

The “ASEAN Way”: The Structural Underpinnings of Constructive Engagement

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I. Introduction

The Association of Southeast Asian Nations (ASEAN) is now a multi-faceted regional organization that comprises ten member states: Singapore, Indonesia, Malaysia, the Philippines, Thailand, Brunei, Laos, Vietnam, Cambodia and Burma.¹ Founded in 1967, ASEAN has grown in both membership and importance in the Southeast Asia region and internationally. Its primary mandate was to establish greater economic, political, and cultural contacts among its member countries.² The five founding members of ASEAN (Thailand, Indonesia, Malaysia, Singapore, and the Philippines) believed that, like many other international organizations, functional structural integration would facilitate enhanced regional economic prosperity and security cooperation.

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After the Cold War ended, ASEAN significantly changed its mandate. It has become the founding block for other formal and informal regional groupings such as the much-needed security community in the Asia-Pacific region, the ASEAN Regional Forum (ARF). The ARF provides a channel for member state's foreign ministers, including from some of the world's biggest rivals such as India and Pakistan, Japan and China, and the US and China, to be able to discuss regional security challenges without having to resolve their disputes.³

There is ample debate about the success of ASEAN as a regional organization.⁴ Based on the limited mandate outlined in its 1967 charter, ASEAN has fulfilled an important role. ASEAN has reduced security competition among its members and contributed to a more stable order in Southeast Asia.⁵ The growth of membership in the 1990s was meant to enhance ASEAN's voice in international affairs by making the region more cohesive and to make Southeast Asia more appealing to invest in economically.⁶ Nonetheless, expansion also brought to the forefront complex challenges. ASEAN added five countries in the decade, recognizing that there was a small window of opportunity to add other Southeast Asian states in the immediate aftermath of the Cold War's end.

Based on this multi-layered regional organization, this article explores the concept of "constructive engagement" and how ASEAN utilized it in a more nuanced manner to engage Burma's military junta. Constructive engagement was introduced by Thailand in 1991, which called for greater economic and diplomatic ties between ASEAN member states and Burma.⁷ These ties aimed to increase Burma's socioeconomic progress, which in turn was hoped to enhance the country's political liberalization and democratization. Burma was not a member of ASEAN when constructive engagement was introduced. In 1997, ASEAN moved to fulfill one of the dreams of its founding fathers by expanding its membership to embrace all of Southeast Asia. Burma, Laos and Cambodia became members completing the circle of 'one Southeast Asia'.

This essay will analyze the normative-pragmatic balance⁸ of ASEAN’s constructive engagement policy in its formative and early stages. It will outline the segmented composition of constructive engagement into two predominant perspectives of economic and political engagement. The economic aspect of the policy was largely driven by the pragmatic self-interests of the ASEAN member states to gain greater access to Burmese natural resources. The political element was more consistent with the intricacies and principles of ASEAN’s organizational structure, and was influenced by external pressure from Western countries. The main thrust of the paper is not to justify whether constructive engagement has been a success or failure. Instead, it is to account for the structural and functional dynamics of constructive engagement as a foreign policy tool within the ASEAN context.

II. Burma’s Military Junta

In 1988, an uprising against the military dictatorship that ruled Burma came to an abrupt end as the army opened fire on students, monks, and other civilian protestors. An estimated 10,000 people were killed and thousands were imprisoned.⁹ A few months after the protest, a military coup was staged, martial law declared, and power was transferred from the military to a military junta: the State Law and Order Restoration Council (SLORC).¹⁰ In 1990, elections held to improve the legitimacy of the regime ended up backfiring for the SLORC: Aung San Suu Kyi’s National League for Democracy (NLD) party won by a landslide. The junta annulled the election results, and most NLD leaders were imprisoned.¹¹ The NLD was barely allowed to function over the next two decades. Suu Kyi remained under house arrest for nearly 15 years for allegedly endangering the state.¹² Throughout her imprisonment, foreign dignitaries like UN Secretary General Kofi Annan, visited Suu Kyi multiple times to show their support for her run for presidency and commitment to democratic processes.

