Eastphalian Sovereignty: East Asia’s Principle of the Status Quo

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Abstract: This research intends to show an alternative to the global north in IR theorizing and potential for contribution by the global south to the field by questioning a basic component of contemporary IR theory; Westphalian Sovereignty. This foundation of the nation states system creates the realist assumption of the security dilemma. With no overarching authority, states act on their own behalf in accordance with the norms of a self-help system. This theory is used to explain the lack of regional institutions in Northeast Asia International co-operation expected by liberal scholars such as Rawls requires liberal democracy and mutual respect for human rights. This is a system and theory created by the global north. However, this research offers an alternative based on theories of Foucault and Bordieu whereby the definition of sovereignty as discourse acts as habitus for constraining state behaviour. ASEAN acts as a counterfactual case and demonstrates that a regional institution based on the same norms of Westphalian Sovereignty also leads to international co-operation. This is because principles of Westphalian sovereignty, representing legitimacy of the status quo, are respected and adhered by the member states by ASEAN much as the status quo of the hierarchical order had been during the Chinese tributary system. “Eastphalian Sovereignty” currently adhered to by a region of the global south, may in fact show the global north an alternate paradigm for IR theory and hope for Northeast Asian regional co-operation.
I. Introduction

One cannot become an academic in the field of IR without being properly inundated with the various arguments comprising the so-called paradigm wars that make up a significant portion of the scholarship related to IR theorization. Questions dealing with such concerns most frequently include: Which level of analysis is most significant? Is power the most important state interest? Can institutions influence state actors? Can states overcome the security dilemma? Do ideas matter? And so on are continuously debated and re-debated. Seldom do we ask about the nature of the questions themselves or the perspective from which they are asked and answered. This blind spot in IR theorization has led to a field that is most surely dominated by US scholars, often not without good reason given the quality of some of their work, but also equally not with complete consideration as to the consequences of such domination. One such consequence is the vicious circle of narrowing perspective that is constantly reinforced by domination of western scholarship. This in turn not only harms the field of IR in terms of stagnation of innovation and progress but also may lead a self-fulfilling prophecy of state policy choices based on an echo chamber of narrowly conceived theory. In short, this type of scholarship does little to benefit the academic community at large nor does it lend much insight to policy makers referring to it.

More surprising is that this narrow viewpoint is more or less continuing to be propagated by academia in its research concerning the global south. Old theories developed for a completely different political and cultural milieu are applied wholesale to both to regions experiencing rapid economic growth and political upheaval and those showing little change. The surprising aspect of this lies in the fact that domestic scholars in these regions often aid in this propagation and those that do attempt to differentiate between Global South and North are often accused of cultural exceptionalism. In a 2007 special issue of International Relations of the Asia Pacific this problem was specifically addressed. The introductory article written by Amitav Acharya and Barry Buzan was titled simply “Why is there no non-Western International Relations Theory? An Introduction”. Among the possible reasons proposed were the aforementioned hegemony of Western IR theory, the lack of exposure and popularization of non-Western theory due to language barrier, the
existence of conditions in non-Western nation states that are antithetical to production of IR theory, and that it is simply a field that the West has a large head start in studying and given time the rest of the world will catch up. There may be truth in many of these ideas but this research refutes many of them.

In the Global South it may indeed be argued that there are many states that have been victims of Western hegemony of power and knowledge. This history may not be denied but to blame it for ongoing shortcomings re-empowers the former colonizers and deprives nation states of agency. This type of thinking also legitimizes patriarchal behaviour of the Global North through the reduction of the Global South to the role of a perpetual victim. This type of argument also relates to the assumption that the Global South may not have the right conditions for theorization to proliferate. Such an assumption again dismisses the Global South as a non-ideal place for theorization and diminishes the scholarship that is produced there. Indeed, political repression may subdue academia’s pursuit of political theory within a state. However, this does not rule out outside observers using states where this repression occurs as cases for their own studies. Additionally, to assume in a globalized world that language barrier is applicable to those in an academic environment representing the academic elite of a nation state amounts to orientalization of those scholars. Most scholars of IR, especially those of the global South, have considerable language competency and at the very least have access within their own institutions of higher learning to those who can lend their own linguistic competencies to overcome this barrier.

