

# MANAGING CROSS-BORDER CRISES IN SOUTHEAST ASIA AT MULTIPLE LEVELS OF GOVERNANCE: COMPLEMENTARY OR COMPETITIVE INSTITUTIONAL DEVELOPMENT AT THE NATIONAL, ASEAN REGIONAL, AND EU-ASEAN INTER-REGIONAL LEVELS?

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## **Abstract**

Although the multilateral moment attached to cross-border crises of the 21st century may have generally improved the palatability of regional integration to the member states of the Association of Southeast Asian Nations (ASEAN) and, in fact, induced integrative institutional dynamics at the national, ASEAN regional, and inter-regional level furthering the management of these concerns across multiple sectors and levels of governance outside day-to-day policies of the ASEAN member states, effective recognition of institutional integration that has been triggered by cross-border and transboundary crises takes place only to the extent that the political consequences remain controlled and compatible with the domestic politics of the ASEAN member states. Through the discussion of the institutional responses to the Asian financial crisis in 1997, the avian influenza outbreak at the end of 2003, and the Rohingya boat people crisis in 2015 this article makes the case for this domestic orientation and refers to institutional dynamics at the ASEAN regional and European Union (EU)-ASEAN inter-regional level with focus on questions of institutional cooperation, coordination, complementarity, correspondence, compatibility, and competition. It embeds these two levels of analysis in a broader multi-level setting encompassing the Thai national level and the broader global level to gain a better relational understanding of the crisis-oriented institutional dynamics of ASEAN regional and EU-ASEAN inter-regional integration.

## *Keywords:*

ASEAN regional integration, EU-ASEAN relationship, cross-border challenges, Asian financial crisis, avian influenza, Rohingya boat people, multi-level governance, institutional coordination

## Introduction

While the past few decades have shown the successful integration of Southeast Asian countries into the global economy, they have also revealed that these integrative processes have not always been smooth-sailing, implicating greater exposure of these countries to various severe cross-border risks and challenges of the 21<sup>st</sup> century. Southeast Asian states have accepted that the management of these issues demands joint efforts which can boost inter-state dialogue ideally with a view toward optimising cooperation and eventually maximising the utility of the limited national resources<sup>1</sup>. While Southeast Asian governments have increasingly understood that failure to act on these vulnerabilities and challenges collaboratively at the multiple levels of governance could lead to crises which could jeopardise the stability of the state and the region, relevant cross-border initiatives leave room for improvement in terms of effectiveness.

The discrepancy between the need for closer regional cooperation and the actual follow-through has been commonly portrayed as a capacity problem and thus, a problem mainly inherent to Southeast Asian states at the periphery of regionalisation processes. Although this kind of portrayal rightly addresses two important issues conditioning this discrepancy, these issues are only two within a much broader entanglement of issues that are associated with regionalisation and globalisation processes. At the same time, all Southeast Asian states recognise that these contemporary risks, challenges or crises in one part of the region or even in another part of the world could have some form of impact close to home, albeit in different manners and manifestations, regardless of the level of development.

So far, these introductory paragraphs have treated cross-border challenges and crises in the sense of an opportunity or policy trigger for urgent cooperative action and enhanced intra-regional institutional integration. This challenge- or crisis-centred perspective on regional integration is relevant to the regional organisation of the Association of Southeast Asian Nations (ASEAN) and has been particularly applicable in the aftermath of the Asian financial crisis and other devastating cross-border crises in Southeast Asia in the late 1990s and early 2000s. Since then, there has been an increasing re-thinking of the traditional Southeast Asian approach to ASEAN regional cooperation and an incremental incorporation of this perspective into the worldviews of Southeast Asian policy-makers.

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<sup>1</sup> Amongst others, the pooling of national resources at the regional level or mutual assistance arrangements between 'have' and 'have-not' countries are examples for strategies of utility maximisation when states possess limited national resources; although the enforcement of these two practices is rather difficult in the Southeast Asian context.

Nevertheless, there remains considerable hesitance on the side of ASEAN member states to subscribe to this perspective entirely (Rüland, 2005, p.546). It can even be said that this re-thinking in policy-making circles finds expression only on a case-by-case basis and always in consistency with the duty to the nation-state, which is especially derived from the fact that Southeast Asian states – as rather young nation-states – want to steer clear from setting precedents at both the national and regional level which could interfere with their political autonomy and economic competitiveness. Thus, although the multilateral moment attached to cross-border challenges and crises of the 21<sup>st</sup> century has improved the palatability of ASEAN regional integration to the member states and paved the way for the initiatives related to the ongoing ASEAN Community-building process, the perception of this kind of cooperative opportunity remains ambiguous and contrasts traditional Western rationalisations.<sup>2</sup>

