



Interpreting sanctions in Africa and Southeast Asia

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Abstract

The Organization of African Unity (OAU) and the Association of Southeast Asian Nations (ASEAN) were both born to stabilise vulnerable state borders by practising non-interference in domestic affairs. Today, the OAU's successor, the African Union (AU), uses sanctions against unconstitutional changes of government, while ASEAN continues to rule out any collective punitive action against members. To explain these divergent trajectories, this article first shows how different traditions produced different ways of engaging with sanctions in the early formative cases of South Africa and Vietnam. Thereafter, it examines how these traditions were selectively re-thought when confronted with the dilemmas of international sanctions against Libya and Myanmar. The interpretive approach enables a nuanced account of continuity and change in beliefs about sanctions. The AU's sanctions doctrine has updated rather than broken with a traditional interpretation of non-interference. For ASEAN, the longstanding tradition of informality – and not strict adherence to non-interference – has continued to rule out regional sanctions.

Keywords

African Union, ASEAN, comparative regionalism, non-interference, Organization of African Unity, sanctions

Regional cooperation in Africa and Southeast Asia began with a similar aim: to protect the sovereignty of vulnerable postcolonial states. Non-interference in domestic affairs became a pillar of the Organization of African Unity (OAU, formed May 1963) and the Association of Southeast Asian Nations (ASEAN, formed August 1967). Over time, this tradition of a negatively defined regionalism has been re-thought in different ways in the two regions. The OAU's successor, the African Union (AU, formed May 2001), has established a far-reaching sanctions policy against unconstitutional changes of

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government in its member states. ASEAN, in contrast, has rejected any sanctions mechanism against members and has instead become known as an opponent to international sanctions.

This article interprets these different trajectories by analysing how their contrasting approach to the use of sanctions was built on legacies long predating the formal institutionalisation or explicit rejection of punitive instruments against members. The OAU recognised the importance of sanctions for regional politics early on, as a sender and enthusiastic proponent of anti-apartheid sanctions. In Southeast Asia, the early experience of international sanctions against Vietnam was overshadowed by the Vietnam War, and ASEAN neither joined nor collectively opposed sanctions. To make its case, the article proceeds in three steps. First, it justifies the article's focus on regionalism and sanctions, including some vital background material on the two organisations studied. Second, it investigates the formative early days of regional cooperation, when the OAU experienced sanctions in South Africa and ASEAN in Vietnam, these historical episodes giving rise to their respective webs of belief about the appropriate balance to be struck between sanctioning states on one hand and not meddling in the sovereign affairs of another state on the other. Finally, the article shows how these beliefs were selectively reinterpreted as African and Southeast Asian leaders confronted new dilemmas of international sanctions in Libya and Burma/Myanmar,¹ respectively. Crucially, it is shown that the OAU's rebellion against international sanctions against Libya in the late 1990s triggered the construction of the AU, demonstrating that regionalists in Africa have tended to be selective rather than unreserved advocates of sanctions. ASEAN's disinterest in committing to a collective stance was perpetuated in its reaction to international sanctions against Myanmar, where the practice of 'constructive engagement' was variously interpreted by different members.

Interpreting sanctions

This article makes an interpretive contribution to three broader sets of the literature. First, given that regional approaches to sanctions are presented below as key examples of 'locally meaningful action', the account given can help correct the Western bias of some scholarship on foreign policy and international relations.² Second, the analysis treats beliefs about sanctions within ASEAN and AU as cases of interest in their own right and thereby challenges the regionalism literature's privileging of the European Union (EU) as a model for 'proper regionalism'.³ Finally, it adds to the hitherto largely descriptive literature on the history of regional projects by considering the role of inherited traditions in explaining diverging political practices when confronted with similar dilemmas.⁴

The article works within the Special Issue's wider research programme by analysing the case study material using the concepts of tradition and dilemma to explain policy practices undertaken by the 'situated agents' in each of the organisations (see the introductory article), which are assumed to be elite-driven projects that have only occasionally reached out for popular support. Traditions are inherited beliefs and practices and dilemmas are the confrontation of existing beliefs and practices with new ideas, knowledge, information or circumstances.⁵ Non-interference is the tradition that has left the

strongest imprint on regionalism in both Africa and Southeast Asia. However, this article shows that the meaning of this tradition for regional politics has differed, and as a result their practices have diverged. Non-interference has interacted with the traditions of Pan-Africanism and racial equality in Africa, and the traditions of informality and anti-communism in Southeast Asia, to produce different webs of belief about the rightful scope of regional involvement in domestic affairs. Traditions internal to the organisations thus interacted in complex ways with dilemmas arising inside and outside the regions. Of particular note, the paradigmatic ‘novel circumstance’ of the end of the Cold War created new dilemmas for regional politics and changed the character of the perpetual dilemma of interference by external powers.⁶

The article scrutinises two political crises that placed traditionally understood regionalism at a crossroads: United Nations (UN) sanctions against Libya (1992–2003) and unilateral international sanctions against Myanmar (1990–2013).⁷ These situations posed genuine dilemmas to regional leaders’ traditional beliefs about the appropriate range and content of regional action towards constituent members. In response to these dilemmas, the OAU re-thought non-interference to produce a stability-friendly sanctions doctrine, whereas ASEAN stayed with less outspoken, non-binding ways of influencing its constituency. Before the analysis itself, it is important to provide some essential background on the two organisations and their use of sanctions, so we have a baseline from which to compare the situations ‘before’ and ‘after’ the ‘sanctions dilemmas’ arose.