Rather than the previous arguments, this paper operates on the assumption that the gap in IR theory originating from the Global South is indeed a result of a much later start in the field. However, it is assumed here that, counter intuitively, the gap is widening due to the continued primacy of existing theory and which subdues the pace of Global South theory, further exacerbating the gap between the rapidly rising Global South’s importance and theory pertaining to it. Therefore, as in the case of South East Asia, nascent ideas of regionalism in a different sense find trouble gaining traction as they fail to challenge hegemonic theory but instead are dismissed by it.
This particularly large blind spot in IR theory grows at a rapid pace in accordance with the rapid rise of Asia as an economic growth engine for the globe. The blanket application of theory that was conceived when western IR theorists including EH Carr saw Asia as little more than the largest portion of the so-called 3rd world was almost exclusively based on Western ideas. His 30 Years Crisis was born of concern for scholarship in the West and lack of methodological rigor in researching the way the nations of importance were being studied. Indeed, the era of colonization has been and sometimes still is viewed as a meeting between modern nation states and backwards kingdoms. The resulting dominion of the West over the East a natural part of modernization which would lead the the birth of so-called Westphalian style nation states in the post-colonial era. The jealous protection of their right to self-determination merely served to prove to Western scholars that their theories of IR could be applied to Asia without consideration of any regional variance that may require addressing.

This research aims to call into question the assumptions of scholars by examining the very sovereignty that is used to claim the efficacy of universal application of IR theory across the globe. Sovereignty, rather than the Westphalian sense, is redefined to address the historic difference in the manner in which perceptions of discourse of legitimate authority were expressed. In terms of Westphalia, legitimacy of states and the status quo was reactionary based on the end of the 30 Years War but unable to deny that the status quo in Europe had been legitimized by discourses of authoritarian principles such as perceived divine right of kings and a states’ capacity to protect king and country by force for hundreds of year prior the treaty. Meanwhile, East Asia during the Chinese tributary system was based on a discourse of legitimacy of authority founded hundreds of years moral and cultural practice with China perceived as the legitimate dominant centre of this system. ASEAN, founded on principles of non-interference and self-determination, in many ways a model of Westphalian sovereignty, somehow manages to achieve gains from co-operation in spite of the expectations Western IR theorists have for states exhibiting such sovereignty. Therefore, this research argues that while having the same goals of authenticating the legitimacy of state authority, the discourse is based on a status quo that
is perceived as legitimate on moral and normative grounds rather than state capabilities grounds. Therefore, this discourse of sovereignty is termed here as Eastphalian sovereignty.

II. Discourse based Sovereignty

As human beings we are free to make many choices in our lives. In fact, that which separates from other members of the animal kingdom is the ability to make choices, even the choice to cease to exist, based on reason. Of course, we may argue that few choose to end their existence purposefully based on rational choice but this does not preclude making decisions on incorrect information or a failure to properly perceive the situation we are in. Therefore, while all human beings attempt to make choices based on their idea of what is just or reasonable, this often is a very subjective situation. Herein lies the challenge of all social science. Humankind’s ability to perceive the world around us is extremely limited. Physicists and biologists would highlight here that our eyes, ears, nose, tongues, and skin fail to sense many phenomenon in our surroundings. The eyes can only see an extremely limited band of the electromagnetic spectrum. Therefore, it should not surprise us that the things we experience are not always what they seem and we are basically perpetually struggling to understand the world based on the meaning we may infer from it given our human limitations.

