship seems ‘too optimistic about the power of norms to reconstitute and drive the behaviour of actors’ (Davies 2014, 117) and unable to provide a clear explanation for the impact of international norm shifts and developments. Furthermore, in all their theories it is rather unclear ‘why some [*Shared Norms and Values*] are selected and prioritised over others to produce (non)intervention’ (L. Jones 2010a).

Historical Materialism

According to Jones, ‘non-interference has been governed not by ‘normative’ beliefs nor by ‘national interests’, but rather been upheld or ignored in line with the interests of the region’s dominant social forces in maintaining particular social and political orders’ (L. Jones 2010a, 2). In other words, ASEAN states have been guided by the *Economic Interest* of their elites and their interest in reproducing existing power structures (L. Jones 2015; 2013). Jones explains that, from the very beginning, when the *Principle* was established ‘to defend the capitalist social order’ against rising communism (L. Jones 2013, 2) until today, when governments ‘deviate from ASEAN’s sovereignty-centric norms...when they recognize that failure to cooperate could undermine...economic growth’ (Nesadurai 2008, 227) the interests of the elites were decisive. Even for the case of Myanmar, he illustrates why other theoretical approaches fail

³ ‘Enhanced interaction’ means that member states are allowed to comment on ‘domestic affairs’ of others, while ASEAN is not (Haacke, 2005, p.189f.).

to explain why ASEAN does (not) interfere and how economic interests of national elites (e.g. Thaksin's investment in Myanmar) shape regional politics (L. Jones 2010b, 106). His explanations are strengthened by words of politicians such as Severino, who declared that non-interference is governed by 'pragmatic considerations' (Severino 2006, 94). Acknowledging the strong rationale of the historical-materialist approach, this paper nevertheless appreciates informal foreign ministers' retreats, the increasing intraregional cooperation (e.g. for environmental purposes) and demonstrations for democracy in ASEAN member states over the past few years (e.g. Thailand 2013, Myanmar 2021). All suggest that despite the power of national elites on governmental interaction, one also has to consider actions and actors beyond the official state level to explain ASEAN's approach towards the *Principle*, namely informal diplomacy and civil society activism and networks (Elliott 2003, 48).

2.3 Impact of the Principle of Non-Interference on ASEAN and the Region

When it comes to the impact of the *Principle*, there is a plethora of diverging opinions.

Realism

From a realist perspective, ASEAN is 'a somewhat incoherent grouping of weak states that has little influence on regional order relative to the great powers' (D. M. Jones and Smith 2006; Leifer 1989) and although the norm is an 'integral component of its aspiration to a security community' (Leifer 1999, 35), it has transformed ASEAN into a 'paper tiger' (Chareonwongsak 2018, 91) that is ineffective and unable to cooperate (Don Ramli, Hashim, and Mohammed 2019, 472). According to Shambaugh (2020), this weakness has been particularly visible in ASEAN's 'inability to mediate territorial disputes in the South China Sea or to stop China's militarized island building in those waters' (Shambaugh 2020). Interestingly, the quantity of cooperations with different great powers (e.g. ASEAN Plus Three) shows that other states actually do award ASEAN importance.

Liberalism

The liberalist perception of the ASEAN Way principles as a 'barrier for successful integration' (Jetschke and Rüland 2009) is not much more positive. Liberalists often argue that the ASEAN community was at least partially inspired by the European Union and its aspiration for socio-economic progress and normative standards and obligations (Idris and Kamaruddin 2019; Jetschke 2009). Consequently, they tend to compare European 'success' with Asian 'failure' (Katzenstein 1996, 125) and 'make glib and uninformed criticisms about the slow pace of political and economic integration in ASEAN' (Woon 2017, 246). This is in contrast to the actual situation on the ground where politicians state that there has never been a desire for supra-nationality and that the idea of an 'ASEAN Union was dropped from the outset' (ibid.). Instead, the decision for the *Charter* was made in the aftermath of the economic crisis 1997, when 'it was felt that the "ASEAN Way" of making things up as the member states went along was no

longer satisfactory' (ibid.). Actually, there are many examples that ASEAN has been successful despite not being an exact copy of the EU, such as the economically extremely optimistic youthful population of Indonesia (Mahbubani and Tang 2018).

Constructivism

For constructivists the *Principle* constitutes the 'essential normative paradox of contemporary Southeast Asian and Asian regionalism [because] the very norms and practices that have kept ASEAN and its offshoots internally viable have also limited their effectiveness in dealing with external and global challenges' (Acharya 2009b, 297). In particular Acharya sees the problem in the quality of socialization following membership expansion and its refusal to go beyond the norm of non-intervention' (Acharya and Stubbs 2006, 131). In contrast to this explanation that the *Principle* is rather hindering for the organization and requires change, Mahbubani and Tang highlight that it actually also has a positive impact because it helped to transform Southeast Asia into a relatively stable region and into an organization that 'all the great powers instinctively trust' (Mahbubani and Tang 2018). The fact that every year, additional countries accede the Treaty of Amity and Cooperation in Southeast Asia (TAC) – a document that specifically promotes non-interference – proves that, despite the criticism that many dialogue partners of ASEAN might express, internationally, the *Principle* is relatively accepted.