The AU is a regional organisation with 54 member states, incorporating all African countries except for Morocco.⁸ It was set up in May 2001 out of the ashes of the OAU, formed in 1963 by 37 independent countries, but increasingly delegitimised as a privileged ‘dictators’ club.⁹ By introducing the possibility of intervening in the affairs of member states through sanctions, the AU broke with the OAU’s negatively defined regionalism. ‘Condemnation and rejection of unconstitutional changes of governments’ is one of the AU’s working principles¹⁰ developed in the Lomé Declaration¹¹ and in the African Charter on Elections, Democracy and Governance which entered into force on 15 February 2012.¹² The power to decide on sanctions ‘whenever an unconstitutional change of government takes place in a member state’ lies with the AU Peace and Security Council.¹³ As of December 2014, the AU’s ‘total rejection of unconstitutional changes of Government’,¹⁴ and ‘zero tolerance’ for coups d’état,¹⁵ has produced 13 instances of sanctions against 11 members: Central African Republic (2003–2005; 2013 to the present), Togo (2005), Mauritania (2005–2007; 2008–2009), Comoros (2007–2008) Guinea-Conakry (2008–2010), Niger (2009–2011), Madagascar (2009–2013), Côte d’Ivoire (2010–2011), Guinea-Bissau (2012–2014), Mali (2012) and Egypt (2013–2014). Concrete measures include suspension of membership rights as well as targeted sanctions against individuals and entities which hinder the return to constitutional order.¹⁶

This article shows that the AU’s sanctions doctrine is not a rejection as such of the OAU’s traditional interpretation of non-interference. Early in its history, the OAU identified sanctions as a political game-breaker, when economic and political isolation was singled out as the way to deal with apartheid regimes in South Africa and Rhodesia. Its anti-apartheid campaign was part of the continental liberation struggle, carried out in the name of the tradition of Pan-Africanism. Given the lack of legitimacy of apartheid regimes, sanctions were never thought to break with the tradition of non-interference.

With the birth of the AU, peace and security replaced liberation as the main goal of continental politics. The AU uses sanctions in this framework to promote regime stability and gradual democratisation.¹⁷ The delineated scope of AU sanctions does not intrude on the sovereignty of established regimes, but places states disrespecting the constitutional order outside of the protection of non-interference.

Having introduced the AU context, the article next provides background on ASEAN and its approach to sanctions in the region. Forged out of a common interest in containing the spread of communism in the region, ASEAN was founded in 1967 by Malaysia, Indonesia, Thailand, Philippines and Singapore.¹⁸ The organisation had a defined internal ‘other’ – communism – yet explicitly aimed to eventually bring together ‘all States in the South-East Asian Region’.¹⁹ In 1999, Cambodia became the 10th member of the Association, leaving East Timor the only Southeast Asian country not yet part of ASEAN.²⁰ In the 1990s, the ‘ASEAN way’ of informal regionalism was heralded as a model. However, the severe financial crisis of the late 1990s shook not only member states’ national economies but also the model’s reputation (much as with the EU today). The organisation was judged incapable of dealing with the crisis ‘without violating the ASEAN Way’.²¹

This capability–expectation gap posed a dilemma for traditional Southeast Asian regionalism and prompted calls for reform.²² A group of prominent political figures – ‘The Eminent Persons Group’ – was entrusted to draft a Charter proposal.²³ The group pointed out that ASEAN *may need to calibrate their traditional approach of non-interference* and proposed a sanctions provision enabling suspension of *any of the rights and privileges of membership*.²⁴ The proposal was rejected.²⁵ Despite a ‘new political commitment at the top level’, and the ambition to become a ‘Rules-based Community of Shared Values and Norms’, the Charter (2008) and the ASEAN Political and Security Blueprint (2009) excluded any sanctions provision.²⁶ ASEAN thus seems unlikely to develop a formalised sanctions doctrine not because it rejects *any* type of interference in domestic affairs – it clearly does not – but because this particular type of interference does not fit with the authoritative self-representation of the ‘ASEAN way’.²⁷ Institutionalised punishment through sanctions requires a degree of formal and publicly expressed commitment that is alien to the type of regionalism embodied in ASEAN.

Shared starting points and the sanctions dilemma

Born only 4 years apart, at their respective ‘starting points’, cooperation in the OAU and ASEAN was conditioned by two sets of circumstances common to both.²⁸ First, the OAU and ASEAN were projects marked by postcolonialism. Ever since the first colonisers arrived in the sixteenth century to Southeast Asia and in the eighteenth century to Africa, the regions were subject to political and economic exploitation by external actors. Thailand, Ethiopia and Liberia are the only countries in these regions that have not been colonised in this way.²⁹ Having lived under the perpetual dilemma of external interference, both organisations were formed out of opposition to Western oppression and in celebration of self-determination. At the inception of the OAU in Addis Ababa, Ethiopia’s Emperor Haile Selassie declared, ‘Today, We name as our first great task the final liberating of those Africans still dominated by foreign exploitation and control’.³⁰ The first

resolution of the first Summit in 1963 was devoted to decolonisation, in particular, against continued foreign domination and the political power of settlers. At the inception of ASEAN in Bangkok, Thai Foreign Minister Khoman similarly declared that the organisation was to 'erase the old and obsolete concept of domination and subjection of the past'.³¹ ASEAN's foundational Bangkok Declaration of 1967 expressed the determination to 'ensure stability and security from external interference in any form or manifestation'.³²

A second shared feature is that both organisations rejected regional interference in domestic affairs. Regional cooperation in Africa was negatively defined, as a means to protect the integrity of the state.³³ Since the young African states had difficulty in defending their borders with force, external sovereignty became 'the counterpart of internal state weakness'.³⁴ ASEAN came into being during a period of regional turbulence, characterised by 'territorial disputes; ethnic conflicts and animosities; religious prejudices and smaller states' fear of larger states'.³⁵ In recognition of these challenges, ASEAN members began 'collaborating with each other to shore up rather than undermine their domestic orders'.³⁶ As a consequence of the preoccupation with stable states, both the OAU and the ASEAN became known as dictators' clubs. Violations of human rights and democracy were met with silence, and a culture of impunity was dubbed to reign in regional politics. To use sanctions against members was unthinkable.