When it comes to human interaction we heavily rely on what we hear as our source of information but it would be a gross overstatement to say that oral or even written communication are our only sources of information. We often forget that even other animals can get meaning from much more nuanced physical attributes. A facial expression, a person’s posture, the clothes they wear, an object they hold, all communicate meaning, meaning we perceive and interpret. All things purposefully communicated between people through words or actions may be grouped under the term ‘discourse’. It is this discourse that not only provides the information that helps us make the choices we are faced with in life during human interactions but that actually shapes they people we become.
This research is founded on a conception of sovereignty that borrows from Foucault’s diagram. The diagram is a concept of purposeful communication or discourse by which governments of nation states create meaning to create the identities of their populace. (Prozorov 2007) Governments produce this discourse in order to authenticate the legitimacy of their authority over a populace within a territory. This discourse is often meant to show how the government mitigates anarchy and provides the good life for citizens. (Sandel 2009) Using justice as a foundation government elites set the type of sovereign discourse produced. (Santas 2010) By using the education system, mass media, and government institutions, the government are able to produce the identities of citizens of a country that believe in the legitimacy of a government and give their personal sovereignty, or right to make their own choices, to the government as their representative. The government of a state aims to stay in power and in these terms is ‘conservative’ by nature. However, this nature also allows for the government’s coming into conflict with or the adaptation to the populace’s conception of justice should it or what is viewed as legitimate change and a competing discourse of legitimacy arise. Therefore, sovereignty shall be defined here as the process of producing discourse authenticating the legitimacy of government authority over a populace within a finite territory. This departs from traditional definitions in that essentialize sovereignty in terms of a state’s coercive capacities.

This definition of sovereignty as discourse has much in common with Bordieu’s theory of fields. Citizens in nation states act within the structured social space that is created by the sovereign state in accordance with the habitus that sovereign discourse creates for them.(Bordieu 1990) The act of creating discourse legitimizing the authenticity of a government influences the lasting acquired schemes of perception though and action that Bordieu would have termed the dispositions of the citizens. These dispositions share much with the identity that the government is aiming to shape through its sovereign discourse. This identity is termed by Bordieu as doxa which, as a product of state discourse, gives authenticity to the existing social arrangements and privileging the dominant producers of discourse, the government of the state. In the course of producing this discourse the state creates what is termed a doxic state in which the citizens perceive the field in which they
exist, in this case the state, as a natural occurrence, thus obscuring the nature of the state’s discourse and its aims. It should be noted that this doxic state results from a state’s reification of discourse conforming to the conception of justice the sovereign discourse is founded upon. State’s that provide the good life for their citizens in accordance with their principles enjoy legitimacy. This constrains the state not only domestically by forcing it to adhere to the conception of justice it claims to espouse but also creates constraints on its international actions since these too can influence whether or not the doxic state within the state endures.

III. Assumptions of Westphalian Sovereignty
In 1648 the Treaty of Westphalia brought a close to the bloody conflict that was the 30 Years War. It had been a conflict between European states that had viewed each other as enemies whose authority was illegitimate in the eyes of god following the Protestant reformation. In fact, the Protestant reformation would be a portent to the more popular forms of sovereignty that would follow in the wake of the 30 Years War. However, for our discussion here, the important points of sovereignty are non-interference in each other’s affairs, right to exist, and sole right to rule the affairs within one’s own state. These were points of discourse set out in reaction to a war in an effort to prevent future recurrences of conflict between the states involved. Unfortunately, Westphalian Sovereignty in modern parlance has come to mean something completely different from this well-meaning original intent.

Realism and neo-realism both concern themselves with power. The reasoning is that in an environment with no overarching authority states must look to themselves for security. (Hobbes 1996) Realism and neo-realism differ on whether it is man’s nature or the anarchical structure of the international states system that leads to conflict but both agree that power is essential to survival. Power, in the most simple of terms, is the ability to bring force to bear in order to ensure continued state sovereignty in the Westphalian sovereignty. Possession of such implements of force is necessary to dissuade other states from infringing on a state’s right to exist and sole right to rule its affairs. This is the supposed problem with Westphalian sovereignty, the ability to police itself internally and
protect itself from interference causes other states to fear those same capabilities. However, this is not mentioned in the Treaty of Westphalia which only deals with the legitimacy of such capacities as structures enabling governance.

These capacities cannot be dismissed so easily however. It should be noted that these capacities are the reification of a discourse of legitimacy produced by the governing bodies of states. They impart legitimacy in the most basic sense and make an important foundation of the practice of sovereignty in Europe. It is this practice of legitimacy in the name of a status quo maintained by coercion that also has the effect of rendering other competing discourses illegitimate in the eyes of Europeans. Of course, history shows that seldom did a status quo last on the European continent that was not a product of the force of arms. Even the Romans spent a great deal of time and energy projecting this discourse of legitimacy and putting down the competing discourses of rebellions throughout the Empire. Those rebellions were illegitimate to the Romans but perhaps not so to those who created the competing discourse. The span of European history, and indeed much of the world, shows a similar rise and fall of governments and would be governments producing discourses of legitimacy reified as coercive abilities. (Tilly 1993)