Nonetheless, for the purpose of analytical clarity in understanding multi-level and cross-border governance, this article ties to existing studies of challenge- and crisis-oriented ASEAN regional and EU-ASEAN inter-regional integration. Although the urgency of these challenges and crisis situations defines the cooperative and integrative opportunity, this article does not seek to advocate understandings of regional integrative institutional dynamics narrowly along the lines of these emergency scenarios. Given the prevalence of crisis-centred and populist discourse in contemporary politics worldwide, this article sees the need to actually enhance existing understandings about regional integration and governance rather than make an argument in favour of crisis-centrism. It moves beyond conventional crisis-centred treatments focused on regionalism in Western Europe and specifically enquires the extent to which governments in Southeast Asia have either fostered complementary or competitive institutional development at the domestic, regional, and inter-regional levels in the aftermath of selected cross-border crises.<sup>3</sup>

This empirical focus mainly builds on the analytical premise that “less institutionalised fora depend on the generation of cooperative momentum through crises” (Maier-Knapp, 2014a, p.4). It believes that the emergency of crisis scenarios will always challenge existing institutional structures and lend itself of explanatory value to both ASEAN regional and EU-ASEAN inter-regional integrative dynamics (Maier-

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<sup>2</sup> As exemplified in this paragraph: Whereas Western actors are wary of the illiberal implications, Southeast Asian rationalisations tread cautiously in the opposite direction and ostensibly retain institutional divisions at the national and regional levels.

<sup>3</sup> Although primary focus is on the ASEAN regional integrative dynamics and the relationship of this level with the national level, this article also takes interest in the EU-ASEAN inter-regional level as an additional analytical layer of reference for clarifying the complexity in managing challenges and crises that nullify nation-state borders and impact many levels of society.

Knapp, 2010; 2011; 2014a, 2014b). Including the supplementary EU-ASEAN inter-regional and international perspective allows an embedded discussion of the relationship between crises and cooperation at multiple levels of governance and hence, a more credible assessment of the national and regional institutional dynamics and the interaction between these levels.

The inter-regional perspective is particularly useful because crises often compel ASEAN member states to welcome external offers of assistance, of which the support from the EU has been long-standing and of unique value for material and policy support. That is, Southeast Asian governments are aware that crises or crisis constructions<sup>4</sup> can raise the level of international attention, facilitating influx of economic and financial support which has been vital for political stability in many instances. On the contrary, if the international attention is favourable to other political actors than the government, this could mean political instability because incumbent governments could feel pressured to mobilise nationalist sentiments against assistance from the political rivals and external actors. In the case of crisis constructions, often times, however, the ensuing international assistance itself has already been subject to construction and is therefore to be considered as a political means of those framing and supporting the crisis construction, although evidently not all consequences of crisis constructions can be accounted for in scope and scale.

Against this backdrop, this article hypothesises that although crisis-centred framings are acknowledged across-the-board all ASEAN member states as conducive to regional integrative dynamics, effective recognition of crisis-induced and extra-national cooperation and institutional integration – whether regional or inter-regional – is accepted only to the extent that the political consequences remain controlled and compatible with the domestic politics of each ASEAN member state. Through the discussion of the institutional responses to the Asian financial crisis in 1997, the avian influenza outbreak at the end of 2003 and the Rohingya boat people crisis in 2015 this article fleshes out the hypothesis to gain a better relational understanding of the crisis-induced institutional integrative dynamics. This multi-level perspective distances itself from strict hierarchical conceptions of governance and conceives the contemporary management of cross-border challenges and crises across levels and actors as an expression of relational power integral for effective crisis management.

The empirical discussion proceeds chronologically and substantiates the hypothesis, firstly, by examining the trigger effect of the selected cross-border crises for institutional development. Secondly, it elaborates on the extent to which

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<sup>4</sup> While crisis situations are dependent on the perspective, their political relevance only manifests if they are constructed, perceived and claimed by those actors with political clout to set in motion policy action.

the institutional responses at the national, regional, and inter-regional levels were dovetailed or disjunctive, referring to the following six Cs in regard to the question of complementarity or competition of the various levels. These (inter)-institutional Cs are cooperation, coordination, complementarity, correspondence, compatibility, and competition.<sup>5</sup> To offer empirical evidence and reasoning for the hypothesis across all ten ASEAN member states and severe cross-border crises in the region would exceed the scope of this article and thus, Thailand has been chosen as the only country of reference for the national level.

Thailand is a fruitful case-in-point in comparison to other ASEAN member states because it is a long-standing and more industrialised member of ASEAN which has exhibited considerable vulnerability to cross-border crises.<sup>6</sup> In the first case study of the Asian financial crisis, Thailand was the first country in Southeast Asia and one of the most severely affected ASEAN members to be hit by this crisis. The highly pathogenic avian influenza (HPAI) outbreaks from 2003 onwards further underlined Thailand's vulnerability to cross-border challenges and crises of the 21<sup>st</sup> century. As one of the major Southeast Asian players in the global poultry industry, Thailand's dominance in various sectors of the regional and global poultry industry has made it particularly susceptible to a wide range of risks and crises in this sector. The final case study concludes with a discussion of the multi-level response to the Rohingya boat people crisis of May 2015.