Historical Materialism

According to Jones, although the adherence to the *Principle* sometimes has a negative impact on ASEAN's international standing and economic relations with the West (L. Jones 2012, 33ff.), abandoning it, 'rather than solving problems, might well exacerbate and multiply them' (ibid., p. 228). Furthermore, due to the 'prospect of more democratic backsliding and authoritarian practices' and 'increasing geopolitical competition between the United States and China', the importance of 'lowest common denominator norms' like the *Principle* might be strengthened to avoid further dividing the region' (L. Jones 2017, 97). The recent suggestion of 'prominent Singaporean former diplomat Bilahari Kausikan [...] that the ten-member body might feel compelled "to cut loose the two [(Cambodia and Laos)] to save the eight"' (Coca 2020) however weakens this quite utilitarian approach.

2.4 Summary of Main Weaknesses of Existing Theoretical Approaches

Existing theoretical frameworks and methodologies are to a certain degree able to explain ASEAN's approach towards the *Principle*, the extent to which it is adhered to and the impact it has on the organisation and the region. Nevertheless, they contain weaknesses which result in contradictions and sometimes even the failure to accurately depict reality.

One of the main problems is that many scholars still focus on ‘the question of whether its adoption follows a logic of expected consequences or a logic of appropriateness’(Nguyen 2016). This shows that the *Principle* is misunderstood ‘as a static concept that is then hypostatized as an unchanging, concrete reality’ (Tamaki, 2006 in Dorman and Olsen 2019, 4) instead of the flexible political tool that it actually is (Nesadurai 2009). One phenomenon connected to this and criticized by Jones is the realist, liberalist and constructivist reification of the state which ignores the fact that the state itself is ‘the product of contending social forces’ (2009a, 9) which ‘reflects and essentially underpins the prevailing hierarchies of power embodied in the social order’ (Hewison, Robinson, and Rodan 1993, 6). Besides, realism has a too strong focus on power, liberalism is too concerned about market stability, constructivism is ‘too optimistic about the power of norms’ (Davies 2014, 117) and historical materialism assumes the national elites’ power to be infinite. Thus, all take for granted a certain meaning to the *Principle* or a certain way, meaning is granted to it. Sometimes, in the quest of proving a theory’s superiority in the academic debate, this certain meaning is assumed although reality shows a different picture.

What’s more, ‘much of what happens in ASEAN takes place beyond public view’ (Woon 2017, 249) and there sometimes is a gap between ASEAN’s verbal commitments and its actions. In the existing literature, Jones’ historical materialism is probably the most suitable approach towards explaining this gap and ASEAN’s conduct regarding the *Principle*. However, even his explanations are not free of weaknesses. His statement that the *Principle* will not change in the near future (L. Jones 2017, 94), again highlights the staticity of his theorising.

Finally, no matter what impact scholars or politicians attribute to the *Principle*, it is clear that, in reality ‘the principle [of non-interference] can never be fully realized [...] [because of] the ecological interrelations between the sovereign territories of states [...] [and] because this principle is *conceptually limited* to the realm of state sovereignty but *enacted* within the context of increasingly liberalized global markets dominated by increasingly powerful non-state actors [...] that respect state sovereignty perhaps in word, but not necessarily in deed’ (Dorman and Olsen 2019, 2). The ongoing Covid19 pandemic and the annual haze, often caused by transnationally operating companies, prove this point.

In its attempt to mitigate the weaknesses of the existing approaches and to theoretically and methodologically better account for the complex reality around the *Principle*, this paper will now apply a contemporary critical theoretical approach and see if it can be used to better explain ASEAN’s approach.

3. THEORETICAL FRAMEWORK

The theoretical framework is inspired by the concept of Critical Theory (CT) as introduced by Piet Strydom (2011) in his book 'Contemporary Critical Theory and Methodology' and Robert Cox's reflections on CT in his interview with Brincat, Lima and Nunes (2012). The scholars have very different approaches, and they are acknowledged in the field of CT. The decision for referring to both is deliberate and based on the understanding that they might complement each other, with Strydom having a highly philosophical and Cox a political-economical and arguably more pragmatic perspective. In the following, first Cox's ideas will be outlined to substantiate the ontological position taken in this paper. Subsequently, Strydom's concept of *Immanent Transcendence* will be contoured to set the basis for the methodological chapter.

According to Cox, 'theory is always for someone and for some purpose [and] all theories have perspectives [which] [...] derive from a position in time and space, specifically social and political time and space' (Cox 1981, 128). Later arguing that this statement was a call to be more critical about what a particular theory is for (Cox 2012, 19), Cox sees the role of the critical theorist as to question the established order and identify the problems within it and 'the openings that are likely to bring about structural change in the future' (*ibid.*, p. 20). Regarding the developments of the 21st century, Cox argues that one has to '[m]ove into the direction of a more plural concept of the world' in which 'different peoples [...] [are] able to develop their own forms of society and organization [...] not by having something forced upon them from the outside' (*ibid.*, p. 31). He also predicts that civil society will become more important for stimulating change and that its networks and organisations will be vital actors within multilateralism (*ibid.*, p. 28f.). One weakness of Cox's approach – and supposedly of many other Critical Theorists (Strydom 2011; Oliveira 2018) – is the lack of methodological detail in his explanations. His methodological proposal of 'look[ing] at the material conditions, ideas, institutions, production relations and world orders but not in any systematic form' (Cox 2012, 19) is rather vague.