However, both organisations were exposed to sanctions in their early years, leading to a situation in which the tradition of non-interference was interpreted in close interface with other emerging traditions. The OAU engaged with sanctions on several occasions and internalised them as an issue for the region. The experience of anti-apartheid sanctions matched with the core traditions of early African regionalism: racial equality and Pan-Africanism. Interpreted in light of these traditions, non-interference did not apply to the clearly illegitimate apartheid regimes. ASEAN, in contrast, kept its distance from sanctions. It neither joined nor collectively opposed international sanctions against Vietnam, where the traditions of anti-communism and informality outplayed each other. Interpreted in light of these traditions, non-interference became a convenient justification for the lack of collective action in ASEAN. The following two sections describe in more detail how the newly formed regional organisations reacted to sanctions against the non-members of South Africa and Vietnam, which clearly were part of the region, but outside the formal practices of regional cooperation.

In the case of South Africa, Ethiopian Emperor Haile Selassie welcomed the delegates to the first meeting of the OAU declaring, '[o]ur political and economic liberty will be devoid of meaning for so long as the degrading spectacle of South Africa's apartheid continues to haunt our waking hours and to trouble our sleep'.³⁷ The fight against apartheid in South Africa was the single most important issue for the OAU at the time of its formation and for three decades to come. African regionalism was always intended to have continental reach, but membership was explicitly made conditional on being an independent and sovereign state.³⁸ South Africa, being under White minority rule, fell short of this requirement and was not a member of the OAU. As a consequence of the regime's absolute lack of legitimacy, 'the OAU never considered apartheid an issue of domestic jurisdiction'.³⁹ Instead, the anti-apartheid campaign was central for building a 'postcolonial Pan-African identity', which emphasised self-determination and racial equality.⁴⁰

Sanctions were, indeed, the main policy incarnation of the struggle against apartheid. The inaugural conference of the OAU produced a 'resolution on apartheid and Racial Discrimination', and the very first Assembly meeting declared that 'sanctions of every nature [are] the only means available of achieving a peaceful solution to the explosive situation which prevails in South Africa'.⁴¹ 'Promotion of sanctions' was thereafter a 'recurring theme' of OAU resolutions.⁴² There were nuances in how apartheid was seen on the continent, but the organisation prioritised 'preserving normative consensus' on the issue.⁴³ Questioning the utility of sanctions was largely taboo. The OAU's normative consensus was crucial for the 'international anti-apartheid sanctions movement'.⁴⁴ The OAU successfully united in the 'coalition politics' of the UN,⁴⁵ and the UN General Assembly referred to an OAU declaration when it recognised the South African liberation movements, the African National Congress (ANC) and the Pan Africanist Congress (PAC) as 'the authentic representatives of the people of South Africa' in 1973.⁴⁶ In doing so, the Assembly – just like the OAU – 'confirmed the principle of national sovereignty, however altering its subject in the specific case of South Africa', thereby circumventing the regime's claim that 'any criticism of apartheid was an intervention in its "internal affairs"'.⁴⁷ Sanctions were – rightly or wrongly – given much credit for the fall of apartheid and by extension for the reunification of the continent. The united struggle created a positive legacy for African agency through sanctions. This legacy could be activated in a formalised, allegedly 'apolitical', regional sanctions regime once the OAU had been transformed into the AU.

ASEAN was born 'in the shadow of the Vietnam War', yet never developed a common approach either to the US sanctions (1951–1994) or to the war itself (1965–1977).⁴⁸ Whereas Thailand, the Philippines and Malaysia supported the South Vietnamese regime,⁴⁹ the organisation avoided 'any appearance of group involvement in what was taking place'.⁵⁰ Considering that anti-communism had brought ASEAN founders together, the lack of a coordinated reaction to the developments in Vietnam is striking. However, the tradition of anti-communism proved a more complicated ideational basis for Southeast Asian regional cooperation than racial equality was for Africa. If anti-apartheid was the continuation of the African liberation struggle, anti-communism was strongly linked to the perpetual dilemma of great power influence. ASEAN founders especially feared that Beijing and Moscow would spark communist insurgency in their own countries.⁵¹ They depended on the United States to manage this threat, but their attitude towards American involvement in regional affairs was ambivalent. The dependency on the United States contrasted with the explicit – though in the Cold War context arguably idealistic – aim for nations to 'take charge of their own future' and to 'minimise manipulation and domination by the great powers'.⁵² This goal received an ambitious packaging when ASEAN announced the creation of the Zone of Peace, Freedom and Neutrality (ZOPFAN) in 1971. ZOPFAN aimed to make Southeast Asia 'free from any form or manner of interference by outside Powers', but soon 'assumed the quality of a political chameleon', malleable to the interests of different states.⁵³

After the fall of South Vietnam in 1975, cooperation in ASEAN intensified.⁵⁴ The first summit of heads of government took place in 1976, and the central secretariat opened in Jakarta in the same year. Faced with a communist Indochina, ASEAN opted for constructive diplomacy rather than isolation.⁵⁵ Once the United States had left

Vietnam, this was seen as the only realistic way to temper potentially expansionist leftist governments. ASEAN anti-communism stemmed from a fear of internal communist insurgency and was not an ideological struggle to be pursued at any price. At the 1976 summit, the Treaty of Amity and Cooperation (TAC) was signed which sought to 'appease these [communist] states and persuade them to join ASEAN in establishing a collaborative regional environment'.⁵⁶ In consequence, the principle of regional freedom from external involvement was sidestepped by individual states whenever it was considered unavoidable or strategically beneficial. Nonetheless, for ASEAN to openly approve of external interference in Vietnam would have discredited the rhetorical basis of the regional project. The organisation never came together either in opposition or in support of sanctions. Moreover, whereas anti-apartheid brought normative consensus to Africa, anti-communism epitomised a division cutting through the region. Since ASEAN always aimed at region-wide cooperation, it downplayed the 'social conflict' between members and *not-yet* members.⁵⁷

Interpreting divergence

This section shows that these practical interpretations of traditions remained important when the AU instituted its sanctions policy and ASEAN became a critic of international sanctions. The AU's sanctions doctrine did not question the sovereignty of incumbent regimes, even if they had weak democratic credentials. By making political legitimacy solely conditional on constitutional order, coup-makers and rebels were placed outside of the protection of the principle of non-interference. ASEAN's 'constructive engagement' with Myanmar always accommodated different national interpretations. The absence of a sanctions mechanism in Southeast Asian regional cooperation followed from an unwillingness to bind member states to a regional position, rather than from a universal rejection of interference in domestic affairs. The two sanctions-related dilemmas discussed below are Libya for the OAU and Myanmar for ASEAN.

