



# 15 THE PHILIPPINES IN ASEAN COMMUNITY BUILDING: CHALLENGES AND FUTURE DIRECTIONS

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## I. INTRODUCTION

As the first democratic republic in Southeast Asia, the Philippines has been a prime mover of regionalism that is oriented toward the needs and concerns of the people. With its help, the pursuit of a more people-oriented and democratic Association of Southeast Asian Nations (ASEAN) has led the organization to commit to a project of a more inclusive community Southeast Asian nations. The Philippine believe that a more coherent and democratic ASEAN can also have an impact in strengthening regional norms within its member-states. Moreover, this can also lend support to defending the liberal international and regional order together with other like-minded states in the Indo-Pacific region.

However, the Philippines shares some of the challenges faced by other young democracies at home but also in keeping with its commitment to ASEAN. This chapter traces the evolution of ASEAN within the lens of the attempts of the Philippines to strengthen its institutions as well as engagement with external dialogue partners as well as its domestic stakeholders that now includes a burgeoning civil society. This chapter argues that the next critical step for ASEAN is to embrace the complexity of interests embodied by these networks of actors that go beyond the traditional inter-governmental relations. A section of this paper will also deal with how the Philippines views ASEAN as a platform to deal with its pressing security challenges.

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National and regional security remain at the top of the agenda of ASEAN member-states and its future largely depends on the ability of the regional body to traverse these interlocking security issues as it manages its relations with major and minor powers in the Indo-Pacific region. By way of conclusion, this paper identifies ways in which the Philippines can further contribute to enhancing ASEAN regionalism.

### II. THE EVOLUTION OF ASEAN REGIONALISM: A COMMUNITY AND A DRIVING FORCE<sup>1</sup>

As a regional organization of small powers and developing economies, ASEAN's institutional evolution was guided by a sensitivity to its internal contexts as well as recognition of the prevalent Cold War realities. It was founded after three failed attempts because of external meddling, intense distrust, and domestic distractions.

Lacking similarities in political regimes and societal composition, ASEAN's founding members realized that common aspirations are the ties that bind them. But learning from abortive regional experiments, they carefully embedded ASEAN in a flexible legal and institutional structure.

ASEAN's founding legal document, the Bangkok Declaration, was less a binding treaty than an expression of shared aspirations to simultaneously build national resilience while fostering solidarity. Defying the path treaded by other regional groupings, it did not anchor itself at first on economic integration, nor possessing similar political systems. ASEAN's essential "region-ness" lied in the common perception of vulnerabilities that could only be addressed by an organization that enhances sovereignty and promotes security in the most comprehensive sense.

Over time, it was ASEAN's flexibility that dictated the gradual pace of its institutional growth. It took ASEAN four decades to formally establish itself a rules-based regime through a charter. But rather than impose limitation on the scope of action of its members, this formal document gave legal standing legitimacy to existing informal practices collectively known as the 'ASEAN Way'.

The 'ASEAN Way' is anchored on norms such as non-intervention, consensus, and face-saving that are likewise shared by other regional bodies – and arguably even more so (culturally) in Asia. However, it is the strict interpretation of these norms that has caused discontent. For example, consensus decision-making does not imply unanimity or veto powers for every member-state. Its history furthermore demonstrated that the ASEAN way has not been consistently used lending credence to the observation of the group's 'organized hypocrisy' (Krasner 1999).

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<sup>1</sup> This section draws heavily from Arugay 2017a.

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It is this emphasis on informality that enabled ASEAN to incrementally be comfortable in creating other noncommittal institutions, such as a human rights mechanism and other bodies that helped realize and further strengthen its community. In the same vein, ASEAN's forward-looking perspective encouraged it to set ambitious integration targets. While a common currency, passport, parliament, court, security policy, remain elusive, the organization has painted its integration goals in broad and bold strokes, as contained in the Bali Concord and ASEAN Visions.

Indeed, no serious ASEAN observer would think its visions of a people-centred development, a community of caring societies, and dynamic development can be fully implemented within its target date for each. These goals are future directions of the region commonly shared by its ASEAN member states. In the end, they are as much roadmaps as they are by-products of meaningful community-building.