III. Responses to Burma's Junta

When the junta came to power in 1988, two schools of thought emerged which were comprised of different countries within ASEAN on how to deal with the situation. One school was to isolate and punish Burma's regime. This approach was favored by Western countries and by various Burmese pro-democratic and ethnic groups. Early on, the US removed its ambassador from Rangoon and excluded Burma from various multilateral financial institutions (such as the World Bank and IMF) and imposed limited sanctions. By 1997, Burma was put under full sanctions and all new US foreign direct investment (FDI) was prohibited from entering; the European Union (EU) also placed restrictions on Burma such as an arms embargo and the freezing of senior military members' assets.¹³ In 2003, the U.S. officially enacted the Burma Freedom Act rejecting any imports from Burma.¹⁴

The other school was to engage with an open door policy, investing in, trading with, and recognizing the junta to foster liberalization. ASEAN has long argued constructive engagement is rational, accounting for existing realities and inducing political change in a controlled, manageable fashion. Constructive engagement implied that states with conflicts of interests were committed to consultation.¹⁵ ASEAN further maintained that its use of constructive engagement involves encouraging Burma to modify policies through frequent contact and quiet diplomacy rather than hurting the lower and middle classes in Burma through sanctions. Thailand began to spear-head the policy unofficially in 1988. Such relationships could be conducted as Burma was invited as an observer to ASEAN meetings before it became a full member.

Furthermore, the ASEAN legal framework involving the ASEAN Declaration of 1967, the Zone of Peace Freedom and Neutrality Declaration (ZOPFAN) of 1971, and the 1976 Treaty of Amity and Cooperation (TAC) of 1976 accords ASEAN the privilege of using this framework as a hardened mandate not to interfere in the political matters of Burma. These documents "enshrined a number of principles governing ASEAN states, among which are: mutual respect for

the independence, sovereignty, equality, territorial integrity and national identity of all nations”.¹⁶ In all of these treaties, ASEAN member countries have emphasized the traditional operational concept of state sovereignty and stated that economic and political sanctions against Burma would have violated such regional agreements.

IV. Burma’s Motives behind Gaining ASEAN Membership

Since becoming a member of ASEAN, Burma’s democratic program and market economic reforms have been aimed at convincing the international community that Burma is moving towards pluralistic governance.¹⁷ Burma’s intentions behind gaining membership were realist and liberal.¹⁸ Inclusion helped the government expand its trade and military connections within Southeast Asia and internationally.¹⁹ Burma’s government expected that minor reforms and membership would enhance its political legitimacy and economic growth.²⁰ It would gain access to international funding from the World Bank; increase its negotiating power vis-à-vis major powers including the US, China, India, the EU, and Japan; and have a common voice in the UN.²¹ Burma’s junta sought to establish an environment of interdependency to accelerate its economic development. Improved intra-regional tourism, investment, and trade would encourage the development of infrastructure, especially in underdeveloped and rural areas of the country.²² Simultaneously, the government viewed membership as a means to acquire further political leverage.²³ Having credibility within ASEAN could strengthen its hold on power and help deflect criticisms about its record on human rights.

The economic liberalization policies of the SPDC/SLORC also highlight the generous tactics utilized by the junta to encourage foreign investment. The Foreign Investment Law (FIL) sets out these directives: “Promotion and expansion of exports [hard currency]; exploitation of natural resources which require heavy investment [hard currency]; acquisition of high technology; supporting and assisting production and services involving large capital [hard currency]; open-

ing up of employment opportunities; development of works which would save energy consumption [and earn export income]; and regional development.²⁴ This law further provides, 100 per cent equity ownership by foreign investors; joint ventures with foreign participation of an least 35 per cent of equity; foreign investors can freely repatriate profits and assets with unequivocal government guarantee against nationalization and expropriation; and various tax incentives including tax relief of 50 per cent for exports, and customs duty exemption on capital goods and raw materials during the construction period.”²⁵ This investment environment has stimulated greater interest and investment from ASEAN members in Burma.