To overcome this vagueness, this paper refers to Strydom (2011), for whom social reality represents a process of transformation characterized by the tension between the constitution and organization of society (Strydom 2011, 106). Attempting to strengthen the role of CT as a powerful tool for academic transformation, Strydom re-established the concept of *Immanent Transcendence*. The concept is the result of the pragmatist turn of CT⁴ which emerged from an attempt to overcome the gap between empirical analysis and normative theorising that had been criticised since the introduction of critical theory to International Relations Theory in the 1980s (Oliveira 2018; Strydom 2011). According to

⁴ CT and pragmatism were merged to create a theoretical approach that does not only provide an explanation of the functions and causes of problems but also opens up a way of solving them (Strydom, 2011, p.85).

Immanent Transcendence, the before-mentioned ‘openings [...] likely to bring about structural change’ (Cox 2012, 20) are transcendent ideas that ‘are present in all human forms of life’ (Strydom 2011, 87). Despite being ubiquitous however, ‘it is only under certain conditions that they are understood as simultaneously available in, yet transcending, the actual situation as still unrealized ideas which, if realized, could transform the status quo’ (ibid.).

Following this theoretical approach ‘the actual situation’ is conceptualised along three dimensions: a normative, an ‘agency-structure’ and a ‘micro-meso-macro’ dimension (Strydom 2011, 142). The normative axis is theoretically captured by the concept of *Immanent Transcendence* and connects immanent pragmatic presuppositions and idealized counterfactual ideas of reason. The two latter axes constitute the so-called ‘certain conditions’ that impact how immanent transcendent ideas are perceived and translated into action. Based on this understanding, the starting point of any critical analysis should be a moment or situation in which immanent reason contains a surplus of situation-transcendent norms and in which there is a tension between those two. What follows is a multilevel methodological approach that starts with the analysis of this tension and subsequently puts it into relation with the conditions that gave rise to this situation (ibid., p. 106).

4. RESEARCH DESIGN

In short, the concept of *Immanent Transcendence* refers to ‘accumulated historical potential in the form of socio-practical ideas of reason [...] that critical disclosure makes or could make apparent so that the potential is or could be realized to some degree through appropriate social practices’ (Strydom 2011, 135). It also constitutes the basis for the general methodological structure of CT insofar as it guides its focus to tension between the immanent practices and their transcendent surplus meanings as ‘anchor’ of investigation (ibid.). In the following, this methodological structure and the case selection for the plausibility probe will be elaborated.

4.1 Critical Reconstructive Explanatory Methodology

The CT methodology in this paper is based on a simplified version of Piet Strydom’s contemporary critical theory (2011) and its ‘critical-reconstructive-explanatory methodology’ (Oliveira 2018). The process of knowledge production therefore consists of three semiotically mediated methodological moments, namely problem disclosure and constitution (1), diagnostic reconstructive explanatory critique (2), and scientific-public validation and practical application (3). These steps are not performed successively and isolated from each other, but instead they are interrelated and part of an iterative process. Thus the process of knowledge and meaning production reflects the actual social practices of societal creation, reproduction and organization (Strydom 2011, 151f.). As a consequence of the limited

scope of this thesis, the third step of scientific-public validation and practical application is not tested. For reasons of completeness, it will nevertheless be quickly introduced.

1) *Problem Disclosure and Constitution*

The first step is the identification of an ‘appropriate’ problem or ‘social pathologies of reason’ (Strydom 2011, 152). In other words, CT is interested in those moments, where tension arises between an immanent practice and its transcendent potential that is ignored as a consequence of ‘taken-for-granted background assumptions underpinning everyday social life’ (ibid.). In the case at hand, the problem serving as starting point is the still-not-completely-understood approach of ASEAN member states towards the *Principle* and the contrasting interpretations and justifications of it. Following the objective disclosure of the problem situation, abductive inference is applied to reconstruct the problem in more detail and to ‘imaginatively establish connections’ (ibid., p. 155) between the normative, the agency-structure and the micro-meso-macro dimension of its historically specific context. According to Rytövuori-Apunen (2009, 644) abduction is particularly suited for doing this, because ‘[n]othing new can ever be learned by analysing definitions, that is, by restricting the intellectual operation to the deductive and inductive modes of inference, because in these cases the possible knowledge is already included in the premises’⁵. Therefore, using the means of thick description and interpretation, abduction aims to create a meaningful rule or theory based on its observations of the greatest possible amount of information (Reichertz 2014, 127–30). To make sense of the identified tension, abduction ‘resorts to past experience [and] makes analogies from case to case’ (Kurowska and Bliesemann de Guevara 2020, 1217).