ASEAN's aspirations went beyond the geographic space it occupies. This stemmed from a strategic appreciation of its complex interdependence with big and middle powers in Asia, and beyond. Related to this is the acknowledgment that ASEAN member states' security and development are interlocked with these powerful states. The organization's ambition was less to be a regional hegemon than a safe venue where erstwhile adversaries can sit together, discuss common issues, and possibly pursue cooperation.

Major and middle powers took notice of ASEAN's potential to be a defining element in the regional security architecture. ASEAN+3, ARF, and EAS were the tangible outcomes of an imaginative ASEAN that envisioned the possibilities of multilateralism despite inherent tensions and antagonisms. As a driving force of regional cooperation, ASEAN as a non-threatening convener was made possible precisely because of its perceived credibility to act in concert as one community, and its equidistance from superpowers.

Coming full circle on its 50th anniversary in 2017, ASEAN is now caught in a similar regional strategic environment, defined by volatility, hostility, and superpower rivalry that pose a serious existential threat to the organization. Can ASEAN maintain the autonomy and reputation as a credible and cohesive unit capable of regional resilience in the 21st century? Will it remain relevant in the eyes of its members and its dialogue partners as a feasible platform to pursue mutual interests and realize shared visions? Or will it fall victim to its own inability to adapt to the extent that it will be replaced by an alternative regional order?

In the end, the long-overdue changes to ASEAN's institutions and regional architecture should contribute to the overlapping goals of credibility and cohesion, as key elements in reinforcing centrality. This is critical to over-

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coming the fear of increasing relevance and worsening polarization the regional organization currently suffers from.

Bolstering ASEAN's relevance today requires a smart combination of institutional upgrading, calibration, and retooling guided by a strategic appreciation of Asia-Pacific's volatile environment. Domestic developments within member states, collective learning from past failures and mistakes, and leadership fuelled by political will are all crucial to jointly undertaking institutional reform.

A more cohesive ASEAN will make it more credible to manage regional security, and a viable platform for pursuing mutual interests. Similarly, a more credible ASEAN in the eyes of its citizens and dialogue partners will contribute to a more credible community that is truly people-centred and contributes to a region of peace, freedom, neutrality, and prosperity.

### III. THE RELEVANCE OF ASEAN TO THE PHILIPPINES: SECURITY IMPERATIVES

ASEAN's evolution needs to consider the primary interests of its members. For the Philippines, ASEAN can help address its lingering security challenges. This section discusses these challenges under the current Duterte administration.

Many did not expect that President Duterte will cause a political shock-wave in the country's once predictable foreign policy, especially since he refused to see himself as a statesman. But prior to his controversial foreign policy stances, the Permanent Court of Arbitration handed its unanimous award in the arbitration case filed by the Philippines against China concerning the SCS on July 12, 2016. Though the Tribunal's decision did not include aspects related to sovereignty and boundary delimitation between the parties, it rendered final and binding judgments in favor of the Philippines on a host of critical issues. It ruled that there is "no legal basis for China to claim historic rights to resources within the sea areas falling within the 'nine-dash line'". Second, it also stated that certain sea areas in the SCS fall within the exclusive economic zone (EEZ) of the Philippines and none of the features in the Spratly Islands could generate its own EEZ. Third, it observed that China has caused serious damage to the marine environment through its "large-scale land reclamation and construction of artificial islands" and "violated its obligation to preserve and protect fragile ecosystems".<sup>2</sup>

The arbitral case was Aquino's major foreign policy thrust with significant US prodding but without regional consultation with other SCS claimants

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<sup>2</sup> "PCA Press Release: The South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China)", <https://pca-cpa.org/en/news/pca-press-release-the-south-china-sea-arbitration-the-republic-of-the-philippines-v-the-peoples-republic-of-china/>.

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and members of the Association for Southeast Asian Nations (ASEAN). Instead of immediately doing the groundwork for its enforcement, the Duterte administration chose to put the ruling aside. The president described the ruling as one that “fell on his lap” but he swore that he will deal with the ruling in due time (Viray 2016). For the time being, his government has expressed a desire to smoothen bilateral relations with China.