If we take the more modern example of Northeast Asia, we can see how these supposedly Westphalian discourses of sovereignty as viewed through the realist and neo-realist perceptions of IR can lead to poor relations and distrust between states. (Goldstein 2003) China, South Korea, and Japan have extremely cold relations with each other. Scholars point to balance of power politics, historical memory, territorial disputes, strong nationalism, and regional power competition as sources of these problems. (Friedberg 1993, Moon & Chun 2003, International Crisis Group 2005) For this reason Northeast Asia, while accounting for a large part of the world’s economic activity, cannot seem to agree enough to form any type of regional organization. In fact, even simple bilateral relations are strained between the states. China and Japan have a territorial dispute over Daiyou/Senkaku and China refuses to accept Japan’s apologies for colonial pasts. Japan and Korea have a territorial dispute over Dokdo/Takeshima and Korea shares China’s skepticism over Japan’s contrition for colonial crimes such as the comfort women.
Meanwhile, Japan for its own part has only made carefully worded apologies and admissions of guilt that Germany and the Netherlands, sharing a similar guilt, would wince at. This is to say nothing of the regional consternation caused by Japan’s talk of amending their pacifist constitution. (Alagappa 1998) Some are quick to blame all this discord on Westphalian sovereignty. (Moon & Chun 2003) That said, it should be questioned what about Westphalian sovereignty would lead to such unfriendly diplomacy or acts as an obstacle to Deutsch’s “we feeling”. (Deutsch 1959)

Initially, if we look at the capacities of each of the states of Northeast Asia we at first find a realist world. In the wake of the colonial era each of these have large powerful militaries, mutual distrust, strong nationalist sentiment, and competition for resources and territory which would seem to be a perfect storm in the offing which could lead to the 3rd world war. This is often blamed on the Westphalian system. However, a closer look at the distrust and harsh criticism that each state heaps on the others sheds light on something unexpected. Much of the hard feelings and animosity between these states is not based on the current actions of the states themselves. The hostility is rooted in historical memory that few alive today remember first hand but serves to bring into question the legitimacy of the rule of modern governments of neighbors. There is also nationalist fervor encouraged by domestic politicians that somehow permits criticism of foreign governments by citizens in each of these states based on outdated perceptions and overrides the non-interference principle of Westphalian sovereignty. Simply put, the realist conception of Westphalian sovereignty has little to do with the principles of the treaty of Westphalia. Rather, discourse of sovereignty in Northeast Asia tends to be captured by the history and practices of the past in Northeast Asia’s international relations, much as Europe’s historical animosity and conflict failed to abate after 1648. (Higgot 1997) It begs the question: If the status quo preserved by sovereignty is one of a state whose historical animosity continues under the aegis of such a status quo, does that not prove the pessimistic realist view of Westphalian sovereignty?

IV. The Collision of Westphalia and East Asia
In other words, to answer the concluding question of the previous section it is necessary to look back to the previous sovereignty in East Asia or to the discourse that authenticated the legitimacy of the rulers of that period. This exercise provides two insights. One is to examine in detail the discourse of legitimacy that existed in East Asia prior to its collision with the West, the second is to provide a counterpoint to Westphalian sovereignty discourse. If Westphalian sovereignty is corrupt and prone to conflict by its nature, then we should be able to see how its differences vis-à-vis the previously existing system in East Asia lend themselves to such confrontation. Furthermore, this section aims to show that these are two competing discourses of legitimacy rather than simply sovereign nation state and inferior non-sovereign non-nation state systems that met with one giving way to the other. To begin this investigation we shall begin with an overview of the tributary system.

