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### **Chairship System and Decision Making by Consensus in International Agreements: The Case of ASEAN**

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#### **Abstract**

How are different positions reconciled under decision making by consensus in international agreements? This article aims to answer this question. Consensus rule provides each participant a veto, which risks resulting in non-agreement. Taking ASEAN as a case study of international organizations that have adopted consensus rule as the main decision-making procedure, this article presents the chairship system as an analytical scheme to examine how different positions are or are not reconciled under consensus rule. The system is based on conventional knowledge regarding the chair in international conference, which can be defined as an institution where the role of the chair is taken by one member state in an international organization and plays a role in agenda-setting. The agenda-setting power given to the chair varies across organizations. This article assumes that the chair in ASEAN is given a relatively strong agenda-setting power to enable the chair to reach agreements and bias such agreements in its own favor.

**Keywords:** chair, agenda-setting, ASEAN

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## **1. Introduction**

The possibility of reaching international agreements depends largely on decision-making procedures. Decisions in international and regional organizations can be reached using various methods, such as majority, unanimity, and consensus. Today, majority rules tend to be adopted in many international organizations to avoid delay in making decisions. However, many resolutions in the United Nations General Assembly are adopted by a unanimous vote, although a majority rule could be used (Sohn 1974). In 1964, consensus rule appeared in the United Nations “as a deliberately sought-out method of work to avoid a crisis which would have been heavily fraught with consequences” (M’Bow 1978: 896–98). Zartman (1994: 5) states that multilateral agreement is frequently achieved by consensus and even where voting is provided for in the rules, multilateral decision making tends to save such a route for exceptional cases. This implies that “there should be no voting on substantive matters until all efforts at consensus have been exhausted” (Zemanek 1983: 865). Consensus rule is also utilized in decision making within regional organizations. The member states in the Conference on Security and Cooperation in Europe (CSCE) agreed to reach all decisions by consensus, which they defined as the “absence of any objection expressed or put forward by a representative as constituting an obstacle to adopting the decision in question” (M’Bow 1978: 894).

While importance of consensus rule and process in reconciling interests is often pointed out, few studies have examined specific mechanisms of reconciling interests under consensus rule. Decision-making procedures (“prevailing practices for making and implementing collective choice”) are one component of international regimes

(Krasner 1983: 2), but as Gehring (1992: 60–61) points out, regime analysis does not pay attention to process of continuous interaction of regime members. This in turn implies that a decision-making mechanism is characterized by intersubjective expectations and normatively stabilized meanings shared by member states, which are the very bases of regimes (Kratochwil and Ruggie 2001: 363). This article aims to analyze the mechanism for reconciliation of different interests under consensus rule, which itself does not contain such mechanism.

In this article, the Association of Southeast Asian Nations (ASEAN) is taken as a representative international organization that has adopted consensus rule as its exclusive decision-making procedure. Studies on decision making in ASEAN have focused on its “informal” process of reaching agreements through “consultation (musyawarah in Indonesian) and consensus (mufakat)” (Nischalke 2002: 93; Thambipillai and Sravanamuttu 1985: 10–13; Thambipillai 2000: 157–58). The “ASEAN Way” is a famous phrase to characterize the organization’s informality in decision making that lacks formula and modality (Acharya 1997: 328–33). However, the informal character of negotiations under consensus rule does not explain how consensus rule operates in the face of conflicting interests. On one hand, it is argued that consensus rule tends to produce “lowest common denominator agreements” as a result of respecting preferences of a member voicing objections (Kurus 1995: 406; Jorgensen-Dahl 1976: 532). It sounds persuasive because each member can therefore veto under this rule, frequently leading to non-agreement. However, there are agreements to be reached despite the existence of the opposing member states as in the case of Myanmar’s accession, which will be analyzed later in this article. These above studies do not clearly explain the mechanism by which conflicting interests are

reconciled.

Drawing studies on international negotiations and institutionalism, this article presents the chairship system as an institution for reconciling interests under consensus rule and argues that agreements are more likely to be reached under the system. In the case of ASEAN, the contents of agreements reflect the chair's preferences. Under the chairship system, the role of the chair is assumed by a member state in an international or regional organization, and the chair plays a substantial role in agenda-setting to have negotiations result in agreement. Such agenda-setting power varies across organizations. This article assumes that in ASEAN, the chair is given a relatively strong agenda-setting power to make it possible to reach agreements; such power has the side effect of allowing the chair to bias the agreements for its own favor. The power of the chair is analyzed in empirical case studies where the ASEAN member states had conflicting interests and agreements would have been difficult to reach if, under consensus rule, some member states had wielded a veto.

## **2. Chairship System in International Organizations**

Multilateral negotiations in international and regional organizations often have collective action problems due to the nature of decentralized bargaining. In order to avoid failure in reaching agreements, organizations can set a variety of rules. Majority voting is a typical rule to enable agreements to be reached despite the conflicting interests of the member states. Even under majority voting, rational choice theorists argue that decision systems granting equal agenda-setting opportunities to all actors are

liable to issue cycling and will be unable to secure stable majorities for the proposals advanced (Tallberg 2010: 244). In other cases, the member states in international organizations sometimes call for a third party such as the UN Secretary-General, the WTO Director-General, or the European Commission in the EU, to participate in agenda-setting and structure bargaining in order to reach agreements.

However, in some international organizations, the member states adopt consensus rule as their main decision-making procedure and do not allow involvement by third parties in decision making. ASEAN is one such organization, along with the CSCE, the Asia-Pacific Economic Cooperation (APEC), the Economic Community of West African States (ECOWAS), the African Union (AU), and the G8. In these organizations, the member states attempt to reconcile their interests by themselves in order to reach decisions. This article examines how the member states in such organizations reconcile their conflicting interests and reach agreements and what the distributive outcomes are. These organizations serve as the best examples to determine how consensus rule influences outcome because other institutional factors for decision making are limited.

This article presents an analytical scheme, the chairship system, to delineate the reconciliation mechanism among the member states in international organizations where consensus rule is the main decision-making procedure and other institutional functions such as third parties are limited. The chairship system is defined as “an institution for reconciliation of interests where the chair assumed by one of the member states plays a role of agenda-setting.” The importance of agenda-setting for reaching agreements is often pointed out in international negotiation theories (Young 1991: Garrett and Weingast 1993: Moravcsik 1999). The chairship system derives from the conventional

role of the chair in international conferences.<sup>1</sup> Among the rules in “conference diplomacy,” which can be defined as part of the management of relations between governments and of relations between governments and intergovernmental organizations that takes place in international organizations, Kaufmann (1996: 7, 27–29) points out that the chairs in international conferences have both procedural and substantial roles. Substantial roles include holding informal conferences and offering compromises. Such chair’s roles have been examined as “policy entrepreneurs” in the UN setting (Blavoukos and Bourantonis 2010). Raiffa (1982: 275-87) also demonstrated that, in the Law of the Sea negotiation, the chair played a crucial role in unblocking earlier negotiating impasses by producing a single negotiating text that links one issue with another. These studies suggest that in order to reach agreements despite conflicting interests, compromise proposals via either producing a single negotiation text or presenting side-payments are necessary to persuade opposing member states not to veto proposals.<sup>2</sup> They point out the chair’s agenda-setting power, but do not empirically examine what empowers the chair as the agenda-setter to enable agreements to be reached or how such power exerts distributive effects on outcomes. This article explores how concessions are exchanged in the reconciliation process through the chair’s agenda-setting and the likely consequences such a methodology will produce.