### **Multi-level Responses to the Asian Financial Crisis**

Until the Asian financial crisis broke out in Thailand in June 1997, the country had been experiencing considerable economic growth for over two decades. In light of this, the Bank of Thailand and central government had pursued minimal regulatory changes within the banking sector and allowed the *laissez-faire* principle full play. So, when the Asian financial crisis hit, the existing national financial safeguards were insufficient to counter the volatile money movements. Rather accustomed to reaping profits of the booming economy than planning financial market policies, the Thai government and relevant ministerial structures were suddenly overburdened and under fire. Then Prime Minister Chavalith Yongchayud was under pressure and resigned amidst the peak of the crisis at the end of 1997 after having accepted the conditionality of the loans by the International Monetary Fund (IMF).

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<sup>5</sup> Whereas cooperation, coordination, and competition relate to direct inter-institutional activity, the categories of correspondence, complementarity, and compatibility present the quality of indirect institutional relations, emphasising the referential quality over the interactive quality of a relationship.

<sup>6</sup> Furthermore, despite recent turbulent years, Thailand is a country that holds sufficient transparency in the sense of access to information for understanding the domestic and international power politics which underlie the institutional landscape.

Backed by IMF expertise and loans, Thailand embarked on structural reforms in accordance with the IMF guidelines and later on, mainly in compliance with the Basel II Accord. These reforms included, amongst others, measures of debt restructuring and recapitalisation which underlined the significance of the global financial market regulations in the rehabilitation of Thailand's financial system. This development post-Asian financial crisis displayed the increasing institutional correspondence and regulatory compatibility between the national and international level. Concomitantly, the strict IMF conditionality fuelled voices in Thailand and other ASEAN member states in favour of ASEAN integration and the creation of an alternative regional lending capacity in times of crisis.

Prominently, Foreign Minister of Thailand, Surin Pitsuwan, advocated this pro-ASEAN position at the annual Asia-Pacific Roundtable (APR) in Kuala Lumpur on 1 June 1998. His words were not directed against the IMF, but rather sought to spur a more pro-active ASEAN when he said that ASEAN member states could "no longer afford to adopt a non-committal stance and avoid passing judgement on events in a member country, simply on the grounds of 'non-interference'" (Pitsuwan 1998). While the then Thai Foreign Minister's remarks appealed to the civil societal audience at the APR and reflected consequential reasoning in the wake of the Asian financial crisis, these outspoken words met reservations in his home country and only little open support at the ASEAN level.

Although ASEAN regional integrative dynamics took off in the aftermath of the crisis, these integrative dynamics took place primarily in the wider ASEAN Plus Three (APT) framework focusing on the extension of the intra-ASEAN bilateral swap arrangements. These existing regional arrangements dated from the time of the oil crisis in the 1970s when recession had hit the Western world and necessitated the ASEAN member states to consider creating their own regional lending capacity. On 5 August 1977 at the ASEAN Summit in Kuala Lumpur, these swap arrangements were adopted by ASEAN member states but remained relatively inactive over the years. On 1 December 1997, ASEAN member states convened a Special Meeting of the ASEAN Finance Ministers<sup>7</sup> in Kuala Lumpur to manage the crisis. Amongst other commitments, the member states were dedicated to an overhaul of the swap arrangements.

Envisaged amendments to the swap arrangements finally became effective once they were worked out in the APT framework in Chiang Mai in 2000. At this APT Summit, the ten ASEAN member states and the three East Asian partners of China,

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<sup>7</sup>This meeting affirmed the previous commitment made at the ASEAN Finance and Central Bank Deputies' Meeting in November 1997 and other high-level meetings about the creation of a regional financing arrangement which could supplement international arrangements. However, it remained similarly vague in naming concrete ASEAN regional measures and, seemingly, did not generate a new impetus for tangible institutional integration at the regional level.

Japan, and South Korea agreed on the expansion of the functions, allocation of quotas and memberships of the swap arrangements. This so-called Chiang Mai Initiative (CMI) marked the beginning of the extended bilateralisation and multilateralisation processes of the swap arrangements. The motivation for this development originated in the helplessness and frustration during the crisis having left ASEAN member states and other Asian countries yearning for intra-Asian structures to promote national and regional resilience. While CMI complements the role of the international financial institutions, its functions display a high degree of competition to those of the structures at the global level. This said, CMI's use or rather non-use suggest that there is continuous preference for crisis- or risk-responsive interaction between the national and international financial architectures.