Burma’s most powerful neighbors, India and China, have engaged extensively with Burma economically. China has focused on stability, border security, and the security of its business dealings in Burma with little past political involvement in Burma.²⁶ When the West began to isolate Burma after 1988, China’s perception of Burma changed.²⁷ After losing its importance in the Cold War as a buffer state following the U.S.-China rapprochement in 1972, China began to see Burma as a door to the Indian Ocean with untapped natural resources. The Chinese established oil and gas pipelines, railroads, highways, and infrastructure in Burma throughout the 1990s and 2000s. After recognizing China’s increasing influence in Burma in the 1990s, India’s government avoided public criticism of Burma.²⁸ India emphasized its “economic, strategic and security considerations” over an idealistic concern of pushing Burma towards political liberalization.²⁹ India began to develop improved relations with Burma’s junta including the provision of satellite data and military equipment for Burma in the 2000s.³⁰ India’s establishment of ports in Burma was part of a broader plan to make Burma a gateway to South East Asia.

V. Examples of Constructive Engagement

The idea of constructive engagement originated during the administration of American President Ronald Reagan to describe his approach towards South Africa.³¹ It emphasized intergovernmental co-

operation, lending South Africa financial resources to contribute to its economic development, and repudiating the use of sanctions to punish South Africa for its government’s apartheid policy. Constructive engagement encouraged a more private and gradual change to apartheid without attempting to embarrass and alienate the country. Economic reforms would produce a larger middle class and the societal pressures necessary to foster political reforms over time. South Africa assisted the U.S. in negotiating a peaceful agreement in Namibia and encouraging Cuba to withdraw its military forces from Angola.³² Critics within the liberation movement argued that constructive engagement supported the status quo and was therefore racist.

Since 1994, Canada has used a form of constructive engagement with Cuba.³³ Prime Minister Jean Chretien stated that “isolation leads nowhere” and engagement with Cuba’s government would produce dialogue and incremental piecemeal reform.³⁴ Chretien believed this approach would most effectively support movement in Cuba towards a peaceful transition towards respect for representative government, human rights, a more open economy, and eventual reintegration into the Western Hemisphere.³⁵ Harsh rhetoric, sanctions, and boycotts would undermine progressive development. While Chretien was misguided in assuming that Cuba’s economic and political change would follow a Western, liberal trajectory, open communication channels and respectful interaction enhanced the bilateral relationship.³⁶

VI. The Structural Elements of Constructive Engagement in ASEAN

Elites within ASEAN sought to expand regional trade with Burma following the collapse of the Cold War security framework to reduce Burmese dependence on China.³⁷ Maintaining its goals of economic development and stability in Burma and in the greater East Asian region, ASEAN utilized constructive engagement as the US presence in Asia was declining. In 1992, former Thai Prime Minister, Anand Panyarachun, posited: “[ASEAN has] to rely on inner strength and reduce dependency on outside powers”.³⁸ Geo-political power chang-

es influenced the practical nature of this policy tool. The normative agenda of indirect political liberalization and democratization became secondary within ASEAN's notion of constructive engagement. More pragmatic issues, such as regional security and access to scarce energy resources, took on more importance than normative issues of human rights and the creation and consolidation of democracy.

ASEAN intended to reduce Chinese influence in Burma, as "the ASEAN states, notably Vietnam and the Philippines, were wary of alleged Chinese attempts to secure naval access to the Indian Ocean via Myanmar."³⁹ ASEAN members and regional powers, including India, feared the consequences of an isolated Burma entirely dependent on China.⁴⁰ Constructive engagement was strategic "to counter China's expansionist influence in Burma and in the region generally."⁴¹ By encouraging economic and political investment in Burma, ASEAN members believed that this would steadily mitigate Burma's dependency on China for its own day-to-day existence. A united Southeast Asia could assist in maintaining a regional balance of power more favorable to ASEAN member states.⁴²

In attempting to establish a more cohesive Southeast Asia, ASEAN policymakers sought to construct a security community. ASEAN's 1967 security doctrine asserted that Southeast Asia should be "capable of addressing itself to the outside world... in terms of its own aspirations rather in terms of major power rivalry and contention."⁴³ The grand vision of a new regional order would be based on peaceful cooperation and genuine interdependence within ASEAN. Thailand, which borders Burma, intended to quell serious border problems and eliminate the drug trade between the two countries. Thailand's military was especially concerned about co-existing with a potentially hostile neighbor in Burma, and thus sought improved relations with Burma's junta.⁴⁴

Constructive engagement was further rooted in member states' national economic interests. Integration involving more members in a potential free trade area would provide greater benefits to the Southeast Asia region.⁴⁵ Burma's rich resource-base is critical.⁴⁶ Surrounded by resource-hungry countries, including fellow ASEAN members and