Few studies have been conducted examining the role of the chair in regional organizations, apart from those exploring the EU context. In the EU, the chairship is called the presidency. Studies on the EU presidency have two streams. One argues for limiting the presidency’s power to reflect its national interests in EU policy-making

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<sup>1</sup> The role of the chair is also pointed out on analysis of domestic politics (Cox and McCubbins 2005).

<sup>2</sup> Concessions are often result of political manipulation. Riker (1986) cites the importance of political manipulation of agendas, arguing that if the agenda is set up differently, there are possibly different outcomes.

(Wallace 1985; Hayes-Renshaw and Wallace 1997). This argument partly reflects the involvement of EU supranational organs in decision making that limit the chair's discretion. The other stream argues that a more powerful presidency able to reflect its national interests could be observed in EU policy-making. Tallberg (2006) gives a useful analytical scheme, in particular, on the chair's power of "agenda exclusion," i.e., barring issues from the policy agenda. However, it casts doubt on whether the power of presidency is institutionalized independent of distributions of power within the EU and whether the presidency can bring its own proposals into the agreement in cases facing strong objections from its member states (Tallberg 2006). Although focusing on a more powerful role for the chair in decision making, Thomson (2008) points out that EU decision-making procedures condition the influence of the presidency on favorable outcomes. It is also argued that the chair is given a more powerful agenda-setting role in majority voting than in consensus rule (Tallberg 2010). Certainly, the more demanding the decision rule, the smaller the existing contract zone and subsequently the degree of maneuverability available to the chair. This parameter, however, should be seen in conjunction with other parameters such as political resources available to the chair (Blavoukos and Bourantonis 2010: 657, 669).

Nevertheless, studies on the EU presidency have important implications for chairmanships in international organizations in general. The chairmanship is an intergovernmental design for agenda management (Tallberg 2006: 54). It is interesting to note that the EU presidency began to become empowered as an agenda-setter when intergovernmental frameworks were appreciated inside or outside the European Community (EC), where the European Commission was less involved (Tallberg 2006: 43-81). This suggests that the chair's agenda-setting power is more important in

intergovernmental frameworks.

This article presents the chairship system as an analytical scheme in international organizations characterized by intergovernmental frameworks as dominant decision-making arenas. Giving the chair the agenda-setting power goes well with conference diplomacy wherein the member states participate on equal footing. In organizations having no alternative institutional setting to the chair for use in reconciling different positions, it is assumed that more responsibilities and legitimacy in terms of agenda-setting are given to the chair. This, in turn, implies that the chairship system is based on the concept of “logic of appropriateness” (March and Olsen 1989) and legitimacy.<sup>3</sup> The system functions regardless of national power of the chairing country or competence of the chairman. Although national powers and personal capabilities affect the patterns of agenda-setting and decision outcome, the source of the chair’s power lies in his or her legitimacy in setting the agenda. The member states respect legitimacy of sovereignty and share logic of appropriateness that each member state is given a veto under consensus rule. However, when they recognize the necessity of decision making, they agree to respect the legitimacy of the chair’s ability to set the agenda in order to avoid failure in reaching agreement. This suggests that they gradually accept a change in the criteria of appropriate decision-making behavior from exercising a veto to making concessions under the chair exerting authority by agenda-setting. Under these new criteria, even the powerful member states would follow the chair’s agenda-setting methods used by the small member states.

The chair’s agenda-setting starts with structuring proposals. Not only the chair but also other member states (the non-chair states) can make proposals. At early stages

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<sup>3</sup> For arguments on legitimacy, refer to Franck (1988) and Hurd (1999).

of international negotiations, negotiators rarely have a concept of what a final, acceptable agreement might look like. Rather, they proceed toward agreement by initially tabling a position that is exploratory at best (Winham 1977: 99). When the member states take different positions towards a proposal, they begin reconciling these positions by exchanging compromises or concessions. The agenda-setting power given to the chair determines how the chair deals with the proposals, i.e., whether the chair can (1) prioritize particular proposals and (2) exclude some proposals from the agenda.<sup>4</sup> Endowed with these two functions of power, the chair can steer discussions towards outcomes favoring his or her advantage, or at least avoid disadvantage. If the chair is given neither of the two functions, and in particular, when the chair cannot exclude proposals running counter to its own preferences, it cannot be assured that the chair will bring a distributive outcome that favors its preferences.

Institutional features of the chairship system vary among international and regional organizations. ASEAN adapts a rotating system using alphabetical order according to the names of its member states. The G8 uses a rotation based on the economic and political power of the member states, with the exception of France as the G8's founder. The election system has been adopted by APEC, ECOWAS, and AU, which means each member state does not automatically assume the chair. The agenda-setting power of the chair also varies across regional and international organizations and is determined by the institutional features of the chairship system, membership, nature of relationship among the member states, number of the member states, and other shared values of decision making among the member states.

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<sup>4</sup> Tallberg (2003) adapts the term “agenda-shaping” consisting of three forms: agenda-setting, agenda-structuring and agenda-exclusion. Agenda-setting involves introducing new issues to the agenda. Agenda-structuring refers to emphasizing and/or de-emphasizing issues already on the agenda. Finally, agenda-exclusion refers to actively barring issues from the policy agenda.

The rotation system tends to give the chair stronger agenda-setting powers than the election system because it generates a logrolling dynamics whereby state representatives take turns in exploiting the office for national purposes (Tallberg 2010). Such logrolling dynamics would be observed with a limited number of member states. However, in organizations with a large number of the member states, strong agenda-setting power might be given if, with disparity of power resources, the member states let the powerful member states lead negotiations by frequently assuming the chair under an election system. This suggests, as international regime analysis mentioned earlier in this article implies, that agenda-setting power is intersubjective in a way in which, like other decision-making rules, ultimately the member states in each organization determine the extent to which the chair should be given agenda-setting power.<sup>5</sup>

### **3. ASEAN Consensus-building and its Chairship System**

ASEAN was founded in 1967 and is composed of 10 member states: Brunei, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam. It is a small organization with no supranational institution needing to be involved in decision making, and the main decision-making bodies are the ministerial meetings and the summit. Although the Secretariat was set up in 1976, it does not play any role in decision making. The Annual Ministerial Meeting (AMM), consisting of foreign ministers of the member states, has been ASEAN's core decision-making arena in

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<sup>5</sup> For the importance of constitutive questions in social science, refer to Wendt (1999).

political and security fields. Taking these political and security issues as the cases where the member states had conflicting interests, this article uses the AMM as the decision-making arena under investigation.