Turning first to the OAU, it is worth prefacing the discussion of sanctions with the observation that the transformation of African regionalism from the OAU to the AU took place against the background of paradigmatic developments in the world order (globalisation, the end of the Cold War) and in the region (almost completed decolonisation and genocide in Rwanda and Burundi). The international dispute over Libya's involvement in the Lockerbie (1988) and Niger (1989) airplane bombings came against these wider systemic dilemmas which affected how the issue was interpreted by opinion formers in the OAU.⁵⁸ On this issue of extraordinary symbolic weight, African leaders were torn between expressing loyalty to the UN system and solidarity with a fellow African country. Situated agents drew on the Pan-African tradition, and in particular on traditional beliefs about conditions for non-interference, in their handling of this dilemma.

Initially, African countries implemented UN sanctions against Libya (1992–2003) as members of the UN. However, in 1994 the OAU stated 'its solidarity with the Great Jamahiriya', and the following year sanctions were labelled 'unjust' and hurtful to the peoples of Libya and neighbouring states.⁵⁹ Two years later, the OAU summit asked for 'these obnoxious sanctions' to be lifted.⁶⁰ The call to lift sanctions recurred in all following OAU summits.⁶¹ In 1998, the OAU decided 'on moral and religious grounds' to

independently lift sanctions against Libya.⁶² According to Ben Kioko, head of the AU's Legal Department, by leaving the international sanctions regime the OAU showed that it was ready to 'push the frontiers of collective stability and security to the limit without any regard for legal niceties such as the authorization of the Security Council'.⁶³

The OAU accepted Gaddafi's counter-sanctions rhetoric, which did not oppose sanctions in principle but appropriated liberal-internationalist norms advocated by the initiators of sanctions.⁶⁴ Thereby, the dilemma between international norms and neighbourly solidarity was settled from the OAU's perspective. The Libyan position was internalised in the name of African solidarity. International norms were not openly disputed but reinterpreted. Gaddafi was constructed as a legitimate sovereign in the OAU's understanding and should therefore be protected from the external interference of sanctions. The OAU did not dismiss sanctions in general, but argued that Libya had done nothing wrong. One of the last OAU summits declared that 'any act aimed at destabilizing and undermining the Libyan Arab Jamahiriya constitutes an affront to the collective aspiration of Africa and African peoples towards the attainment of self-esteem, dignity and independence'.⁶⁵ As we will see in the next section, ASEAN's criticism of international sanctions against Myanmar was poles apart from this. The organisation acknowledged a problem in Myanmar but argued that constructive engagement was preferable to sanctions.

One year after leaving UN sanctions, African leaders 'mercifully killed off' the divided and weak OAU.⁶⁶ In its place, the AU was born,⁶⁷ and with it a new 'philosophical bas[i]s for cooperation'.⁶⁸ The importance of Muammar Gaddafi's African vision received special attention when African leaders announced the decision to establish an AU.⁶⁹ His ideational and financial investments were decisive for the project even taking off. The OAU's collective criticism of sanctions had made him reorient from Pan-Arabism to Pan-Africanism.⁷⁰ Framed 'in the discursive garments of Pan-Africanism', a radically expanded regional mandate allowing for both sanctions and military intervention gained wide support.⁷¹ However, the AU's sanctions doctrine did not endorse sanctions in general, but used the instrument selectively in favour of regime stability and gradual democratisation. Just as in the OAU, only legitimate sovereigns are protected by the principle of non-interference. The AU updated the Pan-African tradition of non-interference by expressly placing coup-makers, rebels or any other meddlers with constitutional order outside of this group.

AU sanctions have therefore come to work from the assumption that members are attached to the organisation and recognise its authority. This truly Pan-African logic of attachment is extended to anyone with a claim to leadership of an African country. Not only existing governments but also their challengers are expected to care about the approval of other African states and fear exclusion from the group. The threat of sanctions is a threat not only of material punishment but also of isolation.⁷² They do not want to 'feel outside of the African society'.⁷³ This view is shared by EU officials, who see AU sanctions as putting a country/leadership in the 'sick-room' and then 'bring[ing] them back': 'it is a moral thing' where 'peer pressure' is working.⁷⁴ AU sanctions are 'norm setting on moral grounds', for which the 'concept of inclusion and dialogue' is crucial.⁷⁵ This emphasis on reconciliation fits with stability as the main purpose of the AU's sanctions policy. Sanctions are the responsibility of the AU's Peace and Security Council and are supposed to be imposed automatically, without sensibility to political

context. In accordance with the tradition of non-interference, they should not be used to influence legitimate sovereigns, but to shield them from illegitimate upheavals. Some African leaders that the sanctions doctrine protects have themselves come to power through coups, and yet others have remained in power for years without facing proper electoral scrutiny.

We turn secondly to ASEAN and the dilemma of sanctions against Myanmar. Myanmar's accession to ASEAN posed a genuine dilemma for existing members, making up 'the most serious challenge to ASEAN's international standing since the Cold War'.⁷⁶ In this dilemma, the importance of good relations with Western powers was set against ASEAN's vision of uniting the region in solidarity and flexible cooperation among friends. The United States and the EU lobbied against accession and severed their sanctions regimes.⁷⁷ However, ASEAN refused to bend and in 1997 Myanmar became a member 'in outright defiance of Western powers'.⁷⁸ In the short term, ASEAN's diplomatic relations to the United States and the EU suffered.⁷⁹ Then again, its membership gave external actors the possibility of holding ASEAN responsible for the developments in the country. The dilemma of having a hard-necked military junta in the friendship circle made core situated agents (headed by Thai foreign minister and later ASEAN Secretary General Surin Pitsuwan) selectively reconsider the traditional hands-off approach to domestic affairs that had long been ASEAN's official line of business.