India and China, Burma has become a major energy exporter owing to its vast reserves of natural gas.⁴⁷ Thailand viewed Burma’s natural gas supply as an answer to its potential energy crisis.⁴⁸ All ASEAN members were keen to gain access to Burma’s fish, timber, gems, and cheap labor sources. Local wages can be as low as \$20 to \$30 a month, compared to \$200 a month in neighboring Thailand.⁴⁹ Burma’s government has long extracted its energy resources to the benefit of overseas investors for greater external support.⁵⁰ Such exploitation contributes to sustenance of political oppression in Burma and fuels a potential “resource curse”.⁵¹ ASEAN hoped to speed up Burma’s post-Cold War transition from a command to a market-oriented economy.⁵²

The underlying vision of ASEAN’s founding fathers was the concept of creating “One Southeast Asia”, which was based on the geographic definition of the region, as laid out by the British and the Americans.⁵³ The term gained prominence with the establishment of a Southeast Asia military command by the Allied forces during the Second World War. As the end of the Cold War diminished the ideological divide in the region, it produced the opportunity to include Burma within ASEAN.

However, the presence of Burma in ASEAN since 1997 has become a highly contentious matter in Southeast Asia and internationally. Although ASEAN has benefited from greater economic ties with the military government of Burma, ASEAN’s interaction with Burma has brought negative attention and further compromised its international standing with major global actors. ASEAN operates under six core norms: sovereign equality, non-recourse to the use of force and peaceful settlement of conflict, non-interference and non-intervention, non-involvement of ASEAN to address unresolved bilateral conflict between members, quiet diplomacy, mutual respect, and tolerance.⁵⁴

While some of the norms of ASEAN are norms embodied in international society (for example sovereignty and non-intervention), they are not conceptualized in the same way. ASEAN takes a more stringent interpretation of the UN Charter’s principles on the invio-

lability of state sovereignty and non-intervention. Although it does not yet hold international legal status and has become more contested since the international intervention in Libya in 2011,⁵⁵ the principle of the Responsibility to Protect (R2P) has gradually matured as a concept in political, organization, and institutional terms since its endorsement by over 150 states at the World Summit in 2005. At R2P's core was the increasingly popular notion of state sovereignty as state responsibility to protect its citizens during the 1990s.⁵⁶ While more effective humanitarian intervention is, arguably, becoming more common in lieu of egregious human rights violations such as mass genocide, ASEAN member states hold sovereignty and non-intervention as paramount to the preservation of their long inter-state peace. ASEAN established the principle of non-interference in the internal affairs of its member states in the 1960s as the region suffered from a number of interstate disputes, internal subversion, and secessionist movements sometimes bolstered by neighboring states.⁵⁷ These relatively young post-colonial states hold on tightly to their newfound sovereignty with their colonial pasts still fresh in peoples' memories. In the North Atlantic Treaty Organization (NATO) intervention in Libya in 2011, Indonesia "stressed the importance of the preservation of the sovereignty, national unity, and territorial integrity of Libya".⁵⁸ Indonesia's President Susilo Bambang Yudhoyono called for a ceasefire and the resolution of the civil war through peaceful dialogue.

Relevant to the analysis is ASEAN's continued adherence to the norms of non-interference and quiet diplomacy. Non-interference draws from the concept of sovereignty. Through non-interference in the internal affairs of other member states, members can avoid further aggravating internal tensions to prevent disputes from escalating in to wider inter-state conflicts. This is logical, particularly in the Southeast Asian region, because of the multitude of volatile and explosive ethnic, racial, and religious differences. For the same reason, a norm of quiet diplomacy is promoted. Quiet diplomacy means that policymakers are able to consult each other respectfully, make compromises, and reach consensus on a regular basis.⁵⁹ Negative criti-

cism, for example, made by Singapore on the affirmative action policies in Malaysia, may increase Chinese anxiety in Singapore as well as increase the anti-Chinese sentiments in Malaysia. According to Singapore’s foreign minister in a 1997 speech: “...[most] of us have diverse populations, with significant differences in race, religion and language, all of which are highly emotive issues. The surest and quickest way to ruin is for ASEAN countries to begin commenting on how each of us deals with these sensitive issues”.⁶⁰

“The ASEAN Way” refers to a working process or style that is informal and personal.⁶¹ Policymakers constantly utilize compromise, consensus, and consultation in the informal decision-making process. While the doctrine of ‘quiet diplomacy’ is ambiguous, it above all prioritizes a consensus-based, non-conflictual way of addressing problems. Quiet diplomacy allows ASEAN leaders to communicate without bringing the discussions into the public view. Members avoid embarrassment that may lead to further conflict.