As the country’s chief diplomat, Duterte wanted to implement a truly independent foreign policy divorced from the clutches of any major power. He articulated this, often in the form of spontaneous outbursts, during his first participation in the ASEAN Summit with regional and global leaders in Vientiane, Laos. Apart from Pope Francis, the UN Secretary General Ban Ki-Moon, the president cursed US President Barack Obama over US criticism on his war on drugs (Hu 2016).<sup>3</sup> This led Obama to skip a planned bilateral meeting with the Philippine president. Duterte shrugged the snub and went on a tirade about US colonial atrocities in Mindanao and its consistent hypocrisy in dealing with small states like the Philippines. Many observers were caught by surprise while other governments became worried given the fact that the Philippines will be ASEAN’s Chair on the occasion of its 50<sup>th</sup> anniversary next year.

The anti-US remarks shook the Philippine foreign policy and security community to the core given the intimate relations between the two countries. Duterte’s stance is a combination of his knowledge about America’s colonial sins, a bad experience dealing with the US government, and the US criticism on his war on drugs. Duterte feels the US rebuke is both a personal attack and a disrespect of Philippine sovereignty, something he thinks he has the burden to uphold. In his off-the-cuff and inflammatory statements, he threatened to abrogate a long-standing military alliance, invalidate the Enhanced Defense Cooperation Agreement (EDCA), and sever diplomatic ties. As his cabinet attempted to creatively interpret them without success, these se provocative tirades of the nation’s chief architect of foreign policy grabbed worldwide attention.

Duterte officially visited Indonesia, Brunei, and Vietnam before proceeding to a critical visit to China. Chinese President Xi Jinping described Duterte’s visit as springtime after years of mutual discontent. Both leaders pledged to continue stalled cooperative ventures and embark on new ones ranging from intelligence sharing to combat illegal drugs to public infrastructure, agriculture, and people-to-people exchange (Blanchard 2016). The Philippine president left China with reportedly US\$24 billion worth of deals, loans and aid (Calonzo & Yap 2016).

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**3** Duterte later apologized for the remarks and if they were construed as a personal attack.



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As expected, Duterte's fiery rhetoric trumped the economic outcome of the trip. He praised China's generosity, identified with its ideological slant and promised to pursue a joint alliance with other countries. In that same vein, however, he announced his economic and military "separation" from the US. Some fear that the president will abandon Scarborough Shoal in exchange for economic deals or reinstated fishing rights for Filipinos (Rauhala 2016). After the trip, it was reported that China's coast guard granted Filipino fishermen access to the disputed shoal. During the Asia-Pacific Economic Cooperation meeting in Lima, Peru, the Philippines government announced that the internal lagoon within the shoal is a no-fishing zone in order to preserve marine life in the area. China did not seriously reject the idea of a marine sanctuary and has even hinted the possibility of a fishing deal with the Philippines (Ives 2016).

The president's pivot to China did not mean an abandonment of US relations. Duterte was among the first leaders to congratulate president-elect Donald Trump after the US elections and has even appointed Trump's Filipino business partner as a US trade envoy (Arugay 2016a). Military exercises between the Philippines and the US will continue next year but are now reduced and focused what the nation needed more – capacity-building in humanitarian action and disaster response.

Duterte's singlehanded approach to re-crafting foreign policy is risky and could take a toll on the ability of the Philippines to make credible commitments abroad. Foreign policy requires a level of consistency that reduces significant risks and a shared strategic playbook influenced by expertise and long-term planning. Duterte's policy approach implies a careful distinction between impulsive pronouncements and actual implementation with a keen eye on the latter. However, his future antics on foreign policy might not be given the same amount of patience by elites and masses alike especially if it threatens the country's national interest. Politics in the Philippines rarely stop at the water's edge (Arugay 2016b).

### REGIONAL SECURITY AND DUTERTE'S GAMBIT

2017 marked a unique opportunity for the Philippines as it assumed the ASEAN chairmanship during its 50<sup>th</sup> anniversary with Duterte playing host to its member-states as well as the regional body's dialogue partners. Though many considered him a relative upstart in regional affairs, Duterte treaded a careful approach that accommodated the general interests of major powers without sacrificing ASEAN centrality. As Asia-Pacific remains confronted with a lot of strategic issues, the Philippines under Duterte performed a delicate balancing act that did not upset the status quo nor its shamed specific countries.