The AMM's chairship system is characterized by a rotating rule based on alphabetical order of the names of its member states. The rule was partly laid down in the 1967 ASEAN Declaration, which stated, "Annual Meeting of Foreign Ministers, which shall be by rotation and referred to as ASEAN Ministerial Meeting" (ASEAN 2003: 4). The ASEAN Charter, which came into effect in 2008, prescribes more clearly that "the Chairmanship of ASEAN shall rotate annually, based on the alphabetical order of the English names of the Member States" (ASEAN 2007). Regarding the role of the chair in reconciling competing interests, the Charter only states that the chair shall enhance the interests and well-being of ASEAN through policy initiatives, coordination, consensus, and cooperation (ASEAN 2007). This suggests that the chair's agenda-setting power has been informal in nature and is not articulated in any official ASEAN document.<sup>6</sup>

Rotation with a small number of members assures that each member state will have an opportunity to take the chair in the near future. In addition, the member states regard it appropriate to participate in decision making and management of ASEAN on equal footing. For this reason, consensus rule was adopted, and involvement by third parties in decision making is rejected in ASEAN. The rotation rule of the chairship system in the AMM is also agreed to by the member states based on the idea of equality. From this viewpoint, this article assumes that the member states agree with each other to allow the chair to have a relatively strong agenda-setting power and to reflect its

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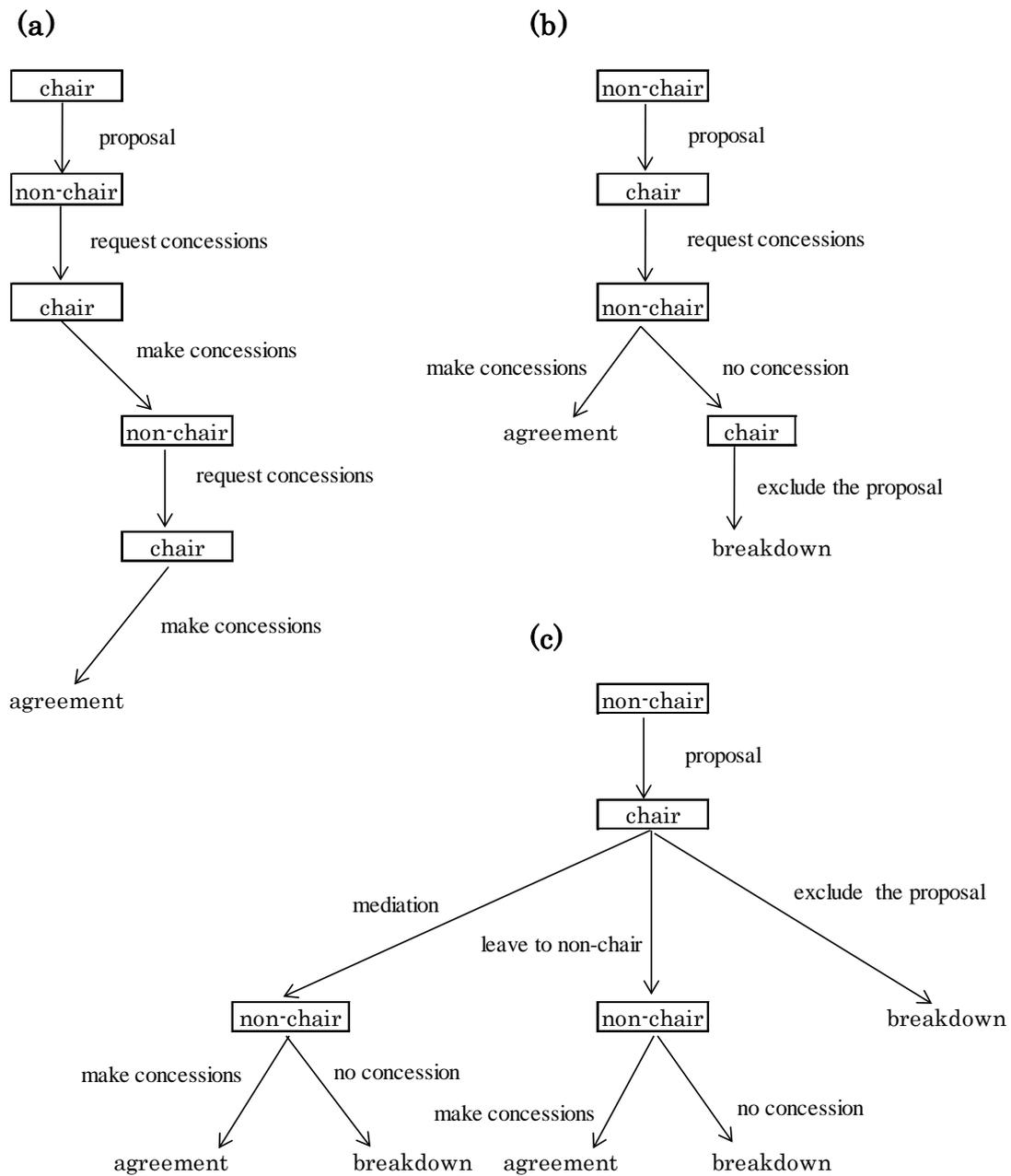
<sup>6</sup> The EU presidency's function as brokerage is also an informal practice, compared with agenda management and representation (Tallberg 2006: 57–65).

interests in the outcomes of reconciliation.

As Chart 1 shows, three patterns of reconciliation and its consequences emerge under strong agenda-setting power by the chair: (a) the chair makes a proposal and the non-chair states are against the proposal; (b) the chair opposes a proposal made by the non-chair states; and (c) a non-chair state brings a proposal to which the chair is indifferent, but to which the other non-chair member states have conflicting interests.

In pattern (a), the chair wants the non-chair states to agree to its own proposal. Strong agenda-setting power enables the chair to prioritize its own proposal and initiate an exchange of concessions, which is likely to result in the member states agreeing with the proposal. Pattern (b) gives the chair an incentive to exclude the non-chair's proposal from the agenda unless an acceptable concession is presented to the chair. In pattern (c), the chair continues to be neutral, either letting the non-chair states reconcile positions by themselves or mediating in the reconciliation. In either case, the consequences depend on whether the non-chair states can reconcile their positions. The chair in pattern (c) might exclude a proposal from the agenda if the members are unlikely to reach agreement due to severe conflicting interests.

**Chart 1 Reconciliation Mechanism under Strong Agenda-setting Power**



Source: Author

Based on the model presented in Chart 1, this article analyzes influence of the chair on the process and outcome of reconciliation in ASEAN’s AMM. Agreement reflects ASEAN official documents including the AMM joint communiqué, whereas non-agreement refers to proposals made by certain member states that were not

accepted by other member states. In order to examine the role of the chair as an institution regardless of the member states' varying degrees of national power, this article examines AMMs from 1981 to 2012 as the case studies. Several issues were discussed at the AMMs during this period. Among those, cases where the member states exhibited conflicting interests are the best examples to analyze the process of reconciling interests. These cases include the Vietnamese invasion of Cambodia in 1981–1985, the accession of Myanmar and Cambodia in 1997 and 1999, reform of the non-interference principle in 1998 and 1999, and the territorial dispute in the South China Sea in 2011 and 2012.