If sanctions against Libya were dismissed as unfair by the African community, ASEAN acknowledged a problem in Myanmar.⁸⁰ It repeatedly criticised international sanctions, arguing that constructive engagement⁸¹ would have a better chance at bringing about positive change than sanctions.⁸² 'Constructive engagement' was often seen as 'a particular kind of interference in support of the regime',⁸³ but actually alternated between encouragement and open criticism.⁸⁴ An Indonesian diplomat described the way that ASEAN approached Myanmar: 'we are telling them very quietly, in a Southeast Asian way, without any fanfare, without any public statements: "Look, you are in trouble, let us help you. But you have to change, you cannot continue like this"'.⁸⁵ ASEAN tried to convince Myanmar that it would be better off 'regionalising' than 'internationalising' its internal issues.⁸⁶

Constructive engagement was negatively defined as something *other than* sanctions: '[t]o avoid disrupting lucrative trade and investment links necessitated a moderate, non-coercive approach to promoting political reform'.⁸⁷ Beyond that, the contents of the alternative to sanctions were interpreted in different ways by the ASEAN members.⁸⁸ There was no collective stance: 'each country can do what it wants, say what it wants as it sees fit'.⁸⁹ In consequence, sanctions against Burma were never internalised as a concern for ASEAN itself. In all joint communiqués from 44 years of ASEAN Ministerial Meetings, sanctions against Myanmar have been mentioned just once, in a statement which simply restated the country's own position.⁹⁰ This contrasts with the OAU's repeated resolutions concerning Libya, where sanctions were seen as an offence against the whole of Africa.

Sanctions have been consistently ruled out by ASEAN not because Southeast Asian countries are extraordinarily loyal adherents to the tradition of non-interference but because sanctions conflicted with the prior tradition of informality. Sanctions have been seen within ASEAN as blunt and loud political instruments: they are always public and

seek maximum visibility. This goes against ASEAN's traditional 'behind-the-scenes-approach',⁹¹ or rejection of 'public shouting' in favour of 'civility', 'discretion and courtesy', as put by Surin Pitsuwan (then Thai Foreign Minister) in 1998.⁹² Moreover, sanctions imply commitment. Sanctions bind senders to a political position and restrict their room for manoeuvre. This is an unrealistic strait-jacket for an organisation that since its foundation takes pride in offering an umbrella big enough to accommodate different national positions. It is hard to imagine a dilemma which would make ASEAN give up this pillar in its self-representation anytime soon. From ASEAN's point of view, Myanmar's partial liberalisation in 2011–2012 resolved the dilemma in a way which confirmed its rejection of sanctions. Malaysia's Prime Minister Najib Razak triumphantly declared that '[t]he Asean Way Won Burma Over'. According to Razak, 'Our encouragement did more to create political change than Western sanctions and scoldings'.⁹³ Most international sanctions were lifted by 2013.⁹⁴ Whereas proponents of sanctions see reforms in Myanmar as evidence of sanctions success, Isabellla Bennett and Julie Ginsberg argue that ASEAN's non-punitive approach 'gained more credibility'.⁹⁵

Conclusion

This article has traced the difference in attitudes to sanctions between the OAU/AU and ASEAN back to their interpretations of core traditions at the early stage of cooperation in their respective regions. Protecting states from meddling in domestic affairs, whether from external powers or from the region itself, was an imperative motivation for both OAU and ASEAN. However, non-interference interacted with other traditions to produce diverging interpretations of the appropriate scope and content of regional action. For the OAU, non-interference did not apply to the illegitimate apartheid regimes. For ASEAN, non-interference was used to justify the reluctance of members to pull behind collective action in Vietnam. Although crucial dilemmas – in this article exemplified by Libya and Myanmar – have pushed both regions to selectively re-think these beliefs, the core interpretation of non-interference remains relevant. The AU sanctions doctrine signals that one cannot become a legitimate sovereign through unconstitutional means, and ASEAN members still cherish the dealing with regional crises nationally.

The trajectories of the OAU/AU and ASEAN highlight that non-interference is not a static or dichotomous concept, but a living tradition that is continuously reinterpreted by political actors. Both the AU's alleged turn away from non-interference and the ASEAN's continued loyalty to it are exaggerated. The AU did not 'abandon state sovereignty', as the BBC reported at the time of its inauguration,⁹⁶ but re-thought it to fit the purposes of stability and international recognition. Likewise, non-interference is not a sanctified constant in Southeast Asian regionalism, but a contested rhetorical device malleable to the interpretations of individual states.