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On the one hand, many critics argued that Duterte lost an opportunity to substantively discuss post-arbitration maritime issues with China as well as rally other claimants to the South China Sea (Bondoc 2017). On the other hand, some analysts appreciated the Filipino president's hedging approach as he rebuilt ties with China, fostered new relations with powers like Russia, India, Turkey, etc., but also remained committed to strengthening partnerships with old allies such as Japan, the US, Australia, and many others (Chongkittavorn 2017). Through a combination of unorthodox and acerbic rhetoric, serendipitous circumstances, and institutional commitments, it seemed like Duterte's high risk gambit has successfully accomplished to turning the Philippines into a "normal" Southeast Asian country – one that attempts to balance competing powers in order to promote and defend its national interests.

Among the achievements of Duterte's unconventional and performative foreign policy approach are the rekindled ties with China, an agreement between ASEAN and China to protect the marine environment in the South China Sea, and some progress in the SCS Code of Conduct negotiations. However, critics were quick to point that Duterte was avoiding to upset China or is prioritizing short term economic gains for long-term strategic and territorial interests. Perhaps in Duterte's view, the task of checking China's assertiveness is a burden that the Philippines bore for several years but exacted a huge toll in the country's national interests. Unless other countries are willing to share and contribute to this goal, the Philippines under Duterte will carry out a flexible and pragmatic approach with less emphasis on norms and values that has previously dictated its foreign policy.

It remains to be seen whether however whether Duterte's foreign policy approach can simultaneously pursue Philippine national interests as well as the collective interests of ASEAN and other powers. The latter is contingent on the ability of ASEAN member-states to ensure that the organization continues to possess sufficient convening power to be a mechanism for regional peace, stability, and prosperity. If not, then the value of ASEAN for its members as well as dialogue partners will diminish and possible alternatives might supplant it (Guiang 2017).

### THE PHILIPPINES BETWEEN THE US AND CHINA

The perception is that ASEAN's limitations can be seen in the heightened superpower competition in the region by the United States and China. The Indo-Pacific region serves as the main theater for the current competition between the US and China. Factors behind this heightened and intense rivalry were mainly the rise of China and the perceived decline in security commitments of the US in the region. China's increasing economic clout,

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as already foreseen by historians as early as Thucydides, gave unprecedented strategic confidence to challenge the existing global rules-based order governed by rules and norms propped by the US. China's revisionist stance despite its promised peaceful rise, became evident first in the immediate borders (e.g., South China Sea and East China Sea) but eventually its presence in every part of the world. It is also palpable in its increasing influence in multilateral institutions, international regimes, and other elements of the international order. The launch of the Belt and Road Initiative, the Asian Infrastructure and Investment Bank, and the Boao World Forum are derivative institutions coming from China's assertiveness as a now global superpower (Huisken 2019).

Side by side with China's power is the US's diminishing commitment in the region. In the aftermath of its Global War on Terror, the US was supposed to return its attention towards the region in the guise of Obama's pivot/rebalance to Asia. This backfired at the US both internationally and domestically. The pivot to Asia did not result in concrete measures to bolster US commitment to regional security. The 2016 election cycle that ended up with Trump's victory could be partly attributed to how the maverick candidate used US (failed) multilateralism such as the Trans-Pacific Partnership and its security alliances with Japan and South Korea as a foil to reorient US what was supposed to be a more strategic Asia policy (Campbell & Sullivan 2019).

The Philippines given its geostrategic location and historical dealings with major powers was thrown into the middle of this benign turned intense US-China rivalry that started after the Scarborough Shoal incident in 2012. The Aquino administration (2010-2016) decided to launch a landmark arbitral case against China in the Southeast China Sea dispute. The US attempted to strengthen its military alliance with the Philippines with initiatives such as the Enhanced Defense Cooperation Agreement. Other states such as Japan and Australia followed suit, by forging strategic partnerships with the Philippines (Arugay 2017b).

The outcome of the 2016 elections however caught the Philippines in the crossroads of reorienting this strategy. President Duterte sought to recalibrate Philippine foreign and security policy away from the West and into the arms of countries such as China and Russia. Once a political nobody abroad, he expressed a desire to embrace China while rejecting the country's long-time ally. The often-neglected country was instantly pushed into the lime-light given its new leader's musings usually in the form of highly emotional rants in the guise of foreign policy. At one point, he threatened to scrap the Mutual Defense Treaty with the US and at the same time pursue deep security relations, in the midst of its ongoing territorial disputes, with China.