### **Vietnamese invasion of Cambodia**

In 1978, Vietnam invaded Cambodia and established the pro-Vietnamese Heng Samrin regime. The ASEAN member states had conflicting positions towards Vietnam's action due to their different threat perceptions regarding the Soviet Union and China. The Soviet Union supported Vietnam, whereas China supported anti-Vietnamese Cambodian movements. Arguing that the Soviet Union posed more threat than China, Singapore and Thailand strongly criticized Vietnam and insisted it should withdraw troops from Cambodia. In addition, Thailand, as a front-line state sharing a border with Cambodia, faced an immediate security threat from Vietnam. In contrast, Indonesia and Malaysia treated China as a threat to the stability in the region, and responded more softly towards and attempted to conduct talks with Vietnam fighting against China (Leifer 1980; 1989; Hoang 1996; Funston 1998; Zainal Abidin 1983). The ASEAN policy towards Vietnam has undergone periodic changes due to such different positions. It is

argued in this paper that the changing nature of the ASEAN policy is the consequence of the exercise of the agenda-setting by the chair, with different positions corresponding to different chairs.

In 1980, the ASEAN member states started substantial negotiations over the ASEAN policy towards Vietnam. Malaysia chaired the 1980 AMM and tried to adapt the so-called “Kuantan principle” in ASEAN, which aimed to invite Vietnam to talks with ASEAN (*Far Eastern Economic Review*, April 4, 1980: 12–13; August 29, 1980: 10–11). Over the course of several meetings with Thailand, Malaysia persuaded Thailand to agree on the principle by insisting that ASEAN would respect Thailand’s security. Thailand, however, disagreed with the principle, which did not include Vietnam’s withdrawal from Cambodia (*Daily Report, Foreign Broadcast Information Service (DR)*, May, 15, 1980: J1-J2). In the end, the Kuantan principle failed to become the official ASEAN policy. This case should belong to pattern (a) having agenda-setting by the chair (see Table 1). However, it does not fit pattern (a) because Malaysia failed to attain agreement for its own proposal although it attempted to persuade Thailand to support the Kuantan principle. Disagreement on the principle is mainly due to Malaysia’s miscalculation on Thailand’s contract zone on the issue.

From 1981 to 1983, the Philippines, Singapore, and Thailand assumed the chair, in that order, and contributed to establishing an anti-Vietnam line. The Philippines, the 1981 AMM chair, had little interests in this issue and let Singapore, the 1982 AMM chair, lead negotiations. In both the 1981 and 1982 AMMs, Singapore succeeded in prioritizing the anti-Vietnamese line on the agenda by supporting unification for three Cambodian parties who fought against Vietnam, which was later called the Coalition Government of Democratic Kampuchea (CGDK). Indonesia and Malaysia did not

respond positively towards the anti-Vietnamese line because they considered it useful to have talks with Vietnam in order to resolve the conflict (Nair 1984: 168). Faced with objections, Singapore asked Sihanouk to agree to be the leader of the CGDK, which is consistent with the ASEAN policy supporting Cambodian intentions on the ground of self-decision (Nair 1984: 55; *DR*, February 9, 1981: H1). With the Indonesian withdrawal of its veto (*Straits Times*, February 16, 1981), the 1981 AMM witnessed ASEAN welcome discussions on the formation of the CGDK (ASEAN 1981).

As discussion on formation of the CGDK matured, the three parties clashed over who represented the CGDK. Thus, Singapore proposed a “loose coalition government” in which leaders of the three parties had equal representation (*Far Eastern Economic Review*, November 27, 1981: 12). Presenting the proposal, Singapore insisted that ASEAN should be ready to supply arms to the CGDK (*Far Eastern Economic Review*, November 13, 1981: 9–10; *DR*, November 25, 1981: J1–J2, J4). This was strongly opposed by Indonesia, who argued that it would not support the loose coalition government proposal unless Singapore dropped its proposal on supplying arms to the CGDK (*DR*, December 8, 1981: J1–J2, N2). Thus, Singapore dropped its proposal on supplying arms as a concession towards Indonesia. This led Indonesia to lift its objection, which in turn led to the agreement that ASEAN urged the three Cambodian parties to respond positively to the Singapore’s loose coalition government proposal (*DR*, December 11, 1981: A3). This agreement was confirmed at the 1982 AMM (ASEAN 1982)<sup>7</sup>. The 1981 AMM belongs to pattern (c), and the Philippines, the actual chair, let Singapore, a member state involved in the dispute, manage reconciling

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<sup>7</sup> It is said that the ASEAN member states informally agreed that the issue of arms supply to the CGDK was left to each member state. Singapore showed the intention to supply arms (*Far Eastern Economic Review*, December 25, 1981: 12–13).

members' conflicting opinions. Singapore succeeded in winning a concession from Indonesia in supporting formation of the CGDK. In contrast, Singapore as the chair led negotiations and succeeded in obtaining agreement for its own proposal at the 1982 AMM, which fits prediction of pattern (a).

In 1983, Thailand took the chair and excluded the “five plus two meeting proposal” by Malaysia from the agenda. This proposal was designed to encourage two Indochina countries, Vietnam and Laos, to have talks with five ASEAN member states (*Far Eastern Economic Review*, March 31, 1983: 32–33; *Star*, March 24, 1983). Initially, Thailand was ready to consult on this proposal, but Vietnam did not respond positively, which led Thailand to exclude the proposal from the agenda (*Far Eastern Economic Review*, April 7, 1983: 12; April 14, 1983: 16–18; *DR*, March 24, 1983: A1–A2). On the other hand, Thailand proposed that it would talk with Vietnam if Vietnam withdrew to 30 km away from Thailand's border (*Far Eastern Economic Review*, May 26, 1983: 14–16). This Thai proposal was not welcomed by either Indonesia or Malaysia, who thought that it did not send a conciliatory message to Vietnam. As a compromise, the member states at the 1983 AMM decided to support the Thai “30 km withdrawal” proposal instead of proposing a separate ASEAN policy (ASEAN 1983). The 1983 AMM is analyzed as fitting both patterns (a) and (b). Thailand rejected the Malaysian proposal of the five plus two meeting, which follows pattern (b) where the chair excludes a proposal from the agenda. Pattern (a) can also be observed when Thailand presented the 30 km withdrawal and other member states at least agreed to support the Thai proposal.