Even though the international financial institutions have been the central international force behind the response and recovery of the Asian financial markets, there were also some distinct EU-Asian inter-regional activities visible. In light of the Myanmar crisis within the EU-ASEAN inter-regional relationship, the inter-regional efforts have been mainly channelled through the broader inter-regional framework of the Asia-Europe Meeting (ASEM). Various pledges and initiatives were launched at the ASEM Summits and Finance Ministers Meetings to assist the reform process in Southeast Asian countries financially and technically through country- and region-focused initiatives. These projects mainly aimed at keeping the markets open and creating an environment conducive to cooperation encouraging deeper restructuration activities of the IMF (Maier-Knapp, 2014a, pp.36-45).

In sum, the Asian financial crisis has acted as a catalyst for increased regional, and to a lesser extent inter-regional, integrative dynamics which complemented the domestic and global level of response. The reform processes in Thailand post-Asian financial crisis indicate that the institutional correspondence and compatibility has increased particularly between the national and global financial architectures. This is not to say that institutional disjuncture at and competition between the various levels of governance have decreased. It is rather that the financial frameworks at the various levels have become more dovetailed, so that the potential for regulatory conflict on macro-issues has been mitigated. Ultimately, however, the financial sector is a key pillar of a nation-state's sovereignty and wealth; and therefore, national interests of ASEAN member states will remain the overarching determinants of institutional development, conflict, and competition.

### **Multi-level Responses to the Avian Influenza Outbreaks in 2003& 2004**

At the end of 2003, poultry deaths in Vietnam and Thailand indicated that the recent outbreaks of the Highly Pathogenic Avian Influenza (HPAI) type A H5N1 amongst poultry may have spread to Southeast Asia. Having just recovered from

the Asian financial crisis and the struggle with the Severe Acute Respiratory Syndrome (SARS), Thailand was confronted yet with another cross-border crisis. Thai government authorities initially identified these outbreaks amongst poultry as instances of fowl cholera or Newcastle disease (Maier-Knapp, 2014a, p.77). When on 23 January 2004, however, the first human case from Kanchanaburi was tested positive to H5N1 in a laboratory outside of Thailand, the government immediately informed the public that Thailand was affected by HPAI and the Ministry of Public Health (MOPH) and its Bureau of Epidemiology began with the surveillance of human cases.

The government further initiated poultry surveillance and laboratory testing programmes led by the Department of Livestock Development (DLD) within the Ministry of Agriculture and Cooperatives (Tiensin et al., 2005, pp.1664-1665). While the first few swabs from poultry in mid-January were tested in laboratories outside of Thailand, the National Institute of Health under MOPH took over this task soon thereafter. Once laboratory testing confirmed HPAI, DLD was in charge of enforcing the culling of the infected flock and the implementation of the safety radius in cooperation with local police (Tiensin et al., 2005, p.1665). The large-scale culling of infected animals allowed an effective disruption of transmission cycles, but often times it was pre-emptive which did not wait for laboratory confirmation (Gilbert et al., 2006, p. 227). In view of the spread of the disease and the 23% decline in poultry meat exports<sup>8</sup>, the practice of pre-emptive culling appeared necessary. However, it was ordered by the central government against the will of many local authorities and farmers in the affected provinces and hence, strained relations between the provinces and the central agencies in Bangkok.

This inter-institutional tension exemplifies the necessity to move beyond the multi-level perspective of this article and incorporate the sub-national levels, since institutional developments at these levels may not necessarily align with central government policies.<sup>9</sup> Furthermore, institutional preferences at the sub-national level may display greater compatibility with developments at the international level than with those at the national level. Although in this instance, in Thailand, it was recognised at an early stage by the central government that strategies of disease control had to go hand-in-hand with efforts of raising public confidence at

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<sup>8</sup> This figure refers to the 4<sup>th</sup> quarter of 2003 and the 1<sup>st</sup> quarter of 2004, as depicted on page 1007 in an article by Burgos and Burgos from 2007.

<sup>9</sup> Whereas Burgos and Burgos (2007) have argued from a state-centred perspective on responses to HPAI, describing the variation in responsibility across Southeast Asian countries dependent on the degree of centralisation, Maier-Knapp (2015) has shown through the example of disaster management that Thailand's domestic power politics can make void central government orders across sectors/issues, particularly in the enforcement and implementation phase.



the local level, resources were nonetheless mainly made available for culling and meant lesser attention to compensation, public relations, and disease reporting (*cf.* Gilbert et al., 2008, p. 4771). All in all, all institutions at the various levels have been attempting to closely coordinate the responses and have invested significant resources at the respective levels<sup>10</sup>.