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These “adventures” in Philippine foreign relations were officially labeled as the pursuit of an “independent” foreign policy (Arugay 2018).

### **IV.ASEAN-CIVIL SOCIETY RELATIONS: THE ROLE OF THE PHILIPPINES**

Apart from security, a major contribution of the Philippines is its contributions, mainly coming from its own domestic civil society, to form a regional network of societal actors within the ASEAN region.

“ASEAN appreciates the contribution of the CSOs in the ASEAN Community building process. In this regard, ASEAN will continue to engage with all segments of ASEAN people including CSOs in the future as it is in line with ASEAN desire to create a people-centered and people-oriented ASEAN.” This was the pronouncement made by the Ministry of Foreign Affairs after receiving the Statement of the ASEAN Civil Society Conference and ASEAN People’s Forum 2015. This represents that ASEAN regionalism thus far has been able to unleash civil society participation directly or indirectly in the ASEAN processes. The passage of the ASEAN Vision 2020 in 1997 and the ASEAN Charter in 2007 both provided the opportunity structures to develop and create a more region conscious civil society organizations by creating transnational networks.

What developed over time is a transnational civil society that sprang both from the opportunity structure brought about by the inception of the two documents, but also from existing regional non-governmental organizations. Civil society is important in keeping ASEAN on track on its commitment to create an ASEAN that is “caring and sharing.” After all, it seems that the idea behind the word community is about people (Hernandez, 2015). AMS commitment to the Vision can be nourished by the push of ASEAN CSOs. It is through CSOs work that ensures that ASEAN does not fall into decorative rhetoric. But engaging ASEAN by those outside of the policy making process (particularly Think Tanks) is not something new. It has doing that long before Track 3 developed the process with some seeds planted by the ASEAN People’s Assembly (APA) in 2000.

Moctar traces the ASEAN’s engagement with civil society with business Think Tanks organizations and the ASEAN Institutes for Strategic and International Studies (ASEAN ISIS). They are considered as elite type of non-governmental actors by some, and it is only in the early part of this century that civil society composed of community-based organizations, NGOs, social movements of women, children, migrant workers, etc. begun to spring up. ASEAN has accreditation guidelines and process and CSOs must be made aware and know how to go about the process of being recognized by ASEAN. The term civil society in ASEAN using the guideline on



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civil society engagement of 2006, refers to nonprofit association of ASEAN persons, natural or juridical, organized to promote, strengthen and help realize the aims and objectives of ASEAN cooperation in the political, economic, social, cultural, scientific, medical and technological fields. This sets the parameters of engagement with ASEAN as well as sets conditions when relationship can be terminated. In other words there are rules and this is dictated by the member-states.

In 2000, the ASEAN People's Assembly was born on the initiative of ASEAN-ISIS. The idea behind APA was to create a forum for debate, exchange of ideas, and generation of people-oriented policies on issues and problems facing the region among the various stakeholders and sectors (Morada 2007). It also aims to foster dialogue and confidence building among policy-makers, academe, think tanks and civil society groups in Southeast Asia on a range of traditional and non-traditional security issues, including human rights, human development and democracy (Caballero-Anthony 2004). This initiative is supposed to make ASEAN "relevant" to all peoples (all sectors) of the region. APA at that time obtained recognition from ASEAN leaders of its role in awareness-raising and community-building in ASEAN, The Vientiane Action Programme in November 2004 and through the Chairman's Report of APA 2006. It has also facilitated consultations between civil society groups in the region and the Eminent Persons Groups on the ASEAN Charter and the High-Level Task Force responsible in drafting the Charter. But APA has been criticized for being not too representative of the people yet it has served as a venue for networking among civil society groups. But despite this, APA is considered as one of the civil society forums that existed in Southeast Asia (Collins 2008).

In 2005, the ASEAN Civil Society Conference (ACSC)/ASEAN People's Forum, was born. It is said to be state initiated initially as a parallel event to the 11<sup>th</sup> ASEAN Summit in December of that year. The ACSC whilst government initiated was able to help CSOs to come together and present their positions with government on issues and more importantly had direct interface with ASEAN during the ASEAN Summit. This was a breakthrough in civil society engagement with the state. Inputs from the ACSC are reflected in the Chairman's Statement at various since being able to interface with the ASEAN Heads of State. The Philippine case is an example of direct engagement between CSOs and the state.