The pro-Vietnam line returned in 1984 and 1985 when Indonesia and Malaysia took the AMM chair, respectively. In September 1983, Indonesia as the AMM chair

initiated the “Joint Appeal on Independence of Kampuchea (the ASEAN Appeal),” which was brought to the UN General Assembly for support (MFAT 1985: 104). The ASEAN Appeal included the possibility of holding a “regional conference” separate from the UN-led international meeting, and thus reflects Indonesia’s preference that the solution to the Cambodian problem should be initiated by ASEAN (*Straits Times*, September 23, 1983). It also stemmed from the 1981 proposal by the Indochina countries that they were ready to hold a regional conference between the three Indochina countries and the ASEAN member states (*Straits Times*, January 29, 1981). Thailand disagreed with the main message of the ASEAN Appeal for a regional conference (*DR*, September 6, 1983: J4). But it finally accepted the Appeal with two concessions from Indonesia. First, Indonesia included the Thai 30 km withdrawal proposal in the ASEAN Appeal (*Far Eastern Economic Review*, December 1, 1983: 28; *DR*, September 9, 1983: J1). At the 1983 AMM, the Thai proposal did not become individual ASEAN policy. In producing the ASEAN Appeal as a single negotiation text, Indonesia upgraded the Thai proposal to the ASEAN policy. As a second concession, Indonesia agreed with Thailand that, in circulating the ASEAN Appeal to the UN members, it took notes that ASEAN rejected the 1981 Indochina proposal on a regional conference (*DR*, September 16, 1983: J2–J3). With these two concessions, Indonesia’s preference was upheld to announce the ASEAN Appeal sending a conciliatory attitude towards Vietnam (ASEAN 1984).

The 1985 AMM also witnessed a pro-Vietnam line due to agenda-setting by Malaysia. As the AMM chair, Malaysia prioritized its own proposal on the agenda by calling for direct talks between the CGDK and Vietnam (*Star*, February 11, 1985; *Straits Times*, February 7, 11, 1985). In the proposal, Malaysia considered ASEAN as a

mediator in the talks (*DR*, February 7, 1985: O1). The Malaysian proposal was welcomed by all the member states (MFAT 1985: 111). However, responding to the Vietnamese request, Malaysia later changed its proposal from CGDK–Vietnam direct talks to “indirect or proximity talks” between CGDK and the Heng Samrin regime (*DR*, February 14, 1985: K1–K2; *Star*, April 10, 1985). Thailand insisted on the original version because it regarded the Heng Samrin regime as an illegitimate government of Cambodia, and Vietnam as the party in dispute responsible for the talks. Thailand proposed a compromise wherein ASEAN would agree to proximity talks between the CGDK and Vietnam by allowing representatives of the Heng Samrin regime to attend as part of the Vietnamese delegation (*Star*, July 6, 1985; *DR*, July 5, 1985: J1). Malaysia accepted the Thai proposal and agreed to go back to the original proposal. The Thai proposal was agreed to by the ASEAN member states at the 1985 AMM (ASEAN 1985; MFAT 1985: 112). This outcome shows that Malaysia succeeded in maintaining the proposal’s framework, which is partly attributable to the Malaysian strategy on dealing with the proposal by showing more respect to the ASEAN member states than Vietnam. The 1984 and 1985 AMMs are cases showing pattern (a). Indonesia and Malaysia led negotiations through exchanging concessions and succeeded in obtaining support for their proposals from the other member states.

### **Accession of Myanmar and Cambodia to ASEAN**

After the Cambodian conflicts ended, Vietnam became a member of ASEAN in 1995. Myanmar and Laos became members in 1997, followed by Cambodia in 1999. At the

1995 Summit, the member states agreed on accession of Myanmar, Laos, and Cambodia by 2000, realizing the idea of an “ASEAN 10” comprising all the Southeast Asian nations (ASEAN 1995).<sup>8</sup> Conflicting positions arose regarding early accession (before 2000) by Myanmar and Cambodia to ASEAN. Myanmar had received criticism from the US and Europe that, after the 1990 election, its government resisted democratization and suppressed democratic movements. Cambodia was in political turmoil in 1997, leading to the exile of the ruling party’s leader. Thailand and the Philippines expressed concern with such undemocratic movements and insisted that these countries should not be admitted as the member states of ASEAN unless they solve their domestic problems in the democratization process. Their attitude is closely related with democratization in these two countries. After the Philippines became democratic in 1986 and Thailand in 1992, in order to maintain domestic legitimacy, their regimes need to emphasize democracy in foreign policies. Singapore, concerned about the possibility that economic integration would slow down following the incorporation of Myanmar and Cambodia, questioned early accession, insisting that these two countries were not ready to implement economic agreements such as the ASEAN Free Trade Area (AFTA). In contrast, Indonesia, Malaysia, and Vietnam disagreed with such political criteria of membership. Indonesia and Malaysia were worried about Myanmar’s close ties with China, which could give China an opportunity to influence the region, and regarded it as strategically important to pull Myanmar closer to ASEAN by early accession (*Far Eastern Economic Review*, July 28, 1994: 28).

In July 1995, Myanmar’s political situation improved in that the government released Aung San Suu Kyi, leader of the democratic movement, from house arrest, and

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<sup>8</sup> In 1995, East Timor had not attained independence.

Laos expressed its wish to join ASEAN at the 1997 AMM (*Straits Times*, July 30, 1995). With these developments, Malaysia, as the chair of the 1997 AMM, had preferences for accession of Myanmar in 1997, together with Laos and Cambodia (*Star*, July 31, 1995). The year 1997 marked ASEAN's 30<sup>th</sup> anniversary. To celebrate this anniversary at the 1997 AMM by accession of these three countries was Malaysia's main purpose in proposing Myanmar's early accession. The agreement on "ASEAN 10" at the 1995 Summit motivated Malaysia to prioritize the agenda of the proposal for the 1997 AMM (ASEAN 1996a: 79; *New Straits Times*, August 13, 1996; *Star*, August 13, 1996). Its attitude had not changed even after the political situation in Myanmar deteriorated in 1996, when the government began to suppress democratic movements.

Malaysia had two strategies to induce concessions from the member states opposing its proposal. The first was to request Indonesia, the chair of the 1996 informal Summit,<sup>9</sup> to conduct favorable agenda-setting for the Malaysian proposal. Malaysia held a bilateral meeting with Indonesia to share its belief that isolating Myanmar from ASEAN did not benefit regional stability (*New Straits Times*, October, 8, 1996; *Far Eastern Economic Review*, July 28, 1994: 28). In other words, Indonesia was persuaded by Malaysia that isolating Myanmar was an undesirable tactic for dealing with the Chinese threat. At the informal Summit, Indonesia supported the Malaysian proposal. As a compromise to the member states objecting to Myanmar's early accession, a decision on the timing of accession was postponed. Indonesia's foreign minister admitted that difference remained regarding the timing of accession (*Jakarta Post*, December 1, 1996). However, Malaysia's advantage lay in reaching an agreement that

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<sup>9</sup> Informal summits were held in 1996, 1997, 1999, and 2000, and their chairs were assumed by the original member states in alphabetical order, namely Indonesia, Malaysia, the Philippines, and Singapore, respectively. Since 2000, the formal summit has been held annually (See <http://www.asean.org/>).

Cambodia, Laos, and Myanmar would be admitted to ASEAN “at the same time” (ASEAN 1996b).