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Notes

1. For simplicity, henceforth the article refers only to the country’s official and nowadays most broadly used name: Myanmar.
2. Noted in this Special Issue’s introduction: Mark Bevir and Oliver Daddow, ‘Interpreting Foreign Policy: National, Comparative, and Regional Studies’ (Special Issue), *International Relations*, 2015, 29, p. 273.
3. Shaun Breslin and Richard Higgott, ‘New Regionalism(s) in the Global Political Economy: Conceptual Understanding in Historical Perspective’, *Asia Europe Journal*, 1(2), 2003, p. 176; see Anthony Milner, ‘Analysing Asian Regionalism: What Is an ‘Architectural Perspective’?’, *Australian Journal of International Affairs*, 65(1), 2011, p. 113; Jens-Uwe Wunderlich, ‘The EU an Actor Sui Generis? A Comparison of EU and ASEAN Actorness’, *Journal of Common Market Studies*, 50(4), 2012, pp. 653–69.
4. Breslin and Higgott, ‘New Regionalism(s) in the Global Political Economy’; Shaun Narine, ‘Forty Years of ASEAN: A Historical Review’, *The Pacific Review* 21(4), 2008, pp. 411–29; Jürgen Rüländ and Anja Jetschke, ‘40 Years of ASEAN: Perspectives, Performance and Lessons for Change’, *The Pacific Review*, 21(4), 2008, pp. 397–409; Louise Fawcett, ‘Exploring Regional Domains: A Comparative History of Regionalism’, *International Affairs* 80(3), 2004, pp. 429–46.
5. R.A.W. Rhodes, ‘Understanding Governance: Ten Years On’, *Organization Studies*, 28(8), 2007, pp. 1250, 1253.
6. On novel circumstances and dilemmas, see Mark Bevir, ‘Rethinking Governmentality: Towards Genealogies of Governance’, *European Journal of Social Theory*, 13(4), 2010, p. 427.
7. Although most international sanctions were suspended by 2013, some measures – notably EU and US arms embargoes – remain in force.
8. Commission of the African Union, ‘Member States’, n.d., available at: http://www.au.int/en/member_states/countryprofiles (accessed 29 April 2014). Morocco’s membership was withdrawn in 1984 because of the African Union’s (AU) recognition of Western Sahara.
9. Organization of African Unity, ‘Constitutive Act of the African Union’ (Togo, 11 July 2000), into force Addis Ababa, 26 May 2001; ‘Profile: African Union’, *BBC News*, 14 May 2013, available at: <http://www.bbc.com/news/world-africa-16910745> (accessed 29 April 2014).
10. Organization of African Unity, ‘Constitutive Act of the African Union’.
11. Organization of African Unity, ‘Lomé Declaration of July 2000 on the Framework for an OAU Response to Unconstitutional Changes of Government’, 10–12 July 2000.
12. Assembly of the African Union, ‘African Charter on Democracy, Elections and Governance’, 30 January 2007.
13. Assembly of the African Union, ‘Protocol Relating to the Establishment of the Peace and Security Council of the African Union’, §7g, 9 July 2002. Members who fail to pay their financial contributions are also suspended from participation in Union activities (Organization of African Unity, ‘Constitutive Act of the African Union’, §23).
14. Assembly of the African Union, ‘Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace’, 31 August 2009.
15. ‘Peace and Security Council of the African Union’ (Communiqué of the 252nd Meeting of the Peace and Security Council, Addis Ababa, 9 December 2010).

16. 'Peace and Security Council of the African Union' (Report of the Chairperson of the Commission on the Situation in Madagascar, 216th meeting of the Peace and Security Council, 19 February 2010, Addis Ababa); 'Peace and Security Council of the African Union' (Communique of the 252nd Meeting), emphasis in original.
17. 'Peace and Security Council of the African Union' (Draft Report of the Panel of the Wise on Strengthening the Role of the African Union in the Prevention, Management and Resolution of Election-Related Disputes and Violence Conflicts in Africa, 191st Meeting of the Peace and Security Council, Addis Ababa, 5 June 2009), p. 19.
18. See Russel H. Fifield, 'ASEAN: Image and Reality', *Asian Survey*, 19(12), 1979, p. 1200; Shee Poon-Kim, 'A Decade of ASEAN, 1967–1977', *Asian Survey*, 17(8), 1977, p. 767; Vincent K. Pollard, 'ASA and ASEAN, 1961–1967: Southeast Asian Regionalism', *Asian Survey*, 10(3), 1970, pp. 244–55.
19. ASEAN, 'The ASEAN Declaration (Bangkok Declaration)', 8 August 1967; Tobias Nischalke, 'Does ASEAN Measure Up? Post-Cold War diplomacy and the Idea of Regional Community', *The Pacific Review*, 15(1), 2002, p. 90; Pollard, 'ASA and ASEAN, 1961–1967', pp. 244, 247.
20. East Timor applied for membership in March 2011.
21. Shaun Narine, 'Forty Years of ASEAN: A Historical Review', *The Pacific Review*, 21(4), 2008, p. 420; see Katja Freistein, 'ASEAN after the Bali Summit 2003: From Paralysis to New Life?', *European Journal of Asian Studies*, 4(2), 2005, pp. 180–6.
22. Narine, 'Forty Years of ASEAN', p. 420.
23. The EPG was made up mainly of former or acting ministers, available at: <http://www.asean.org/archive/ACP-EPGMember.pdf> (accessed 12 January 2015). Already in 1974, the Philippines had proposed a Charter to guide the work of the organization, but most members preferred to keep the basis of cooperation informal (ASEAN Ministerial Meeting, 1974).
24. ASEAN Secretariat, 'Report of the Eminent Persons Group', December 2006, pp. 2–4 (emphasis in original), available at: <http://www.asean.org/archive/19247.pdf> (accessed 11 August 2015).
25. Narine, 'Forty Years of ASEAN', p. 422.
26. ASEAN Secretariat, 'The ASEAN Charter', Jakarta, January 2008, available at: <http://www.asean.org/asean/asean-charter> (accessed 3 July 2015); ASEAN Secretariat, 'ASEAN Political-Security Community Blueprint', Jakarta, June 2009, available at: <http://www.asean.org/archive/5187-18.pdf> (accessed 3 July 2015).
27. Lee Jones, *ASEAN, Sovereignty and Intervention in Southeast Asia* (Basingstoke: Palgrave Macmillan, 2012). Southeast Asian states have repeatedly and bluntly disrespected the sovereignty of its neighbours, Jones argues. Examples from the Cold War period are Indonesia's invasion of East Timor, which was tolerated by ASEAN, and Vietnam's overthrow of the Pol Pot regime in Cambodia, which was condemned. Moreover, post-Cold War ASEAN has tried to influence its members in a number of ways, for instance by using conditionality before admitting Cambodia as a member in 1999 and through constructive engagement with the regime in Myanmar.
28. See Mark Bevir, Oliver Daddow, and Ian Hall, 'Introduction: Interpreting British Foreign Policy', *British Journal of Politics and International Relations*, 15(3), 2013, p. 167.
29. Liberia was created as a colony for freed American slaves. Ethiopia was a contested Italian colony between 1936 and 1941.
30. Haile Selassie, 'The Making of Africa Will Not Wait' (Inaugural Meeting of the OAU, Addis Ababa, 25 May 1963).
31. Cited in ASEAN, 'ASEAN at 30: The Founding of ASEAN', 1997 [2014], available at: <http://www.asean.org/news/item/asean-at-30> (accessed 29 April 2014).