ASEAN aimed for a ‘broadening’ and ‘deepening’ of the political, economic, and social ties amongst member states and prospective members.⁶² ASEAN actively engaged Burma’s military junta, seeking stronger economic and political relations. By not publicly alienating Burma, ASEAN policymakers believed this approach would produce a long-term, gradual change among Burma’s leadership in its respect for human rights and democracy.⁶³ Accordingly, ASEAN achieved small private concessions from Burma on the release of some prisoners and minor democratic reforms. Reprisals and the threat of punishment would likely increase the military’s resistance to reform. Constructive engagement was more consistent with ASEAN’s traditionalist interpretation of the concept of sovereignty and its incremental and limited ASEAN Way. Justifying the exclusion of Burma from ASEAN based on the country’s repressive regime would conflict with ASEAN member states’ commitment to the international principle of non-interference.⁶⁴ Economic sanctions were believed to be counter-productive and most detrimental to poorer Burmese citizens, rather than the junta.⁶⁵

VII. Dualism: Political and Economic Engagement

The practical implementation of constructive engagement is both political and economic. The ARF provides for a consultative process that recognizes the benefits of constructive engagement, which includes both political stability and economic development.⁶⁶ ASEAN's basic organizational norm is self-restraint, which produces a non-legalistic approach.⁶⁷ This pragmatism attempts to avoid getting locked down in monotonous procedural debates and focuses on a broad range of issues.

External pressure, particularly from the U.S. and the EU, has forced ASEAN to segment constructive engagement into self-contained fronts. The original intention of many ASEAN members in engaging Burma was to improve their own economies through increased FDI. However, U.S. government officials often posited that ASEAN's political engagement was ineffective in regards to enhancing the human rights and democratic situation in Burma.⁶⁸ American governments sought a harder-line response from ASEAN, at least until Burma undertook some genuine political reforms. This strong international pressure shifted the conversation within ASEAN to examining which types of economic engagement were appropriate within the constructive engagement strategy.⁶⁹ ASEAN has taken such criticism quite seriously because of the adverse economic ramifications of not being viewed as a credible regional environment.⁷⁰ ASEAN has used political tactics to appease the U.S. and EU, including the movement from "non-interference" to "flexible engagement".

At the same time, ASEAN member states were not overly concerned with stressing Burma's democratic development given that many rated poorly on most democratic and human development indicators themselves. Only recently have some ASEAN countries such as Thailand, the Philippines, and Indonesia become more democratic. Most members have vestiges of weak political capacity.⁷¹

The political manifestation of the policy has its main historical and political roots within the concept of the ASEAN Way. To foster solidarity, "the ASEAN leadership has utilized three tactics: (a) adop-

tion of an increased approach to decision-making, (b) stressing the virtue of dependability, and (c) promotion of a community consciousness”.⁷² Nonetheless, over time there has been a movement away from the ASEAN Way to “flexible-consensus building”.

The documents that laid the underpinnings of the ASEAN Way were the ASEAN Declaration, ZOPFAN, and TAC. The intangible spirit was cultivated by the respective leaders of the regional grouping in the 1970s, a turbulent decade filled with deep mistrust amongst the member states in the Cold War context. ASEAN members have seen undemocratic regimes arise and collapse. Such regimes manifested corruption and tyranny. Examples of such regimes: Philippines under Ferdinand Marcos (1972-1981), Singapore under the People’s Action Party (1965-present), Indonesia under Sukarno and Suharto (1945-1998). These semi-authoritarian or disciplined democracies curtailed normal liberal democratic freedoms for their respective citizens.