The Chinese tributary state system was a form of order that organized states in a hierarchical structure. The central place of China is reflected both in its name in Mandarin and the name surrounding states incorporating Chinese symbols into their languages use for it the ‘Centre Kingdom’. Following the warring kingdoms period the first incarnation of China was born and based on moral primacy of Confucian teaching became the centre of the world. Surrounding states deferred to the superior position of China not only militarily but also morally. (Moon & Chun 2003) Korea, Japan, and Vietnam all became tributaries of the China and kowtowed to Chinese authority. Rulers of Korea and Vietnam required consent from the Chinese throne to ascend to their own thrones. The hierarchy of this system was rigid and there was no reason for conflict between states since spoils of war would not have been legitimate within the framework of morality and principles of the system. (Kelly 2011) The well font of legitimacy was based on the learnings of Confucius and the moral superiority if conferred on those possessing their knowledge. (Zhang & Buzan) Therefore kingdoms like Korea could sustain themselves without a large army safe in the knowledge that, as an advanced Confucian society, they enjoyed a privileged legitimate status and, should they be attacked militarily, that status ensured the attack would be viewed as illegitimate and aid would come. Areas on the periphery in the Northwest of China not adhering to these cultural norms were considered barbarians.
Lacking the same legitimate status of those within the system, it was acceptable to engage in warfare with them and the record shows this took place.

History shows that the tributary system was largely successful at ensuring peace for hundreds of years. The sovereignty of the time represents a discourse authenticating legitimacy of government based on a status quo of continued practice and primacy of principles and morals of Confucianism leading to peace in the region. The system was not one where all states were equal since each had their place in the hierarchy in accordance with their level of accomplishment in Confucian scholarship but the respect for the propriety of the hierarchy it did impart an equality of sorts in that all had a right to exist within the system. (Beeson 2013) Sadly, history also teaches that this was brought to an end by the collision of the tributary system with the Westphalian states system. (Moon & Chun 2003) While it is likely that neither side perceived the other as legitimate relative to their own conception of legitimacy, European states viewed the status quo as something ensured by monopoly of the use of force and those failing to live up to this were not viewed as equals and thus were open to outside interference. Colonies were established, spheres of influence carved out, and wars fought in the name of riches, empire, and independence. It is understandable for many to assume that this would forever alter the character of East Asia and replace it with a westernized state system and all its pitfalls, and in some places it has. However, there is an argument to be made for the survival of certain aspects of the tributary system. For example, what if the Treaty of Westphalia had been made in a region where hundreds of years of war had not taken place? What if there were a region where states adhered to the principles of non-interference, self-determination, and mutual respect for each other’s legitimate right to exist and govern?

As the discussion to this point has mentioned, fairly or not, Westphalian sovereignty has been derided as antithetical to peaceful state relations. At the very least, history shows the result of those states interactions with each other and their interactions with those with other discourses of sovereignty were far from stable or peaceful. Therefore, liberal theorists of international society propose pre-conditions for peaceful relations. Many of these theorists fit into the democratic peace school which is largely based on the Kantian
assumptions laid out in “Perpetual Peace and other Essays”. (Kant More recent attempts include “Law of the Peoples” by John Rawls in which he tries to include a more tolerant view of international society in order to include more states that may not be democratic but are ‘decent’ enough to respect human rights and basic freedoms. (Rawls 1999) Liberal theorists such as Kant or Rawls would undoubtedly have viewed the EU and its members’ attempt to surrender different economic and political responsibilities of national sovereignty to supranational regional organization. However, rejecting Westphalian sovereignty merely reinforces the realist claim that sovereignty in an anarchic system causes the security dilemma. Quid pro quo we should only expect conflict in regions that cannot agree to co-operate in overcoming the curse of Westphalia.

Oddly enough, ASEAN stands out as a proverbial fly in the ointment of theorists such as Kant, Rawls, and their ilk. Founded in 1967 ASEAN is a ‘hodge podge’ of nation states with a variety of governmental systems and regimes which was not based on an acceptance of cosmopolitanism by the rejecting of Westphalia principles but rather is an overwhelming affirmation of them. (Dent 2008) In spite of the common history with Northeast Asia and the common concern of sovereignty in the post-colonial era, the common ground quickly disappears. (Roy 2005) The members are equal, sovereign, and free to conduct their internal affairs without interference from each other. At the same time, there is no mention of human rights nor the need for personal freedom and democracy but it may be argued that in many respects the human rights record is better than many regions including Eastern Europe. While some claim that the Pol Pot regime and its atrocities were allowed by ASEAN, it is noteworthy that fellow member Vietnam put effective end to the Khmer Rouge and then left Cambodia to be sovereign. Beyond this, the gains ASEAN has made in encouraging economic interdependence, consensus building, and creation of a common identity all demonstrate effectiveness in spite of not satisfying many of the criteria Kant and Rawls would expect for peaceful international society. (Rawls 1999) Rather than the cosmopolitanism of Kant or liberal communitarianism of Rawls we should look to other discourses of legitimacy that may be sourced from other concepts of justice not based on culture but on practice. After all, as Chanda points out, Southeast Asia historically has
enjoyed peace while playing host to a flourishing plurality in culture and religion. (Chanda 2006)