2) *Diagnostic Reconstructive Explanatory Critique*

The main ‘tool’ applied in a CT analysis is reconstruction. It is used for the identification and recovery of the structuring forces that caused the tension, recognised throughout the first methodological moment. After the initial abductive linking of various aspects of the problem situation, the acquired knowledge is reconstructively diagnosed, and the problem is identified in its concrete context. Using diverse methods such as media analysis, discourse analysis, qualitative content analysis and analysis of official documents, the reconstructive diagnosis of the social field around the *Principle* allows the different actors and their interactions to be empirically identified and evaluated. To check the findings of this diagnosis, a metacritical perspective (genealogical proviso) is assumed to preclude the possibility that the tension has only arisen because of an instrumentalization of normative ideas (Strydom, 2011).

⁵ The findings of the preceding literature review underline the author’s statement.

Subsequently, reconstructive critique is applied to this reconstructive explanatory model, and the constraints in the understanding of ASEAN members' approaches towards the *Principle* are negatively exposed while their potential is positively disclosed. This process is applied both on the immanent and the transcendent level and is supposed to provide an adequate diagnosis of the nature of the situation and the social pathology (ibid.).

Finally, an explanatory critique has to be provided. Its goal is the identification and presentation 'of [the] structure(s) or real mechanism(s) as causal factor(s)' that hinder the fulfilment of the identified potential (ibid., p. 153).

3) *Scientific-Public Validation and Practical Application*

After the first and second methodological moment, the empirical analysis and theoretical elaborations should be exposed to scientific-public and practical validation. They are required to achieve the CT objective of actual societal transformation. According to Strydom (2011, 164) this process is characterized by multilevel reflexivity and includes the discursive testing of CT's procedure and findings as well as the discussion of the presented actions that could transform the situation. The presentation and validation are very important, if contemporary CT's pragmatist requirement for finding a solution to the identified pathology is to be fulfilled. However, since this involves a continued process of publication, discussions and practical testing of the ideas, the validation has to be part of future research.

4.2 **Plausibility Probe Case Selection**

The preceding analysis of existing literature on the *Principle* and ASEAN members' approaches towards it, has revealed a clear tension between the immanent practice of non-interference and its attributed surplus meaning. Furthermore, the various examples used have demonstrated that this tension is not a singular, temporally and spatially limited phenomenon. Instead it has occurred repeatedly since the establishment of ASEAN in 1967. Acknowledging the resulting multitude of potential cases that could be analysed using CT to better understand ASEAN's approach towards the *Principle*, the case of Myanmar has been selected for two main reasons that are outlined in the following.

First of all, there have been numerous moments of tension regarding the immanent practice of non-interference. They increased since the adoption of the *Charter* in 2007, starting with Indonesia's, Thailand's and the Philippines' delay to ratify the *Charter* as a reaction to Myanmar's austere human

rights situation (Arendshorst 2009, 111) and continuing up to the most recent military coup in February 2021 which has yet to reveal its impact on the *Principle* (Kurlantzick 2021).⁶

Additionally, the developments in Myanmar include three major aspects that have been frequently mentioned in debates on the *Principle*, namely democratisation, human rights and economic interests. The first has been a particularly pressing topic up to the (procedural) ‘democratisation’ of the country in 2010 and continues to be a matter of concern. Human rights have likewise frequently been discussed in relation to Myanmar, the most infamous example being the escalation of the Rohingya conflict in 2017. Finally, as highlighted in Jones’ most recent book (Carroll, Hameiri, and Jones 2020), economic interests have influenced ASEAN member’s behaviour (and thereby the *Principle*) ever since Myanmar’s gradual opening of the market and the privatisation of the state economic enterprises in the 1990s.

5. ANALYSIS

Before starting with the plausibility probe, a short classification of the Myanmar’s role within ASEAN is provided.

Despite an instable domestic political situation, including various brutal crackdowns on opposition members throughout the 1990s which attracted significant international critique and sanctions, Myanmar was admitted to ASEAN in 1997. ASEAN was highly criticised for this step by the international community and even forfeited some legitimacy. That said, together with the admissions of Cambodia, Vietnam and Laos, it also demonstrated the inclusiveness of the ASEAN ideal concerning the form of government (Woon 2016, 8; Yates 2019), as well as ASEAN’s resilience towards international pressure (Yates 2019). As a consequence of Myanmar’s (and the other members’) admission to the organization, their domestic problems officially became ASEAN’s ‘responsibility’ and their impact on the organisation’s reputation increased significantly. At the same time, due to the *Principle* and the requirement for unanimity between ASEAN members, it became extremely difficult for the organization to officially react to these domestic problems, since most of the time the concerned member states’ regime was somehow involved and therefore rejected external interference. Concerns about their regime’s security led particularly the new member states to demand the inclusion of the *Principle* next to the principles of good governance, democracy and human rights, in both the *Charter* and the ASEAN Declaration of Human Rights (Woon 2017; 2016; L. Jones 2012). Regarding its role in ASEAN, Myanmar’s self-perception of ‘having equal footing with the other members’ (Bwa 2009, 28)

⁶ This thesis does not consider the events related to the military coup since they are still unfolding.

is in stark contrast to its weak economic position in the region and its increasingly negative impact on the ‘integrity of the bloc in the eyes of the international community’ (Pongphisoot in Sabpaitoon, 2019).