The ASEAN Way helped to bring about flexibility and a multi-dimensional approach to conflict resolution over political issues. The ASEAN Way process is often criticized as slow and time-consuming, and unable to set well-defined goals in terms of economic integration.⁷³ Nonetheless, newer members of ASEAN are more pessimistic about the benefits of flexible engagement. They are extremely cautious about damaging the notion of non-interference.⁷⁴ The underlying assumption has been that regime change must come naturally. ASEAN members will not readily support domestic movements of other member-states seeking regime change.

VIII. Conclusion

Overall, ASEAN uses constructive engagement as a clever device to enhance economic relations with Burma, assuage US pressure for democratization, and maintain a stable regional balance. ASEAN’s pragmatic-normative approach with Burma has included political and economic engagement. Burma’s military junta sought membership in ASEAN to use the organization’s international standing and credibil-

ity as a tool to guarantee its own survivability and entrench military dictatorship—rather than as a means to foster regional cooperation, stability, progress, and peace.⁷⁵ On the other hand, ASEAN member states were interested in adding Burma primarily due to Burma's rich natural resource wealth. Politically, ASEAN has been cautious not to meddle in Burma's domestic affairs. Non-interference is respected by ASEAN member states that have themselves had difficulty undergoing genuine democratic reforms. Non-interference is also employed to deflect external pressure from the U.S., EU, and United Nations. Nevertheless, ASEAN's adjustment in its approach toward Burma from "non-interference" to "flexible engagement" was the result of international pressure.

In establishing the constructive engagement strategy, ASEAN viewed isolation of a regime as an ineffective means to produce real political liberalization.⁷⁶ However, efforts by the international community need to be "concerted and coordinated" in order to begin the process of credible and sustainable democratization in Burma. Some policymakers and scholars argued that ASEAN should have used "purposeful engagement".⁷⁷ Purposeful engagement would have involved more political engagement with Burma. Yet, this would have risked Burma rejecting membership in ASEAN in the first place.

By examining the political and economic dimensions of ASEAN's constructive engagement, one recognizes that ASEAN engaged Burma fully in the economic realm, but treaded softly in the political realm. Although economic engagement deepened the relationship between Burma and ASEAN, without corresponding levels of political engagement, ASEAN was unable to induce much in the way of political liberalization. In a climate where stability is linked to economic growth, imposing political change in Burma's military-dominated environment would have run counter to the ASEAN Way. The organization's incremental approach, informal consultative mechanisms, and stringent interpretation of non-interference were more conducive to a lower-profile political emphasis.

Pragmatic concerns took precedent over ASEAN's normative goals. While improving Burma's democratic processes and human

rights situation were the normative goals of constructive engagement, pragmatic goals, such as reducing China’s economic influence in Burma, were fundamental. The policy became a device that operated on two levels. Firstly, it acted as a rhetorical device that ASEAN used to show the international community that it was taking some action on Burma. Secondly, because of the political space afforded by the notion of constructive engagement, ASEAN was able to pursue its pragmatic goals in Burma through economic engagement. Political and economic engagement were not appropriated in tandem to improve Burmese democracy but worked separately to advance ASEAN member states’ economic interests.

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⁵⁷ Ruukun Katanyu, "Beyond Non-Interference in ASEAN: The Association's Role in Myanmar's National Reconciliation and Democratization," *Asian Survey* 46.6 (Nov. 2006): 827.

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⁵⁹ Daniel Seah, "I. The ASEAN Charter", *The International and Comparative Law Quarterly* 58.1 (Jan. 2009): 198.

⁶⁰ Quoted in Haacke, *ASEAN's Diplomatic and Security Culture*, 179.

⁶¹ Seah, "I. The ASEAN Charter", 199.

⁶² Simon Hay, "The 1995 ASEAN Summit: Scaling a Higher Peak," *Contemporary Southeast Asia* 18.3 (1996): 254. 'Broadening' refers to an expansion in the number of members, while 'deepening' refers to the building of a stronger institutional order, which undertakes greater responsibility for enhanced regional cooperation.

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⁷⁶ McCarthy, “Ten Years of Chaos,” 259.

⁷⁷ Ott is describing the kind of engagement that United States now practices with China, and what Madeline Albright, in her July 1999 address to ASEAN foreign ministers in Singapore, called “purposeful engagement.” Cited in McCarthy, “Ten Years of Chaos,” 259.