32. ASEAN, 'The ASEAN Declaration'.
33. Timothy Murithi, *The African Union: Pan-Africanism, Peacebuilding and Development* (Aldershot: Ashgate, 2005), p. 30.
34. Thierry Verdier, 'Regional Integration, Fragility and Institution Building: An Analytical Framework Applied to the African Context', EUI Working Papers, RSCAS 2010/38, p. 27, available at: http://thred.devecon.org/papers/2010/2010-017_Verdier_Regional-Integration-Fragility.pdf (accessed 11 August 2015).
35. Poon-Kim, 'A Decade of ASEAN', p. 753.
36. Jones, *ASEAN, Sovereignty and Intervention*, p. 39; see Narine, 'Forty Years of ASEAN', p. 425; Shaun Narine, *Explaining ASEAN: Regionalism in Southeast Asia* (Boulder, CO: Lynne Rienner Publishers, 2002), p. 3.
37. Selassie, 'The Making of Africa'.
38. Organization of African Unity, 'OAU Charter', 25 May 1963, Art. IV.
39. Audie Klotz, *Norms in International Relations: The Struggle against Apartheid* (Ithaca, NY: Cornell University Press, 1995), p. 76.
40. Håkan Thörn, *Anti-Apartheid and the Emergence of a Global Civil Society* (Basingstoke: Palgrave Macmillan, 2006), p. 71.
41. The OAU also supported sanctions against colonial powers and White minority rule in South Rhodesia, Mozambique and Angola. However, this article deals with South Africa as the most formative experience of sanctions.
42. Klotz, *Norms in International Relations*, p. 76.
43. Klotz, *Norms in International Relations*, p. 46; see Organization of African Unity, 'Apartheid and Racial Discrimination', 3–5 December 1965; Organization of African Unity, 'Resolution on Southern Rhodesia', 28 February–6 March 1966.
44. Klotz, *Norms in International Relations*, p. 90.
45. Timothy M. Shaw, 'Oil, Israel and the OAU: An Introduction to the Political Economy of Energy in Southern Africa', *Africa Today*, 23(1), 1976, p. 18.
46. Thörn, *Anti-Apartheid and the Emergence*, p. 71.
47. Thörn, *Anti-Apartheid and the Emergence*, p. 70.
48. Heinz W. Arndt and Ross Garnaut, 'ASEAN and the Industrialization of East Asia', *Journal of Common Market Studies*, 17(3), 1979, p. 191; see Fifield, 'ASEAN: Image and Reality', p. 1200.
49. Jones, *ASEAN, Sovereignty and Intervention*, pp. 50–1.
50. Munir Majid, 'ASEAN: Perspectives on Economic Integration' (IDEAS Reports – Special Reports, London School of Economics and Political Science, London, 2009), p. 2.
51. Jones, *ASEAN, Sovereignty and Intervention*, Chapter 2.
52. Poon-Kim, 'A Decade of ASEAN', p. 754.
53. ASEAN, '1971 Zone of Peace, Freedom and Neutrality Declaration', 27 November 1971; Michael Leifer, 'The ASEAN States: No Common Outlook', *International Affairs*, 49(4), 1973, p. 601.
54. Arndt and Garnaut, 'ASEAN and the Industrialization', p. 191; Fifield, 'ASEAN: Image and Reality', p. 1203.
55. Poon-Kim, 'A Decade of ASEAN', p. 766.
56. M.L. Smith and D.M. Jones, 'ASEAN, Asian Values and Southeast Asian Security in the New World Order', *Contemporary Security Policy*, 18(3), 1997, p. 135.
57. On social conflict, see Jones, *ASEAN, Sovereignty and Intervention*, Chapter 2.
58. United Nations Security Council, 'Resolution 748', 31 March 1992.
59. Organization of African Unity, 'Resolution on the Crisis between the Great Jamahiriya and the USA, UK, and France', 6–11 June 1994; Organization of African Unity, 'Resolution on