While the Thai government counted on a national response defined by culling and compensation over a vaccination-based response for reasons of efficiency and capacity, it also aimed for long-term prevention and sought to build up its own vaccinal laboratory facilities in accordance with the National Strategic Plan for Avian Influenza Control and National Strategic Plan for Influenza Pandemic Preparedness. Similarly to the international financial institutions in the previous section, the global human and animal health institutions, namely the World Health Organisation (WHO) and the World Organisation for Animal Health (OIE) played a vital role in supporting Thailand with the implementation of the national plans. In particular, the reports from WHO and OIE have provided central references for future capacity-building initiatives across the multiple sectors and levels of governance.

Since early 2004, the position of these international organisations within the global governance structure of disease prevention was further consolidated through the implementation of international initiatives like the Global Framework for the progressive control of Transboundary Animal Diseases (GF-TAD). Important for the argumentation here is that this GF-TAD framework, for example, actively spells out closer partnerships between regional organisations, including ASEAN and the international organisations. In spite of this provision within GF-TAD and other international initiatives launched in the early 2000s which are favourable to greater institutional coordination, compatibility, and complementarity between the regional and global level, developments within such global health frameworks thus far have mainly revealed the interest of individual ASEAN countries in strengthening the relationship with the global level.

The activities at the ASEAN regional level were similarly non-committal. The SARS outbreak earlier in 2003 may have triggered protocols on reporting and responsive action of cross-border diseases, however, only a few Southeast Asian countries drew upon these existing protocols and alerted their neighbours and the international organisations when HPAI broke out a year later (Thomas, 2006, p. 923). While – in the aftermath of the official HPAI confirmation in the region – the ASEAN member states looked like they committed to concrete regional action

<sup>10</sup> For example, the nationwide door-to-door survey conducted by MOPH and the Ministry of Agriculture and Cooperatives in close collaboration with local authorities and volunteers at the end of 2004 has been frequently named as a good example showcasing effective use of resources and cooperation across the various domestic levels.

at the 7<sup>th</sup> ASEAN Health Ministers Meeting in April 2004 and the 10<sup>th</sup> and 11<sup>th</sup> ASEAN Summits<sup>11</sup>, the regional agenda in the end borrowed mainly from ongoing national policies, which themselves reflected the standards and practices devised by WHO and other international organisations of the United Nations (UN) system.

Nevertheless, the crisis has stimulated greater discussion, capacity, and institutional coordination at the ASEAN regional level, displaying the interest of ASEAN member states in sharing information and exploring the opportunity for inter-governmental cooperation. The effectiveness of the ASEAN regional integrative activities, however, depended and still depends on the extent to which, first, international donors and, secondly, more affluent ASEAN member states are willing to further equitable solutions, sharing scarce resources such as vaccines and testing facilities. Amidst the HPAI crisis, some officials have even enthused about the possibility to coordinate a division of competency amongst the five wealthiest ASEAN member states to help those lesser developed ASEAN member states with the combat of HPAI (Thomas, 2006, p. 929).

Here, it is important to differentiate between wealthier ASEAN member states that do not hold stakes in the global poultry industry and those that are major poultry-exporting countries like Thailand. Investing into ASEAN risk-preventive regulations and institutions for a timely and free flow of information is conditionally beneficial to Thailand and only acceptable, if its competitiveness can be advanced through regional integration that is pro-trade and anti-risk at the same time. This is not to say that intra-ASEAN competition determines the depth of regional integration to combat HPAI. However, this domestic market rationale appears to be the key factor in understanding the hesitance of ASEAN member states.

Generally speaking, crisis-induced regional, as well as to a lesser extent inter-regional, integrative dynamics are accepted only to the extent they do not create legal precedents that could interfere with a government's duty to the nation-state. Thus, the reflection of national and international guidelines at the regional level proceeds often times cautiously. Nevertheless Thailand has recognised that risk- and crisis-preventive cooperation is vital in maintaining market competitiveness and accepts that certain issue- or geography-specific alliances, coalitions of the willing, or sub-regionalisms can offer alternative regional integrative pathways of response without the loss of face of ASEAN.

Specifically, in the wake of the HPAI crisis, Thailand has enhanced bilateral and multilateral cooperation with Laos and Vietnam which are important transit and processing countries of Thai poultry exports. Furthermore, it is engaging

<sup>11</sup> Amongst others, the Summits articulated the creation of the ASEAN Outbreak Response Teams, HPAI Task Force, ASEAN Expert Group on Communicable Diseases, Regional Framework for Control and Eradication of HPAI and ASEAN Animal Health Trust Fund.

these countries on the topic within the Ayeyawaddy-Chao Praya-Mekong Economic Cooperation Strategy (ACMECS) and Mekong basin sub-regional fora (Chunsuttiwat, 2008, p.40). In the wider East Asian region, the similarity in crisis affectedness by the Asian financial crisis and the HPAI outbreaks has stimulated closer multilateral cooperation with China in the early 2000s, in particular. At the institutional level, this clearly evinced within APT<sup>12</sup> through the establishment of the first APT Health Ministers Meeting in 2004 and the East Asia Summit which produced various joint declarations and initiatives, including a virus monitoring network agreed upon in December 2005.<sup>13</sup>