The second strategy taken by Malaysia is to collect positive support for early accession of Myanmar through the report by the Secretary-General (SG) of ASEAN and Malaysian diplomacy towards Myanmar. From 1993 to 1997, the SG had been assumed by Ajit Singh, a Malaysian national. The SG visited Myanmar and handed out a report stating that Myanmar was ready to implement the ASEAN economic agreements on the grounds that it had settled economic institutions and was a member of World Trade Organization (WTO) (*Straits Times*, November, 10, 1996). The report aims to persuade Singapore not to raise questions regarding Myanmar’s readiness to implement ASEAN economic agreements. Malaysia’s foreign minister also visited Myanmar and requested it to speed up democratic reforms (*Asia Pulse*, October 22, 1996). Furthermore, Malaysia’s prime minister insisted that if Myanmar obtains accession to ASEAN, then the ASEAN member states would have more influence over Myanmar’s democratization (*Reuter News*, October 5, 1996).

These Malaysian actions were not sufficient to motivate Thailand and the Philippines to withdraw their veto over Myanmar’s early accession, but these two countries finally dropped objections in May 1997 because Malaysia committed to making Myanmar change its attitude towards more rapid democratic reforms. After the agreement on Myanmar’s accession, Malaysia’s foreign minister again visited Myanmar in June and requested the country establish a new constitution, hold fair elections, and hold talks between the government and Aung San Suu Kyi. Myanmar responded to these requests by saying that as a member of ASEAN, it recognized its responsibilities and roles (*BBC Monitoring Service, Asia-Pacific*, June 14, 1997). The ASEAN member

states including Thailand and the Philippines took this as a positive sign for democratic reforms in Myanmar, and the 1997 AMM witnessed Myanmar's entry to ASEAN (ASEAN 1997). Analysis of the agreement on Myanmar accession in 1997 determines that the case fits pattern (a). Malaysia presented its own proposal on Myanmar's accession in 1997 at an early stage and won support for the proposal from the member states by utilizing several opportunities and direct diplomacy towards Myanmar.

At the 1997 AMM, however, Cambodia, instead of Myanmar, was not admitted as a member state due to its domestic political turmoil that occurred in 1997. In this sense, the Malaysian proposal to celebrate the 30<sup>th</sup> anniversary with accession of three countries was not realized. Before its political turmoil, Cambodia's accession did not face any objections (*Straits Times*, December 5, 9, 1995). Even after that country's turmoil, Malaysia insisted that Cambodia should still become a member as scheduled (*Straits Times*, July 8, 1997). But Cambodia's situation did not allow the original schedule to be maintained. The armies of the ruling political parties engaged in conflict resulting in the exile of the leader of one of the parties. Following these changes and a request from Indonesia, Malaysia had to postpone Cambodia's accession to ASEAN (*Straits Times*, July 8, 1997; *Jakarta Post*, July 14, 1997).

In July 1998, Cambodia held fair elections, and in November, the ruling parties agreed to establish a coalition government. These events imply that Cambodia was ready for accession, but this was not in fact the case. Ironically, as Cambodia had been undergoing domestic upheaval, the ASEAN member states had been busy discussing the political criteria of Myanmar's membership, which affected the conditions by which they could admit Cambodia as a member state. Again, Singapore, Thailand, and the Philippines objected to Cambodia's early accession insisting that a "functioning

government” with the establishment of a senate was a criterion of membership (*Straits Times*, November 18, 1998, December 10, 1998). Malaysia, Indonesia, and Vietnam had a more relaxed criterion, arguing that establishment of a coalition government was enough to admit Cambodia as a member state. Negotiations on Cambodia’s accession were led by Singapore, the chair of the 1999 AMM. It de-prioritized the issue on the agenda and refrained from holding a special meeting to discuss Cambodia’s accession as long as Cambodia failed to meet the criterion set by Singapore (*Straits Times*, November 27, 1998). Only after Cambodia’s senate was established in March 1999 was the ceremony on Cambodia’s accession held in Hanoi.<sup>10</sup> Cambodia was welcomed as a member state at the 1999 AMM (ASEAN 1999). Cambodia’s accession in 1999 partly fits pattern (b) in that accession was realized not because Singapore, as then-current chair, or the non-chair states made concessions, but because political changes in Cambodia allowed the country to meet the criterion set by Singapore, which was the establishment of a senate. Given the fact that Singapore opposed holding a meeting to discuss accession as long as Cambodia failed to meet the criterion, it is highly possible that Singapore would have continued to postpone a decision on Cambodia’s accession as long as Cambodia remained unready to establish a senate by the time of the 1999 AMM.

### **Reform on the non-interference principle**

The non-interference principle has been one of ASEAN’s most important principles. Although it is an international principle that appears in the UN charter, it is particularly

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<sup>10</sup> At the 1998 summit, it was agreed that the ceremony be held Hanoi (ASEAN 1998).

emphasized in ASEAN. In the late 1990s, Thailand and the Philippines, who experienced democratization, began to advocate for reform of this principle (*Far Eastern Economic Review*, October 17, 1996: 16–17). Myanmar’s accession strengthened their argument that ASEAN should intervene in the domestic affairs of the member states, implying that ASEAN helped Myanmar solve its own problems regarding delays in developing democratic processes and halting human rights abuses. In contrast, Indonesia, Malaysia, Singapore, and Vietnam insisted on maintaining the principle as the core value of good relations among the member states. Divisions on this issue were determined by the political regimes of the member states. Democracy and human rights are essential terms for Thailand and the Philippines to maintain the legitimacy of their democratic regimes, whereas these are not welcomed on the agenda in other undemocratic member states.<sup>11</sup>

At the 1997 AMM, when Myanmar acceded to ASEAN, the Philippines’ foreign minister stated that as ASEAN approaches the twenty-first century, it must re-tool itself, drastically if necessary, to deal more effectively with old and new challenges (Siazon 1997). In 1998, Thailand proposed reform of the non-interference principle. Its foreign minister argued in June that ASEAN should change from its principle of non-interference principle to that of “constructive intervention” on the grounds that it was not appropriate for ASEAN to leave democratic and human rights issues to the member states due to its non-interference principle (Haacke 1999: 585–86). The other ASEAN members except the Philippines strongly opposed the Thai proposal. Faced with these objections, Thailand changed its proposal to “flexible engagement,” arguing that ASEAN should take a more flexible attitude in dealing with cross-border

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<sup>11</sup> In 1998, Indonesia had just started to undertake the process of democratization.

issues such as environment, labor movements, and refugees (*Straits Times*, June 27 1998). This suggests that Thailand attempted to persuade the objecting member states by avoiding politically sensitive issues related to the proposal.