- the Crisis Between the Great Libyan Arab Jamahiriya and the United States of America, the United Kingdom and France', 21–23 June 1995.
60. Organization of African Unity, 'Declaration of the Thirty-Third Ordinary Session of the OAU Assembly of Heads of State and Government on the Dispute between the Libyan Arab Jamahiriya and the United States of America and Great Britain', 2–4 June 1997, §3,6.
 61. Evarist Baimu and Kathryn Sturman, 'Amendment to the African Union's Right to Intervene', *African Security Review*, 12(2), 2003, p. 38.
 62. Organization of African Unity, 'The Crisis between the Great Socialist People's Libyan Arab Jamahiriya and the United States of America and the United Kingdom', 8–10 June 1998; Philippe Sands and Pierre Klein, *Bowett's Law of International Institutions*, 6th ed. (London: Thomson Reuters, 2009), p. 245; Takeyh, 'The Rogue Who Came in from the Cold', *Foreign Affairs*, 80(3), 2001, p. 67; interview with AU official, Addis Ababa 20 December 2010.
 63. Ben Kioko, 'The Right of Intervention under the African Union's Constitutive Act: From Non-Interference to Non-Intervention', *International Review of the Red Cross*, 852, 2003, p. 821.
 64. Ian Hurd, 'The Strategic Use of Liberal Internationalism: Libya and the UN Sanctions, 1992–2003', *International Organization*, 59(3), 2005, pp. 495–526.
 65. Organization of African Unity, 'Special Motion of Thanks to the Leader of the Great Socialist Libyan Arab Jamahiriya Brother Muammar Al Ghaddafi', 1–2 March 2001.
 66. Peter Hawthorne, 'All for One, One for All', *TIME Magazine*, 14 July 2002, available at: <http://content.time.com/time/magazine/article/0,9171,320737,00.html> (accessed 11 August 2014; See Corinne A.A. Packer and Donald Rukare, 'The New African Union and Its Constitutive Act', *American Journal of International Law*, 96(2), 2002, pp. 365–79; Thomas Kwasi Tiekou, 'Explaining the Clash and Accommodation of Interests of Major Actors in the Creation of the African Union', *African Affairs*, 103(411), 2004, pp. 249–67.
 67. Organization of African Unity, 'Constitutive Act of the African Union'.
 68. Kioko, 'The Right of Intervention', p. 807; see also Samuel M. Makinda and F. Wafula Okumu, *The African Union: Challenges of Globalization, Security, and Governance* (London: Routledge, 2002), p. 74.
 69. Organization of African Unity, 'Sirte Declaration', 8–9 September 1999, §7.
 70. Disappointed that Arab countries did not defy sanctions, Gadaffi turned away from Pan-Arabism. Kathryn Sturman, 'The Rise of Libya as a Regional Player', *African Security Review*, 12(2), 2003, pp. 109–12; Howard Schneider, 'Libya's Gadhafi Says His Future Is African', *Washington Post*, 4 October 1998, available at: <http://www.washingtonpost.com/archive/politics/1998/10/04/libyas-gadhafi-says-his-future-is-african/be1b8b48-3639-442b-8c64-e1aabd36cfe4/> (accessed 12 August 2015); Takeyh, 'The Rogue Who Came'; John Daniszewski, 'Kadafi Lambastes Arab Allies' Stance in Pan Am Blast Case', *Los Angeles Times*, 2 October 1998, available at: <http://articles.latimes.com/1998/oct/02/news/mn-28652> (accessed 12 August 2015).
 71. Bjørn Møller, 'The African Union as a Security Actor: African Solutions to African Problems?' (Crisis States Research Centre Working Papers Series 2:57, London School of Economics and Political Science, London, August 2009), p. 10.
 72. 'Peace and Security Council of the African Union' (Draft Report of the Panel of the Wise).
 73. Interview with AU official, Addis Ababa, 17 December 2010.
 74. Interviews, EU Delegation to the African Union, 7 December 2010.
 75. Interview, EU Delegation to the African Union, 6 December 2010.
 76. Jones, *ASEAN, Sovereignty and Intervention*, p. 180.
 77. Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order* (Abingdon: Routledge, 2009), p. 132.

78. Jones, *ASEAN, Sovereignty and Intervention*, p. 190.
79. See Pascal Vennesson and Clara Portela, 'Sanctions and Embargoes in EU-Asia Relations', in Thomas Christiansen, Emil Kirchner and Philomena Murray (eds) *EU-Asia Handbook* (Basingstoke: Palgrave Macmillan, 2013), pp. 198–210.
80. Morton B. Pedersen, *Promoting Human Rights in Burma: A Critique of Western Sanctions Policy* (Lanham, MD: Rowman & Littlefield, 2008), p. 67.
81. The term 'constructive engagement' was used already in the 1980s to signify the US policy towards South Africa under the Reagan administration. Also in this case, the highly debated policy was defined as an alternative to sanctions. See Pauline H. Baker, 'The United States and South Africa: Persuasion and Coercion', in Richard N. Haass and Meghan L. O'Sullivan (eds) *Honey and Vinegar: Incentives, Sanctions, and Foreign Policy* (Washington, DC: Brookings Institution Press, 2000), pp. 95–119.
82. Narine, 'Forty Years of ASEAN', p. 418; Najib Razak, 'The ASEAN Way Won Burma over', *The Wall Street Journal*, 3 April 2012, available at: <http://www.wsj.com/articles/SB10001424052702303816504577321242628750250> (accessed 12 August 2015); Shibani Mahtani, 'Singapore Presses Its Advantage in Myanmar', *The Wall Street Journal*, 15 February 2012, available at: <http://blogs.wsj.com/indonesiarealtime/2012/02/15/singapore-presses-its-advantage-in-myanmar/> (accessed 28 June 2015).
83. Acharya, *Constructing a Security Community*, p. 133.
84. Jones, *ASEAN, Sovereignty and Intervention*, Chapter 8; Ruukun Katanyuu, 'Beyond Non-Interference in ASEAN: the Association's role in Myanmar's National Reconciliation and Democratization', *Asian Survey*, 46(6), pp. 838–9.
85. Quoted in Jones, *ASEAN, Sovereignty and Intervention*, p. 186.
86. Jones, *ASEAN, Sovereignty and Intervention*, p. 205.
87. Jones, *ASEAN, Sovereignty and Intervention*, p. 187.
88. Jürgen Haacke, 'ASEAN and Political Change in Myanmar: Towards a Regional Initiative?', *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, 30(3), 2008, pp. 351–78.
89. ASEAN official quoted in Acharya, *Constructing a Security Community*, p. 133.
90. ASEAN, 'Joint Communiqué of the 42nd ASEAN Foreign Ministers Meeting', 20 July 2009, §69.
91. Jones, *ASEAN, Sovereignty and Intervention*, p. 198.
92. Surin Pitsuwan, 'Currency Turmoil in Asia: The Strategic Impact' (Remarks at the Twelfth Asia-Pacific Roundtable, Kuala Lumpur, Malaysia, 1 June 1998).
93. Razak, 'The Asean Way Won'.
94. Clara Portela, 'The EU's Use of 'Targeted' Sanctions: Evaluating Effectiveness', CEPS Working Documents, no. 391 (Brussels: the Centre for European Policy Studies, March 2014), pp. 9–14.
95. Isabella Bennett and Julie Ginsberg, *Backgrounder – ASEAN: The Association of Southeast Asian Nations* (New York: Council on Foreign Relations, 19 July 2012), available at: <https://archive.is/NNMFY> (accessed 12 August 2015).
96. Paul Reynolds, 'African Union Replaces Dictators' Club', *BBC News*, 8 July 2002, available at: <http://news.bbc.co.uk/2/hi/africa/2115736.stm> (accessed 11 August 2015).

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