At the inter-regional level, the EU as the largest importer of poultry from Thailand followed with interest the developments in the winter of 2003/04 in Southeast Asia and immediately placed a ban on poultry imports from affected countries once HPAI was confirmed. Possessing expertise, financial capacity, and the goodwill to share information and resources, the EU and its member states especially assisted the lower-income Southeast Asian countries through bilateral channels (Maier-Knapp, 2011). In this context, the European Commission funded, for example, activities which aimed at addressing some cultural root causes of pandemic vulnerability (Maier-Knapp, 2011). Within the wider inter-regional frameworks of ASEM, joint declarations, workshops, seminars, and the ASEM vaccine stockpile project were initiated. While the HPAI crisis may have raised EU awareness of Southeast Asia in relation to food safety, tourism, and trade, it has not triggered an integrated inter-regional response. Rather it appears that European engagement has focused on niche areas and generally sees itself embedded within the work of multilateral global institutions spearheaded by the UN system.

### **Multi-level Responses to the Rohingya Boat Crisis of May 2015**

As many other Rohingya people before them, a group of Rohingya people embarked on a precarious journey and was left adrift on the Andaman Sea in early 2015. When they finally neared the coastline of Thailand in May 2015, Thailand's Royal Navy proceeded as usual ensuring that the boat stayed at sea and that these migrants did not reach the shores of Thailand. Fortunate coincidence for this group of Rohingya boat people was that the one year mark of the military coup on 22 May 2015 was

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<sup>12</sup> Please see the previous discussion of the CMI in the context of the Asian financial crisis on page X.

<sup>13</sup> According to Coker and Mounier in an article from 2006, the role of Hong Kong within China's rapprochement to Southeast Asia is particularly noteworthy. Hong Kong has been attentive to the Southeast Asian implications of the SARS and HPAI pandemics and actively incorporated issues and measures into its national preparedness plan which could also be of interest and applicable to Southeast Asia.

just around the corner and that this put pressure on the Thai government to steer clear from international attention: For the military junta, priority was to avoid any inconveniences that could interfere and further delay the restoration of peace and order in the country.

However, reports about the plight of these Rohingya boat people by international human rights organisations and media led to a considerable international outcry, compelling the Thai government to act on this issue and the overall issue of trafficking in persons. While the initial national response was limited to turning away the boat and dropping off food from helicopters, greater national efforts followed after intensive international condemnation to these actions which included the American downgrade of Thailand to a Tier 3 country. Thailand is now ranked at the same level as Iraq and North Korea on matters of trafficking in persons. In light of other severe revelations of slavery in the fishing industry and the discovery of trafficking camps along Thailand's borders, the Thai government understood the necessity to display sincere and comprehensive commitments this time and hence, Thai government officials attempted to appease the international community and halt further crisis construction.

While international pressure has been exerted sporadically in the years before this incident, the pressure this time came from societal, media, and governmental actors; so to speak, from the entire spectrum of the trinity of modern international politics. The pressure was prolonged and seemingly exerted with the calculus that a military government with deficits relating to moral action and legitimacy will see greater need to act. Specifically, in this instance it was Thailand's Ministry of Foreign Affairs which had to pour oil on troubled water through a paradoxical balancing act, joining in the rhetoric of a Rohingya boat people crisis in a similar vein to the international community. While this may point to diverging inter-ministerial approaches and understandings of this matter, this seemingly incoherent representation of Thailand is not an uncommon phenomenon of foreign policy actors given the many personalities, interests, competencies, and audiences behind the external representation of the government apparatus.

Above all, this inconsistency and Thailand's general handling of human rights issues suggested that the boat people issue was of secondary importance to the military government. In fact, one could get the impression that ASEAN governments, in general, have been disinterested in investing in questions of human rights other than in crisis situations. Relegating the treatment of the boat people to the Ministry of Foreign Affairs and the ASEAN regional level presented therefore the most appropriate institutional solution, mitigating the burden on domestic politics. At the same time, this relegation enhanced the value of the regional level because the issue was repackaged to a regional concern.

In addition to the opportune timing for this moral pressure by the international community, the cross-border complexity of this issue also forced Thailand to actively engage its neighbours in problem-solving. Commonly known that the Rohingya refugee problem is a regional problem that finds its roots particularly in the plight of the Rohingya people in Rakhine State in Myanmar, any serious management of this long-standing issue on the Thai side would require at the least the involvement of Myanmar, Bangladesh, and the Islamic destination countries of Malaysia and Indonesia. Recognising these regional implications of Thailand's boat people problem, Thai Foreign Ministry officials called for a special ASEAN meeting on 27 May 2015.