In terms of habitus, the practice alluded to above refers to the discourse of legitimacy of the status quo that existed for centuries in East Asia. The Treat of Amity, which delineates the basic foundational principles of ASEAN, also known as ‘the ASEAN way’, has successfully in prevented regional conflict since 1967. (Pempel 2005) Oddly enough, these principles may simply frame the status quo in language that former colonial masters and the nation state system can understand, without changing how the states of Southeast Asia choose to practice the status quo. The fact that traditional IR theory views these principles as the cause of conflict, and the fact that we can see that this has not been the case for ASEAN, may be better understood from the social contractarian perspective. (Table 1) This perspective delineates that a mutual agreement between parties gives credence to the binding power of that agreement. (Holzgreffe 2003) Members of ASEAN, in adhering to these principles maintain their legitimacy vis-à-vis their fellow member states. Social contractarians also cite that norms of the social contract also make states responsible to their citizens in terms of safety, which precludes military adventurism.

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<tr>
<th>Westphalian Principles</th>
<th>Treaty of Amity</th>
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<tbody>
<tr>
<td>1. The principle of the sovereignty of states and the fundamental right of political self determination</td>
<td>1. mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations,</td>
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<tr>
<td>2. The principle of legal equality between states</td>
<td>2. the right of every State to lead its national existence free from external interference, subversion or coercion,</td>
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<td>3. The principle of non-intervention of one state in the internal affairs of another state</td>
<td>3. non-interference in the internal affairs of one another,</td>
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<td>4. settlement of differences or disputes by peaceful means,</td>
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<td>5. renunciation of the threat or use of force, and</td>
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<td>6. effective cooperation among themselves</td>
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Table 1.0
Another potential means of examining ASEAN is as a group of states exhibiting principles of communitarianism. Communitarianism proposes that norms may become binding if they are appropriate to cultural beliefs and practices of the parties involved in production of the norms. (Ibid.) In such a case, the centuries of peaceful acceptance of the status quo in Southeast Asia may in fact be acting as a foundational principle in the practice of these states relations with one another. Therefore, the shared experience of colonialism which resulted in such a strong expression of Westphalian type norms in ASEAN does not in fact lead to conflict as is assumed in Europe. The norms of acceptance of the status quo as practice and Westphalian norms in fact have a synergy that creates the type of stability and peace that was envisioned in 1648 but was also unrealistic due to the lack a similar history of practice. A simple and cursory examination of European history shows that there is little peaceful practice from which European states could draw upon to put the good intentions of Westphalia into practice. These ideas are the representative of the type of discourse necessary for a consensus based approach such as ASEAN’s to work.

Lastly, there is the legal positivist contribution to this discussion. Legal positivists argue that norms agreed upon by consensus and enacted by mutually agreed practices are legal. This view sees the agreed upon law as binding, not due to its content but as a moral obligation due to the agreed consensus of the group. Therefore, the principles of ASEAN, as agreed upon by the consensus of the founding member states, may be considered as legally binding. This also adds further support to the value of a consensus based approach to ASEAN as opposed to a strict ideological view on co-operation requiring a society of democracies or a slackening of independence in favour of integration and interdependence that was argued by Bull or Mitrany. (Frost 2000, Bull 1977, Mitrany 1966)