Thailand explained its reasons behind the proposal to the Philippines, the chair of the 1998 AMM. While supporting the Thai proposal and keeping it on the agenda, the Philippines left it to Thailand to engineer reconciliation between members over the proposal. The Philippines' foreign minister optimistically stated that discussions concerning the proposal at the 1998 AMM were a turning point for reconsidering the non-interference principle and that other member states may not hold reservations about the proposal (*New Straits Times* July 14 1998). Thailand attempted to persuade Indonesia, Malaysia, and Singapore but did not receive support. Although Thailand made a concession, arguing that flexible engagement, aiming to enhance exchanges for better management of bilateral issues, prevention of future conflicts, and solving cross-border issues does not contradict the non-interference principle (MFAT 1998), other member members except the Philippines regarded the Thai proposal as requesting reform to the non-interference principle (*Bangkok Post*, July 29, 1998; *Straits Times*, July 16, 1998; *Straits Times*, July 19, 1998). At the 1998 AMM, Malaysia's and Indonesia's foreign ministers reemphasized the non-interference principle (*Far Eastern Economic Review*, August 6, 1998: 24–25; Abdullah 1998). As a result, the Thai proposal was turned down.<sup>12</sup> The 1998 AMM fits pattern (c). Although the Philippines supported the Thai proposal, it, for the most part, let Thailand lead the negotiations. Disagreement over reform of the non-interference principle resulted from a failure of

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<sup>12</sup> Instead, ASEAN member states are said to agree on “enhanced interaction” (Haacke 1999: 582). But this was not stated in the AMM joint communiqué; rather, it came from the statement by Thailand's foreign minister at the 1998 AMM that mentioned “enhancing our interactions for the benefit of all” (Surin 1998).

reconciliation between Thailand and other member states. However, it is interesting to note that the Thai proposal had been placed on the agenda, largely due to the positive attitude towards it from the Philippines, the 1998 AMM chair. It is highly possible that the proposal would have been excluded from the agenda at an earlier stage if the chairship had been held by a different member state.

Reform of the non-interference principle was partly realized with the agreement on establishment of the ASEAN troika at the 2000 AMM. The ASEAN troika is an institution comprising ex-, present, and incoming chairs in order to support regional stability and peace. Upon assuming the chair, Thailand proposed its establishment. Although other member states agreed on establishing the ASEAN troika in general, they opposed it having strong powers, arguing that it would exist on an ad-hoc, not institutionalized, basis (*Jakarta Post*, July 25–26, 2000; *Star*, July 28, 2000). Thailand gained their approval by accepting a limited role for the ASEAN troika. The agreement states that the ASEAN troika is an institution designed to enable ASEAN to address in a timely manner urgent and important regional political and security issues and situations of common concern likely to disturb regional peace and harmony, while it notes that the ASEAN Troika shall carry out its work in accordance with the core principles of consensus and non-interference (ASEAN 2003: 91–93). Compared with the proposal of flexible engagement, the Thai proposal on ASEAN troika was partly accepted by other member states. Thus pattern (a), where the chair presents the agenda, explains the 2000 AMM. Thailand presented its own proposal on the ASEAN troika for agreement, which is in marked contrast to the handling of the proposal on reforming the non-interference principle in 1998.

## **The territorial dispute in the South China Sea**

The territorial and related disputes in the South China Sea divided the ASEAN member states into several groups according to their relationship with China. Brunei, Malaysia, the Philippines, and Vietnam have territorial disputes with China over the Spratly Islands and the Paracel Islands. Because of the supposed abundant natural resources in the South China Sea, contesting countries claim territorial rights by formulating various domestic measures to secure their marine interests. Among these states, the Philippines and Vietnam have crucial interests in this issue. Seizures of fishing boats and face-offs between patrol ships and navies have occurred between China and the Philippines and between China and Vietnam. Indonesia, although not a member state in dispute, does claim and rule over the Natuna Islands in the South China Sea and is also concerned with aggressive Chinese activities (*Jakarta Post*, November 15, 2011). On the other hand, Cambodia, Laos, Myanmar, and Thailand, not parties in dispute, preferred maintaining better economic relationships with China (*Bangkok Post*, July 17, 2012). Because of the different positions regarding their relationships with China, the ASEAN member states found it difficult to form unified attitudes towards China.

The ASEAN member states and China jointly published the Declaration of the Conduct of Parties in the South China Sea (DOC) in 2002 as part of the effort for peaceful settlement of the issue. The DOC aims to: (1) confirm desire for a peaceful resolution of territorial disputes and self-restraint of hostile attitudes and (2) enhance confidence building through mutual exchange of military personnel and cooperation in environmental research (ASEAN 2002). The Philippines and Vietnam placed more

importance on the first aspect of the DOC. That is, they insisted on incorporating dispute settlement procedures based on the United Nations Convention on the Law of the Sea (UNCLOS) into the code of conduct. In contrast, China emphasized the second aspect, insisting on confidence building through cooperative environmental research and the joint resource development. Cambodia and Thailand, who do not have direct interests in this issue, sided with China. These divided positions among the member states reflect the negotiations in 2011 and 2012.

The 2011 AMM was chaired by Indonesia, who was willing to take the position that the territorial disputes were best addressed bilaterally (*Jakarta Post*, May 9, 2011), and thus strengthen the second aspect of the DOC. Such a focus on confidence building and joint environmental research was also supported by China and other member states that were not parties in dispute. But the Philippines disagreed with this agenda-setting by Indonesia and insisted on a greater focus on the resolution of territorial disputes by proposing a framework to turn the West Philippines Sea into a Zone of Peace, Freedom, Friendship, and Cooperation. This framework entails a segregation of disputed relevant features from the undisputed waters of the South China Sea consistent with the UNCLOS (*Philippine Daily Inquirer*, November 8, 2011). Indonesia responded negatively towards the Philippine proposal, reasoning that definitions of disputed and undisputed areas vary, and the concerned countries should use a non-controversial approach to reduce the tension in the area (*Jakarta Post*, November 16, 2011). This suggests that Indonesia deliberately excluded the proposal from the decision-making agenda, which led to the announcement of “the Guidelines for the Implementation of the DOC,” stipulating the procedures and principles that contesting countries should follow when jointly engaged in environmental surveys and resource development (ASEAN

2011). The agreement on the Guidelines has been analyzed and determined as fitting pattern (a). Given strong agenda-setting power, Indonesia reflected its own preferences in the agreement.

In 2012, China continued to engage in aggressive activities in the South China Sea, making the Philippines and Vietnam maintain anti-Chinese positions. At the 2012 AMM, the Philippines and Vietnam wanted the AMM joint communiqué to include a recent stand-off between the Philippines and China at the Scarborough Shoal and their concerns, as well as the exclusive economic zone (EEZ) and continental shelves. Most member states supported the proposals because issues surrounding the South China Sea had been referred to in the past AMM joint communiqués (*Straits Times*, July 14, 2012). However, Cambodia, the chair of the 2012 AMM, supported China, from whom it had received substantial amounts of development aid (*Straits Times*, July 16, 2012) and thus declined to reflect the proposals in the communiqué. As a result, the AMM not only failed to realize concrete agreement in the South China Sea, but also failed to announce a joint communiqué for the first time in its history.<sup>13</sup> Analysis of the outcome of the 2012 AMM indicates that it fits pattern (b). Cambodia rejected proposals from the non-chair member states on the grounds that it considered having discussion on the South China Sea within ASEAN itself as harming its own relationship with China.

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<sup>13</sup> After the AMM, ASEAN member states released a statement giving six principles in the South China Sea reaffirming their commitment to, namely the full implementation of the 2002 DOC; the 2012 Guidelines for the Implementation of the 2002 DOC; the early conclusion of a Regional Code of Conduct in the South China Sea; full respect for the universally recognized principles of International Law, including the UNCLOS; the continued exercise of self-restraint and non-use of force by all parties; and the peaceful resolution of disputes in accordance with universally recognized principles of International Law, including the UNCLOS (ASEAN 2012). This statement's release resulted from intensive lobbying by Indonesia, not Cambodia (*Straits Times*, July 21, 2012).