5.1 Plausibility Probe

Contemporary CT and its methodology have been introduced as potential alternatives to the existing research because the theoretical impartiality and reconstructive methodology could be helpful to understand the complex reality around the *Principle* and to identify causal mechanisms that have not been considered before. With the help of the following plausibility probe, it is tested if any interesting findings result from using contemporary CT.

5.1.1 Problem Disclosure and Constitution

The example of Myanmar contains various tensions concerning the (immanent) praxis of non-interference⁷ that point to a (transcendent) potential that is currently not realised. One tension, for instance, arises from the disjunction between the consolidation of the *Principle* in the *Charter* in 2007 and the actual alternating conduct between interventions such as the pressure on Myanmar to become more democratic (L. Jones 2009b; 2017) and non-interventions such as the apparent reticence in the Rohingya conflict (CESRAN International 2018). The latter case leads to two other moments of tension. First, there is the justification of reserve towards severe human rights violations on the basis of the *Principle*, although both, human rights and non-interference are recorded in the *Charter* and therefore supposedly equally important. Second, despite the official declaration of non-interference, interference⁸ actually takes place, but on an unofficial level. Examples for this reach from informal discussions between the foreign ministers (Woon 2016) to investigations executed by networks such as the ASEAN Parliamentarians for Human Rights (APHR 2018) or outspoken critique from civil society organisations (Desker 2020). Due to the gravity of the situation and their mainly Muslim population, Malaysia and Indonesia went further and expressed criticism publicly. Although their reactions did not even mention the term ‘Rohingya’, their behaviour was met with criticism from other ASEAN members (Jeffrey and Puteri Amida 2019; Piromya 2019).

Following this objective disclosure of potential problems is the constitution of the object of study through the means of abductive inference. This means that logical and imaginative relations are established among the micro, the macro and the normative dimension. Initially, there is the experience on the ground by Burmese citizens such as the Rohingyas and other ethnic minorities, who are attacked by the government (micro level). The reprisal has not stopped, not even after the country became a procedural democracy in 2010 or the NLD won elections in 2015. International pressure and

⁷ See footnote 1.

⁸ See footnote 3.

intervention, especially from ASEAN, might be able to stop the suffering. However, the organisation has been rather inactive (macro level), which has proven detrimental to the affected parts of the population. Both, human rights and non-interference, are embedded in the *Charter* for the purpose that ‘the peoples and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment’ with their well-being being placed at the centre of ASEAN (ASEAN 2007, 2 & 4). That said, there is a clear gap between the use of the concept of sovereignty (normative level) on the micro and macro level. At the same time, the concept’s impact on both levels (micro and macro) renders it one of the main links between them.

The subsequent analysis is directed towards better understanding the concept of sovereignty in the ASEAN context. Doing so, the focus will be on the process of practical realisation of the idea of sovereignty, particularly the diverse and even conflicting practical uses made by different actors. The official rationale for ASEAN’s actions is that respect for its member’s sovereignty ensures regional and organizational stability, but it actually has a wider social impact (Piromya 2019; Mahbubani and Tang 2018). Since it affects different levels of society in distinct ways, the concept results in a variety of diverse interpretations and usages. Acknowledging this, the practical rationality surrounding the concept of sovereignty becomes the starting point for the diagnostic reconstruction.

5.1.2 Diagnostic Reconstructive Explanatory Critique

To begin with, the analysis focuses on how the concept arises in the immanent social practices performed in its name and on the actors involved in the social field. In other words, this paper revisits the moments of tension that have been described above and ask what sovereignty is represented or understood to be.

1) Reconstructive Diagnosis

‘After four decades, it was felt that the “ASEAN Way” of making things up as the member states went along was no longer satisfactory’ and that ASEAN needed to assume a legal identity, establish an institutional footing and develop enforcement mechanisms (Woon 2017, 246). To achieve these goals, a High Level Task Force (HLTF)⁹ was instructed to draft a charter that would serve as a baseline. From the beginning of the negotiations, it was clear that no one would compromise on their sovereignty (ibid.). Although all members agreed on this, the inclusion of other principles such as human rights, good governance or even democracy shows that there were different notions of the idea of sovereignty, with particularly the newer members seeing it restricted to regime security and external relationships while others added to this perspective the internal relationship and obligations between ruler and ruled. Eventually, all members were willing to sign the general statements, but only under the condition that

⁹ Group composed of one high level representative from each ASEAN Member Country and assisted by not more than four experts to carry out the drafting of the ASEAN Charter.

the charter would not contain any real enforcement mechanism (Woon 2016). In addition, the ratification also took place with the knowledge that many aspects had actually been referred to later discussions (Woon, 2017).