Prior to the special ASEAN meeting, the Thai government committed to uphold its responsibility in accordance with international law – although not having signed the UN's Refugee Convention from 1951, the Convention relating to the Status of Stateless Persons from 1954, and the Convention on the Reduction of Statelessness from 1961 – at a trilateral meeting with Indonesian and Malaysian counterparts in Putrajaya on 20 May 2015. The joint statement signed by these three countries speaks of a crisis situation and the necessity for ASEAN member states to soften their stance, welcome stranded Rohingya for the time being, and assume an active role through the ASEAN Ministerial Meeting on Transnational Crime, the ASEAN Convention on Trafficking in Persons and other high-level ASEAN meetings.

Then, one week later at the ASEAN special meeting, representatives of these three ASEAN member states met with other ASEAN member states, UN agencies, and international country partners including the US, Bangladesh, Afghanistan, Iran, New Zealand, Australia, Switzerland, and Japan to agree on a variety of common objectives. The representatives acknowledged that the effective management of this problem required resolve of the root causes and also sought long-term solutions. In the aftermath of the meeting, the Thai government carried out a variety of activities including temporary helicopter surveillance and more frequent naval patrols of the Andaman coastline.

Essentially, the problem at the ASEAN level of response was that regional cooperation on refugee matters only existed effectively within the wider Comprehensive Plan of Action for Indochinese Refugees dating back to the period from June 1989 until 1997. The problem with the newer ASEAN Community provisions is that they mainly address skilled and regular migration, while the framework of the Bali Process established by the Asia-Pacific countries in consultation with the UN High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM), and UN Office on Drugs and Crime (UNODC) in 2002 takes an underutilised and indirect approach. In light of this lack of specific guidelines and experiences at the regional level, this crisis was an opportunity to promote a

balanced Community-building process that paid attention to questions of irregular migration and stateless people. It might have been hoped for that more space could have been carved out for non-governmental and transnational actors to influence ASEAN's political and human rights agenda and moderate the economic primacy of the Community-building process thus far.

Most importantly, this political moment has to be seen in relation to the broader political dynamics of the Asia-Pacific region chiming with various great power strategies of balancing power. Hence, it has been mainly those countries and organisations interested in the worldwide promotion of human rights which have participated at the activities related to the May crisis. From this perspective, the Rohingya issue can be seen as part of a great political game to define spheres of influence. At first glance, the Rohingya boat people issue is a balancing act for Thailand in terms of legal precedents and political pressure. At second glance, it is an important playing field for liberal-democratic stakeholders to shape the ideological and political orientations of the region.

This broad perspective on the crisis narrative makes clear why the Thai government has been keen to act swiftly and defuse the crisis situation before a good deal more implications could unfold. In the end, the Rohingya boat people crisis of May 2015 has neither proven to be a major stumbling block for the Thai military government, nor has it led the government to persuade fellow ASEAN member states pro-actively to find a far-reaching ASEAN political resolve of the issue. Future handling of this matter, under this as well as subsequent governments of the Kingdom of Thailand, is expected to be in a similar relegated and cautious fashion, compatible, and at a comfortable pace to domestic politics. At the same time, this can of worms – that Thailand's military government will surely not open for the time being – has been an opportunity for the transnational and international level to become active and consider initiatives to assist national efforts. This has been the case for the EU-ASEAN inter-regional level regarding the EU's targeted pressure on Thailand in the fishery sector:

After the May 2015 revelations of mass graves, trafficking, and slavery, the official EU-ASEAN dialogue on issues of migration has gained momentum and has seen the European Commission pressuring Thailand with economic sanctions in the fishery sector to combat illegal, unreported, and unregulated (IUU) fishing. *Prima facie*, this demand for reform in the fishery sector seemed unconnected to the Rohingya boat people problem. But when taking into consideration that the boat of the Rohingya people in the May crisis of 2015 has been a Thai fishing trawler modified to transport persons, the registration of fishing trawlers and other legal changes within the fishery sector are indirect actions to combat human trafficking and forced labour.

By sharing practices and standards the EU enhances institutional correspondence and compatibility between the Thai and EU/international authorities involved in fisheries. On the one hand, the European Commission has assisted Thailand constructively with this reform process, while, on the other, it has built on its economic leverage and Thailand's economic and political vulnerability to compel Thailand to move this reform process forward within the given timeframes. Even though this kind of economic pressure is conducive to good governance and improves regulations in the fisheries and related sectors, it can also be viewed ambiguously since it both integrates and exposes the domestic level to forces of the global economy. Nevertheless, it has all in all enhanced the legal and institutional pathways for the Thai government to show greater dedication to democratic principles and human rights.