#### 4. Conclusion

The role of the chair of the AMM provides a crucial opportunity for its holder to influence agenda-setting and help or hinder reconciliation of different positions in regards to ASEAN's policy-making. As Chart 1 shows, the AMM chair is assumed to be given a strong agenda-setting power through which three patterns of reconciliation can be observed. Table 1 shows the results of the case studies where the member states had different and conflicting interests.

**Table 1 Patterns of the Chair's Agenda-setting and Outcomes**

Issue	Pattern	Agreement	Non-Agreement
Cambodian conflicts	(a)	loose coalition government (1982) 30 km withdrawal (1983) ASEAN Appeal (1984) proximity talks (1985)	Kuantan principle (1980)
	(b)		five plus two meeting (1983)
	(c)	support for CGDK (1981)	
Accession	(a)	Myanmar (1997)	
	(b)	Cambodia (1999)	
	(c)		
Non-interference principle	(a)	ASEAN troika (2000)	
	(b)		
	(c)		flexible engagement (1998)
South China Sea	(a)	Guidelines (2011)	
	(b)	Zone of Peace, Freedom, Friendship, and Cooperation (2011) specification of the region, respect for EEZ (2012)	
	(c)		

Source: Author

Pattern (a) wherein the chair makes a proposal is observed in every issue area. The Kuantan principle, support for CGDK, 30 km withdrawal, accession of Myanmar, establishment of ASEAN troika, and Guidelines for the Implementation of the DOC are

cases in point. Only the Kuantan principle case does not match the estimation of pattern (a) where the chair's proposal is likely to meet with agreement. Malaysia attempted to persuade Thailand to accept the Kuantan principle, insisting on respect for Thai security concerns. However, Thailand objected to the principle in that it did not mention Vietnam's withdrawal from Cambodia. This case suggests that the chair did not succeed in estimating the proposal's contract zone. In the other cases fitting pattern (a), the chairs successfully had their proposals be accepted. The chair did need to make some concessions, such as presenting compromise proposals through a single negotiation text or responding to compromise proposals from the non-chair states, but those concessions were conducted in a way that they did not conflict with the chair's original preferences.

The five plus two meeting proposal, accession of Cambodia, and proposals on the South China Sea issue in 2011 and 2012 belong to pattern (b). In the case of five plus two meeting proposal made by Malaysia, Thailand did not consider the proposal as a favorable solution and excluded it from the agenda, which led to non-agreement. The member states agreed with Cambodia's accession only after it established a senate. Despite this being in line with Singapore's interests, Cambodia's accession was agreed when Cambodia was ready to have a senate, not because Singapore or other non-chair states made concessions. Singapore rejected holding any meeting for negotiation on this issue before Cambodia was ready to establish a senate, which suggests that it did not intend to make any concessions on this issue. It was highly likely that the member states would postpone the agreement on accession if Cambodia would not establish a senate by the 1999 AMM. Several proposals on the South China Sea issue in 2011 and 2012 were rejected by the chair. Indonesia, the 2011 AMM chair, considered the Philippine proposal as escalating the territorial dispute. Cambodia, the 2012 AMM chair, rejected

the proposals from the Philippines and Vietnam not because the contents of the proposals were inappropriate or unrealistic, but because it prioritized its relationship with China, whose preferences contradicted those of the Philippines and Vietnam.

Finally, pattern (c) shows how the chair being indifferent to the issue affected its behavior towards conflicting interests of the non-chair states. The 1981 and 1998 AMMs are cases in point. The agreement to support for CGDK was realized by the efforts of Singapore, not the Philippines, the chair of the 1981 AMM. The Philippines had little interest in the Cambodian conflict, leaving the reconciliation of interests to Singapore. Singapore succeeded in letting Indonesia agree to support CGDK through its diplomacy towards the leader of CGDK. In contrast, the Thai proposal on flexible engagement was not agreed upon by the member states. The Philippines kept it on the agenda despite opposition and left Thailand to manage reconciliation among members. However, other member states did not respond positively to the Thai message that the flexible engagement policy did not contradict the non-interference principle.

The above analysis shows the extent and variation in the chair's influence on whether proposals receive agreement as well as any agreement's contents. It is likely that the chair will succeed in ensuring agreement for its own proposals. This does not necessarily exclude opportunities for the non-chair states to make proposals, but those proposals must be in line with the chair's preferences. Only a few cases fit pattern (c), but they imply the importance of states making proposals to receive support from the chair to place those proposals on the agenda. It also shows that the chair's power is not directly derived from the national power of the chairing member state. Indonesia, a powerful member state in ASEAN, is not the only chair who succeeded in ensuring its own proposal was agreed upon. It was also persuaded to withdraw its veto, as seen in

the 1981 agreement. This suggests that the chairship system is an institution of reconciliation where the chair has a legitimate role in agenda-setting.

There are some limitations of analysis. The first concerns case selection. In most cases, the ASEAN member states have national interests, which offer little insight regarding how the chair behaves in pattern (c). In particular, further exploration is needed regarding whether the member states are likely to reach an agreement if the chair is indifferent to the issues in question. The second limitation is that this study does not analyze what determines agreement versus non-agreement. It is mentioned that the chair sometimes fails to grasp the contract zone, but the reasons behind such failures should be further explored.

The chairship system is likely to function in international organizations where consensus rule is the main decision-making procedure and third parties are not involved. As cited earlier, not only ASEAN, but also APEC, G8, AU, and ECOWAS<sup>14</sup> are such organizations. Generally, due to defending sovereignty, fledgling international organizations tend to adapt this institutional structure. Whereas majority rule itself provides a mechanism for reconciliation of conflicting interests by taking a vote, consensus rule does not contain an inherent reconciliation mechanism. This implies that, under consensus rule, the member states face a more severe collective action problem, which requires certain institutional settings to reach agreements. The chairship system, based on conventional wisdom regarding the chair's role, meets the requirement and preferences of the member states in those organizations that do not support involvement by third parties. Under this system, the member states make decisions more easily than

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<sup>14</sup> The ECOWAS treaty prescribes that decisions are taken by the unanimity, consensus, or two-third majority of the member states. It suggests that it is desirable to ensure little objections before taking decisions, which is similar to the conditions under consensus rule.

under consensus rule.

In contrast, whether the outcome favors the preferences of the chair depends on that chair's individual agenda-setting power. The agenda-setting power is socially determined by the preferences or values of the member states regarding decision making. This article assumes that the AMM chair is given a strong agenda-setting power and the empirical analysis supports the assumption. How would the chair influence the outcome if given a weak agenda-setting power? Even a weak power, which, for example, would enable the chair to behave only in patterns (b) and (c), supports the conclusion that the chair can influence the outcome, which might not be favorable to but is never contrary to the chair's preferences. If the chair behaves only in pattern (c), we may consider modelling the chair as a neutral player judging whether the concerned proposal on the agenda lies within an agreeable contract zone.

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