Thus, although often related to it, the pressure on Myanmar to democratize was in fact not a consequence of the *Charter* and a changed official conception of sovereignty and democratic values – at least not completely. Instead, it seems to be an attempt to compensate the legitimacy deficit that ASEAN had suffered when admitting Myanmar to the organization in 1997 (Yates 2019). The question is, why was there no considerable contestation? The answer becomes clear when acknowledging that ‘much of what happens in ASEAN takes place beyond public view’ (Woon 2017, 249) and when taking a closer look at the democratisation process of Myanmar, which is often considered as having resulted in an entrenchment of military rule (L. Jones 2012). The latter shows itself not only in the ‘carefully rigged [...] electoral framework for the 2010 national elections’ (Freedom House 2013, 123) and the continued military dominance in all governmental institutions, but also in the military’s ongoing reprisal of ethnic minorities in the border regions. Hence, it seems that the democratisation process was at least not fully against the will of the country’s government (and therefore no actual interference) but instead it was accepted as a means to the end of re-establishing Myanmar’s and to some extent also ASEAN’s legitimacy as sovereign entities (Yates 2019).

The most infamous reprisal of ethnic minorities in Myanmar is probably the case of the Rohingyas in the Rakhine state. The century-old conflict escalated again recently, when more than 700,000 people fled after a brutal military crackdown against Rohingya insurgents in 2017 (Council on Foreign Relations 2021). In the justification for the organisation’s official reticence and its decision to settle for expressions of concern and support, the *Principle* was numerous referred to (ASEAN Post Team 2020; Choudhury 2018). This reaction has internationally been met with a lot of criticism (ibid.) and it seems to be in contrast to human rights articles in the *Charter*. Yet, when looking at regional developments such as the military coups in Thailand, or the Philippines’ war on drugs under Duterte (Kurlantzick 2021), or Jones explanations about economic interests of ruling elites (Hameiri and Jones 2020), it does not surprise.

Something that so far has not found significant attention in existing explanations on ASEAN’s approach towards the *Principle*, is the fact that beyond the official level, there is oftentimes some kind of interference between the different member states. In the case at hand, the interference reaches from informal meetings between the foreign ministers, fact-finding missions of individual parliamentarians that have joined forces in the APCR (APCR 2018), critique and inquiries from regional research organisations (Tang et al. 2020) to civil society groups applying pressure on Myanmar, their national governments and ASEAN (Forum-Asia 2018). Although one could say that the situation of the Rohingyas has not significantly improved, it should be considered that the fact that unofficial meetings

take place is already significant (Woon 2016, 60). Additionally, ‘if a well-organised, regime-threatening social movement were to emerge, governments in the region would [probably] find it difficult to come up with an effective reformist response’ (Hughes 2020, 128).

The reconstruction shows that sovereignty is far more than a simple abstraction or norm. Instead, it is a socio-practical idea of reason (as defined by critical theorists) that has become a regulative idea justified in social reality. In this role, it guides and regulates the actions of the actors, who attribute it different surplus meanings such as regime security, regional stability, or pragmatism. On the basis of empirical examples, it has been displayed that the actualization of the idea of sovereignty, when reduced to official state action driven by the economic interest of the elites (L. Jones 2012), clashes with the actual needs on the ground and the purpose of ASEAN to provide a just, harmonious and democratic environment. It has also been revealed that acknowledging a meso-dimension of non-state actors is necessary to better understand how the concept of sovereignty arises in immanent practices.

2) Reconstruction under Genealogical Proviso

The task of the genealogical test is to ask if the tension has only arisen because normative regulating ideas have been instrumentalised. Performing this task, the paper refers to Jones, who has clearly affirmed this question (L. Jones 2012; Hameiri and Jones 2020). According to him, the approach of ASEAN member states is the result of economical and power-related interests of the national elites. The evidence he provides in his numerous works on the topic is convincing and acknowledged among the academic society and this paper therefore refrains from denying an instrumentalization of the idea of sovereignty by the elite. Instead, it argues that the reality surrounding the realisation of the idea is too complex for it to be reduced to the result of an instrumentalization.

3) Reconstructive Critique

On this empirical social basis, CT proceeds with a critical analysis targeting both negative features and positive potential of the immanent practice of sovereignty and its ignored potential.

On the negative exposing side, two factors are identified that result in a pathological realisation of the idea of sovereignty. First, it seems that sovereignty is only considered from an external perspective that focuses on ‘relationship[s] between independent [and sovereign national] political communities’ (Malmvig 2006, 77). Consequently, the problem has been perceived and represented to be the incompatibility of regional stability with interference. Only when regional stability is at risk through the actions of a member, such as in the case of Myanmar after its admission, interference is considered somewhat compatible with regional stability (Mahathir, 2003 cited in Oishi and Ghani 2016, 98). After Myanmar had become a democracy in 2010 and legitimacy was at least partially restored, ongoing

reprisals of ethnic minorities could again be represented as internal affairs and thereby non-intervention could be justified. In other words, ASEAN members seem to neglect the duality of sovereignty and that it also has an internal side, namely the obligations of the state towards its citizens (Malmvig 2006).

Second, almost all of the reporting and academic research on the *Principle* is focused on official state action. By discursively discarding the possibility and influence of non-state actors and ‘forceful but friendly persuasion’ (Woon 2016, 46) on an informal level between state actors, it could be assumed that the authors literarily reproduce a status quo, in which state action is highly influenced by national political and economic elites and sovereignty is only interpreted in their interest.