## V. CONCLUSIONS AND FUTURE PROSPECTS

From the viewpoint of the Philippines, bolstering ASEAN's relevance today requires a smart combination of institutional upgrading, calibration, and retooling guided by a strategic appreciation of Asia-Pacific's volatile envi-

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ronment. Domestic developments within member states, collective learning from past failures and mistakes, and leadership fuelled by political will are all crucial to jointly undertaking institutional reform.

The propensity for informal practices and 'soft' institution-building may have worked in ASEAN's first 50 years, but many predicted they will be untenable in the future. Continued lip service to commitments and failing to act decisively and swiftly have become staple criticisms against the organization. Several of ASEAN's institutions continue to exist only in paper, and when they are put to work suffer from implementation deficits and poor quality. ASEAN's silence on a lot of pressing transnational issues and domestic problems that have regional repercussions have 'desensitized' many within the international community, who relegated ASEAN as a mere 'talk-shop'.

Lacking the necessary substance and quality, can ASEAN remain a driving force in regional affairs as well as a people-centred community in the future? The answer lies in surmounting two traps: irrelevance and polarization. First, ASEAN needs to overcome its increasing inability to be the centripetal community in Southeast Asia. An often-unappreciated facet of ASEAN integration is in the regional interconnections it has formed within and across political, economic, and socio-cultural spheres of collective life. ASEAN has reached a point that it is larger than the sum of its 10 member-states.

This chapter also discussed the role of regional civil society in enhancing ASEAN regionalism. However, while it is assertive of its role in representing the peoples of ASEAN and advocating for their issues, it has yet to fully taken seriously by ASEAN member-states. Business and economic actors is another set of players that have significant influence and resources. Other government entities such as parliamentarians, judges, bureaucrats, military officials, and civil servants are all being interlinked through the ASEAN project. Heads of states and the ASEAN Secretariat might be the organization's visible manifestation, but they now share the regional stage of this panoply of actors with their own interests, advocacies, and linkages with external entities.

Some claim that ASEAN's present institutional infrastructure is inadequate to meet the demands of sustained internal centrality. The greatest fear in this regard lies in ASEAN's obsolescence as a community. Unless its institutions are transformed to effectively channel demands, ASEAN's irrelevance trap may lead other actors to prefer to conduct their activities beyond the framework the organization currently provides.

The other equally gloomy scenario is that ASEAN continues to suffer from a polarization trap between a diverse groupings of states that still



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carries a lot of mutual historical baggage with one another that often generates distrust. This has a multiplier effect on the several divides within ASEAN: between old and new members, between democracies and non-democracies, and between less developed and thriving economies. The attempts to bridge or transcend these divides by focusing on mutual pursuits have not been entirely successful.

In its next 50 years, ASEAN should not continue to sweep these divides under the rug, and delay a candid conversation about them. The 2012 incident, when it was not able to produce a joint statement, is clear sign of emerging polarization. External powers have taken notice of these differences, with some more willing and able to take advantage of them to the detriment of ASEAN's collective interests.

Unless ASEAN overcomes these polarizing divides, they will rip the organization in its seams, letting pure national interests and bilateral strategies define the relations of its member states with one another, as well as it other countries in the region. In this sense, national resilience and regional resilience cease to overlap, and Southeast Asia becomes an arena where big powers totally define the rules of engagement. Polarization can make ASEAN's external centrality evaporate, as it ceases to become a regional convenor to promote security in Asia-Pacific.

ASEAN's institutions will be critical in its path in the next 50 years. It can continue to cling to old habits and become trapped in a downward spiral leading to its irrelevance and marginalization in the regional order, or it can defy current cynicism and take bold but pragmatic steps to activate, substantiate, and transform its institutional infrastructure in order to revitalize its centrality among its members.

By filling the gaps in its integration process, ASEAN can regain some of its credibility, and present itself as a cohesive actor that can once again shape the regional security architecture in the Asia-Pacific. By being truthful to one another and having a perspective grounded on realities, ASEAN can become the regional organization that could once again attract powers big and small. To be taken seriously by its people and external actors, ASEAN must take institution-building and its civil society seriously.

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