As Moon and Chun note, it is difficult to argue that East Asia exhibits vestiges of the hierarchical system. (Moon & Chun 2003) In fact they argue, much as Alagappa does, that the state is gaining in strength in the sense of realist Westphalian interpretation. (Alagappa 1998) As we have discussed to this point, the Treaty of Amity which formed ASEAN chose principles that also fit in with this line of thought. Moon and Chun claim that strict adherence to these principles and regional history preclude co-operation in Northeast Asia.
Rather than choosing to diffuse their sovereignty in their regional co-operation, they chose to guarantee it. If the Treaty of Amity had resulted in the same lack of real co-operation and peace as was demonstrated in Europe following the Treaty of Westphalia, then it would prove the expectations of both neo-realist and neo-liberal scholars. (Kang 2003) What makes ASEAN interesting is the completely different outcome resulting from essentially the same treaty. This brings into play our previous contention that the history of practice in each region played a decisive role in the outcome of how the treaties were applied and adhered to. The stability of a security complex with a region may in fact be more dependent on their compliance with existing arrangements. The status quo, as an existing arrangement in Southeast Asia had far greater chance of ensuring peace than it did in Europe where peaceful relations could hardly be described as the status quo and where, perhaps ironically, a treaty meant to ensure peace could only maintain a status quo of intermittent war. Table 2 shows the various outcomes that may be expected depending on the circumstance and adherence to norms.

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<tr>
<th>Interaction</th>
<th>Westphalian Principles</th>
<th>Adherence</th>
<th>Non-Adherence</th>
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<tbody>
<tr>
<td>Conflict</td>
<td>• Norms and Principles allow for non-military resolution to conflict&lt;br&gt;• Military clashes limited</td>
<td>• Non resolution of conflict&lt;br&gt;• Realpolitik and War</td>
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<tr>
<td>Co-operation</td>
<td>• Co-operation as independent States&lt;br&gt;• Gradual Community Identity building</td>
<td>• Relaxing of Westphalian sovereignty&lt;br&gt;• EU style integration and liberal transition conditions</td>
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Table 2.0

As we can see, in circumstances of conflict, the adherence of norms would seem to bear more responsibility for the outcomes than the norms themselves. As with the case of
ASEAN and the pre-EU Europe, if the norms fostered circumstances were regional actors came into conflict we should expect more heated competition and exchanges amongst the regional actors within Southeast Asia as we saw in Europe during numerous wars. On the other hand, we can see that circumstances of co-operation exist in both regions but in the case of Europe, supposed norms leading to conflict had to be assuaged in order to overcome the aforementioned inevitable conflict. The lack of such conflict and existence of co-operation in Southeast Asia demonstrates the flaw of neo-realist and neoliberal theory. The concept of Westphalian Sovereignty, is not inherently realist as we have proven here but, unfortunately at this point cannot be extricated from the misperceptions it has been subjected to. Furthermore, the treaty from European history fell victim to and was tainted by European historic practice. Therefore, we should not credit it with success when implemented by a more peaceful region whose practice made that success possible. For this reason, this research deems it most appropriate to term this ‘Eastphalian Sovereignty’ in keeping with both the treaty and the region that made it work.

V. Conclusion

International Relations is a young field in the grand scheme of academia. So it should come as no surprise that theory within this field is still relatively nascent. Furthermore, since it first came into being as a formal field of study in the West within the field itself there is a skewing of theory towards thinking based on the history and practice of the Global North and the West perhaps even as a sub group within the Global North. However, the Global South is rapidly developing and needs to contribute to all fields in a manner commensurate with its growing role as growth engine for the world economy. In terms of IR, the Global South offers valuable counterfactuals to existing theory. The opportunity to test existing theory and concepts to see if they have explanatory value beyond the West. Too often we see theorists try to squeeze a square peg into a round hole in order to make the Global South conform to theory. Theory based in ideas and concepts that may do the world a disservice of reifying hegemony of the Global North. Instead, it is of utmost importance to find cases that do not fit, such as that of ASEAN, and question why. ASEAN, as an organization often dismissed for being too unambitious in deep integration or reducing state sovereignty, shows us that the very same principles that are core
assumptions to the dominant realist paradigm, in fact may not result in what that theory predicts. Rather, the habitus of sovereign discourse may offer more for explaining relations between states and the In fact, the 2007 ASEAN charter shows that co-operation can be achieved via a habitus of sovereign discourse based upon an accepted legitimacy of the status quo within supposed realist foundations can lead to deepening integration and even other liberal agendas and human rights protections.
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