On the positive disclosing side, the identification of these two factors contains a potential for transformation. For example, the awareness of the duality of sovereignty and its ignored internal dimension can function as point of departure for a more critical discussion around the concept and how it is discursively constructed and reproduced. The result could be that human rights are considered part of the obligations of internal sovereignty, which, in turn, would render intervention on the basis of human rights less incompatible with the concept of sovereignty and regional stability. It could also allow for the recognition of non-official actions and actors and their importance for the realisation of this duality. Additionally, it might help all actors involved to develop a better understanding of their role in ASEAN and to reconsider, revise and increase their participation accordingly. Doing so might result in a strengthening of the ‘non-official channels’ of interference and thereby allow the organisation to officially adhere to the *Principle* while also living up to other principles in the charter. Finally, the insight that interference is not limited to official state action might advance the academic discussion about the approach of ASEAN members towards the *Principle*.

On closer examination, it furthermore becomes clear that the two negative constraining factors and the potentials are each mutually dependent on one another and therefore some kind of reinforcing dynamic has arisen. That said, the focus on external sovereignty automatically results in blindness to non-official actions and the focus on official actions directly leads the more concentration on external sovereignty. This effect could also work vice versa in a potential transformation process in which the acknowledgement of internal sovereignty quasi automatically leads to recognition for non-state actors and the other way around.

4) *Explanatory Critique*

The last step is the identification of the causal complex that hinders the fulfilment of the identified potential and produces the pathologies of sovereignty as social idea of reason. Based on the preceding examination, implicit socio-cultural background assumptions, historically developed pragmatism, and capitalism seem to be among the main determining mechanisms.

This causal complex has driven ASEAN's external focus on sovereignty, starting with its very foundation that took place to prevent international interference and the rise of communism (Acharya 2009b; Chachavalpongpun 2018). It has led ASEAN members to include not only human rights and good governance, but also the *Principle* in a *Charter* that 'every member state [had to be] comfortable with' (Bwa 2009, 28) and to leave it to 'civil society to pick up the ball¹⁰ and run with it' (Woon 2016, 136). It also explains why the idea of sovereignty is instrumentalized by national elites that have created the discourse around the *Principle* in a way that allows them to pursue their economic and power-related objectives.

5.2 Findings and Interpretation

The application of contemporary CT methodology discloses two major findings.

First, looking at the case of Myanmar using the concept of *Immanent Transcendence*, it has been able to identify sovereignty (and thereby non-interference) as socio-practical idea of reason. Thus, sovereignty is more than just a 'tool' used by states (*Realism and Liberalism*) or national elites (*Historical Materialism*) to promote their economic and power-related interests, or an 'internalized value' (*Constructivism*). Instead it is recognised as a fluid concept and 'socially constructed complex of social meanings which relates various dimension[s] of social reality to one another' (Strydom 2011, 218), that is 'daily (re)made' through the practices and discourses surrounding it (Malmvig 2006). Acknowledging this, every decision and action regarding the *Principle* becomes the result of an 'ongoing [and historical] discursive struggle over the definition and conceptual framing of problems, the public understanding of the issues, [...] shared meanings [...], and criteria for evaluation' (Fischer and Gottweis 2012, 7) and 'the politics involved' (Malmvig 2006, 171). To say it with the words of one of the members of the HLTF: 'ASEAN will evolve [...]. The Charter [, and hence the *Principle* anchored in it,] will have to reflect the evolution of ASEAN. It is likely that [...] [this process] will never be completed' (Woon 2017, 250).

Second, the analysis of the environment surrounding the practical realization of sovereignty has revealed that the limitation of (non-)interference to official state actions ignores the complex reality of the *Principle*. It has been demonstrated that, to understand ASEAN members' approach towards the *Principle*, one has to deconstruct the state within two dimensions. Firstly, one has to distinguish between official announcements such as statements from the foreign ministry and informal communication channels, such as foreign minister retreats (Woon 2016, 60f.). Secondly, one has to consider the actions of a plethora of actors such as individual parliamentarians or civil society organisations. Although Jones (2012, 2020) has taken one step in the right direction by deconstructing state action to be the result of

¹⁰ Metaphor (Woon, 2016, p.136) to describe the establishment of 'an appropriate regional mechanism on human rights'.

different national economic elites, his analyses do not include the many ‘interferences’ happening on other levels and by other actors.

Using these findings, this paper now returns to its initial aims of better understanding the source of discrepancy between existing explanations and the actual approach towards the *Principle*. Concerning the first objective, the answer most likely lies in unchallenged ontological and epistemological background assumptions – ‘images or models of society which are drawn from [...] [a presumed] pre-understanding of society’s structures, dynamics, problems, challenges, dangers and potentials [...] [and actions, which have entered their] theoretical constructions tacitly’ (Strydom 2011, 218). Thus, scholars have overlooked important mechanisms that impact the approach towards the *Principle* because of their theoretical background.