## **Conclusion**

In recognition of the multilateral moment connected to cross-border crises of the 21<sup>st</sup> century, the preceding paragraphs have discussed selected institutional responses at the national, ASEAN regional, and EU-ASEAN inter-regional level to the Asian financial crisis, the HPAI crisis, and the Rohingya boat people crisis. The discussion took interest in tracing the degree of institutional cooperation, coordination, correspondence, complementarity, compatibility, and competition at the various levels of governance to flesh out the hypothesis which put forward: Although crisis-centred framings are acknowledged across-the-board all ASEAN member states as conducive to regional integrative dynamics, effective recognition of crisis-induced cooperation and institutional integration – whether regional or inter-regional – is accepted only to the extent that the political consequences remain controlled and compatible with the domestic politics of each ASEAN member state.

The empirical discussion began with the case of the Asian financial crisis and selected responsive actions at the national, regional, and inter-regional/international level. These responses revealed the important role of the international financial institutions in shaping the national response both in the short- and long-term. Technical and financial assistance from the IMF was vital, but, at the same time, the crisis triggered Southeast Asian interest in enhancing a regional lending capacity to pre-empt and manage future crises. Although overall ASEAN and APT regional integrative efforts largely corresponded to Thailand's needs and institutional developments, this compatibility and complementarity to the national level was sometimes competitive to the global level as demonstrated through the example of the CMI. This discussion further outlined the trigger effect of the financial crisis on the EU-Asia/ASEAN inter-regional level, describing the initiatives within

the ASEM framework, in particular, as complementary to ongoing national and international measures.

The prevalence of the national-domestic interactivity along the lines of the six Cs has been further confirmed by the second case study of HPAI. This crisis triggered greater capacity-building and pandemic awareness at the national and regional level, albeit strongly influenced by the institutions of the UN system. At the ASEAN regional level, Thailand recognised that the variation in affectedness and the competition within the global poultry market between some ASEAN member states would complicate the promotion of lasting ASEAN regional structures that could support Thailand's national interests in the poultry sector and hence, it pursued actively bilateral, sub-regional, and international cooperation efforts in addition to its engagement at the ASEAN level. Amongst others, this meant that – similarly to the case of the financial crisis – the HPAI crisis acted as a catalyst for greater Chinese-Southeast Asian coordination. Most importantly, this discussion of responses to HPAI highlighted intra-domestic cleavages and questions about institutional complementarity, compatibility, and correspondence between the national level and sub-national levels.

The Rohingya crisis in 2015 exhibited Thailand's interest in regional cooperation and international assistance. The military government was swift to relegate this matter to the Ministry of Foreign Affairs and the regional level to ease the political pressure. Thailand's immediate activism defused the international crisis constructions and spurred ASEAN and wider Asia-Pacific dialogue. While the EU-ASEAN inter-regional level remained rather passive during the Rohingya crisis and the revelations of slavery in the fishing industry – although primarily concerning Indonesian and not Thai fishing trawlers – and trafficking camps, the EU went to put pressure on Thailand through the threat of banning Thai fish exports if the country did not follow-through with measures against IUU fishing. This targeted economic pressure on Thailand's fishing sector has led to effective responses to meet IUU standards and opened up regulatory space for future management of human rights issues in the fisheries and related sectors.

All three empirical discussions have shown that ASEAN regional and, to a lesser extent EU-ASEAN inter-regional, integrative dynamics have been triggered and spurred by cross-border crises. It has further illustrated that institutional capacity and therefore, overall preparedness to cross-border challenges and crises has improved at all levels of governance. Although these two levels did not function as the primary level of response, they were complementary and conducive to cooperation at the national and global level. The discussion furthermore revealed that the national level essentially reflected the institutional guidelines of the global level and that ASEAN member states, in turn, took interest in projecting some of



these international guidelines and practices under way at the domestic level to the ASEAN regional level. On the basis of the three case studies, it appears that the addressed layers of governance are not distinct and that despite institutional disjuncture and competition, the levels represent an evolving and embedded system of governance of cross-level influence and complementarity.

In conclusion, however, it is important to bear in mind that even though the idea of regional and inter-regional integration has become more palatable to Southeast Asian states and the opportunity for incremental institutional integration has increased at the various levels, national will and interests continue to be the decisive determinants of the extent to which the regional and inter-regional integrative efforts will proceed. Concomitantly, it is also noteworthy that, because there is greater recognition of the multilateral moment and the important role of non-governmental actors in assisting state authorities in the management of cross-border crises of the 21<sup>st</sup> century, questions about multi-level governance will be increasingly interwoven with ideas of governance beyond the state. This de-emphasises the institutional perspective and underlines the analytical necessity to pay closer attention to complex relationships or networks of non-governmental actors to which this article has provided an opening discussion from a specific ASEAN and EU-ASEAN perspective.

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