Finally, this paper comes back to the central question on how the approach of ASEAN member states towards the principle of Non-Interference since the adoption of the ASEAN charter in 2007 can be best explained.

Since the findings of the plausibility probe have already been presented above, what remains to be said is that the adoption and application of contemporary CT have revealed a significant flaw in the way the – supposedly more open – question is asked: it is not possible to find a way how the approach of ASEAN members towards the *Principle* could be *best* explained. The concept of sovereignty/non-interference is fluid and therefore neither can there be a ‘perfect’ answer, nor can the research process ever be completed. The idea of sovereignty has to be recognised in its status of continuous transformation and one therefore has to ask how sovereignty works in specific historical and political contexts (Malmvig 2006, 171). As for the case of Myanmar since the adoption of the Charter in 2007, the plausibility probe has shown that contemporary CT might be useful for *better* explaining the approach towards the principle than existing attempts, since it allows for the identification of previously neglected causal mechanisms and factors. Arguing that its findings deliver the *best* explanation however would yet again render the *Principle* into something static and thereby neglect its real nature.

6. CONCLUSION

At the beginning of this paper was ‘the suspicion that all is not well’ (Strydom 2011, 154) with the existing explanations regarding ASEAN members’ approach towards the *Principle* and that there is a discrepancy between official ASEAN communication and reality. This last chapter summarises the key findings of the study before it closes with acknowledging its limitations and giving an outlook of the potential for future research in this field.

6.1 Summary of Key Findings

The examination of the existing scholarship on the *Principle* has revealed several weaknesses that are primarily the result of ontological and epistemological assumptions. The main flaw of all approaches seems to be the misunderstanding of the *Principle* ‘as a static concept that is then hypostatized as an unchanging, concrete reality’ (Tamaki, 2006 in Dorman and Olsen 2019, 4) and that scholars limit their investigations to official state action. One reason for this is that the research is limited to what has been described as external sovereignty. Another is rooted in the too strong focus on either power (*Realism*), economic stability (*Liberalism*), the dominance of norms (*Constructivism*) or in the assumption of infinite influence of national elites (*Historical Materialism*).

In reaction to these identified flaws, this paper has applied contemporary CT to avoid – through the use of abductive inference – an inclusion of possible knowledge already in the premises (Rytövuori-Apunen 2009, 644) and to allow for the objective empirical identification and evaluation of the involved actors and their interactions through the reconstructive second methodological moment. Acknowledging that a full-scale application of contemporary CT would have exceeded the scope of this paper, it has been opted for a plausibility probe to identify its theoretical and methodological merit. In the course of the analysis, sovereignty (and thereby non-interference) has been identified as socio-practical idea of reason which is at the centre of action. The meta-level application of contemporary CT has hinted at a disregard for the duality of this sovereignty and actions beyond the official state level as both distorting and containing the potential for transforming the realisation of the idea of sovereignty. Both factors seem to have originated in a complex mechanism shaped by implicit socio-cultural background assumptions, historically developed pragmatism, and capitalism. Answering the initial research question, this paper argues that, while there is nothing that can *best* explain the *Principle*, contemporary CT might constitute an approach that is *better* able to account for the complex reality surrounding the *Principle*. The reason for this is primarily CT’s rejection of theoretical bigotry and its openness to account for any kind of actor and action.

6.2 Limitations and Future Research Areas

The main limitation of this research has been mentioned several times throughout the paper, namely the decision to not perform a full-scale application of contemporary CT. This decision has various not-yet-mentioned consequences, which potentially have influenced the outcome of this research, such as the focus on secondary literature, the limit to one case and the omission of the third methodological moment. The concentration on secondary sources has to be seen critically since their content is usually the result of their author's understanding and interpretation and therefore might show a different reality than the one that can be identified through the analysis of primary sources such as interviews or original documents in a full-scale contemporary CT approach. The choice for the case of Myanmar, one of the newest and poorest members of ASEAN, leaves room for doubts if the findings could also apply to older and economically more stable members such as Singapore. Moreover, the omitted step of scientific-public and practical validation would have not only enabled the author to refine some aspects but also allowed for the findings to be tested in practice. Lastly, following the CT understanding that a researcher is never fully objective, the fact that the researcher has grown up in a democratic and rich country outside the region might also have impacted the result of the thesis.

Future research should therefore aim at performing a full-scale contemporary CT approach following a methodology similar to the one outlined earlier in this paper (including the use of mainly primary sources). In an optimum scenario, this would not only happen for the case of Myanmar (including the recent military coup) but also for other cases and it would be exposed to scientific and public validation. It could also be interesting to check if and to what extent the results of a scholar with a different background would be different.

Finally, it remains to be highlighted that this paper represents only a first attempt of applying contemporary CT to better understand ASEAN members' approach towards the *Principle*. In fact, the objective of this scientific endeavour has never been the provision of a complete alternative explanation. Instead, it has challenged and revealed their underlying assumptions and limitations of existing approaches and opened the possibility for a new discussion. Thus, the presented findings constitute the first step towards a contemporary critical theoretical perspective on the role of non-interference that, although having been shaped by research limitations, has opened the potential and set a basis for future research.

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