It began in the Netherlands, as outraged Calvinists smashed statues to protest the wealth and excesses of Spain and the Catholic Church. In Germany, starving soldiers laid waste to entire regions. The ensuing war engulfed all of 17th-century Europe in 80 years of bloody religious conflict. After the assassination of generals and the death of kings, after nearly one-third of Germany’s population lay dead from the plague or the sword, Europe’s rulers finally came together. They intended only to end the wars; they did not expect to create a new global order. But when they finally signed the Peace of Westphalia in 1648, Europe — and the world — was on its way to being transformed.

Westphalia proclaimed the rule of *cujus regio ejus religio* (“Whose realm, his religion”), meaning that citizens of a respective country were subject primarily to the laws and actions of their respective governments. Westphalia established fixed territorial boundaries for countries for the first time, with neither church nor chancellor able to interfere in another nation’s affairs. These tenets ushered
in our modern system of nation-states. Pope Innocent X memorably denounced Westphalia as “null, void, invalid, iniquitous, unjust, damnable, reprobate, inane, empty of meaning and effect for all time.” Despite this papal condemnation, the modern system of sovereign nation-states inaugurated by the Westphalian treaties endures over three and one-half centuries.

The 20th century, however, gradually chipped away at the Westphalian idea. The principle of cujus regio gave rise to the corollary that government is sovereign to rule its people as it sees fit. It led to order among states, but also enabled three centuries of atrocious human rights abuses. Out of the ashes of World War II and the Holocaust, countries came together to create the United Nations. In 1948, exactly 300 years after the Peace of Westphalia, the UN ratified its Universal Declaration of Human Rights. It was the first global expression of rights fundamental to all human beings and a challenge to the Westphalian concept of sovereignty. For half a century, it was applied delicately, often through sanctions, in places like South Africa. It wasn’t until the 1990s that the international community intervened directly on behalf of humanitarian principles in Haiti and Kosovo — a thread that runs through NATO’s recent intervention in Libya. Meanwhile, the same decade witnessed the creation of a unified European Union (EU) in 1993, accelerating the trend toward international organizations and regional associations.

It was at this moment that historians began speaking of a post-Westphalian world. The question now facing us is not whether Westphalia is “empty of meaning and effect for all time,” but rather what meaning and effect it will have for our time, the globalized world of the 21st century. For insight, we need look no further than the Association of Southeast Asian Nations (ASEAN), which David Carden, the first resident US Ambassador to ASEAN, believes “is making the case for a new definition of ‘regionalism’.” The movement to integrate the 10 nations of ASEAN — Indonesia, Singapore, Thailand, Vietnam, Brunei, Malaysia, Cambodia, Laos, Myanmar and the Philippines — into a single entity represents a different model of regional cooperation from the EU. Unlike the EU, ASEAN is less rooted in democracy, more tolerant of human rights violations and more committed to individual sovereignty. If successful, it may redefine how other regions — from Latin America to the Indian subcontinent to the Middle East — evolve in the 21st century. It may also give rise to a new framework for a new century: Eastphalia.

On August 8, 2011, 44 years to the day after ASEAN was founded, the colorful ASEAN flag was hoisted for the first time alongside the banners of all member states at hundreds of embassies and diplomatic missions around the world. It kicked off what ASEAN Secretary General Surin Pitsuwan describes as “our drive to raise our own bargaining power from a larger base.” At a time when the EU’s struggle to rescue free-spending members Portugal, Ireland, Italy, Spain and Greece has threatened to bring the whole continent tumbling down, ASEAN is rushing headlong to create a single economic community by 2015.

It may seem strange that flying the flag should lag so far behind the organization’s founding, but for many years, ASEAN was a flagging confederation. The forum has been derided as little more than a “talk
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shop” whose deference toward sovereignty allowed successive waves of atrocity from bad actors such as the Khmer Rouge and Myanmar’s generals. Collective action on economic or security policy was virtually unheard of. ASEAN, a former Indonesian foreign minister dismissively noted, is a mere diplomatic “cocktail party.”

The people of ASEAN frequently reflect this sentiment. A young Filipino professional confided that ASEAN is only discussed in school textbooks, never in everyday conversation. It is telling that when Indonesia, ASEAN’s largest member, held its 2009 presidential election, not one of the candidates mentioned the regional alliance, which is headquartered in Jakarta. Yet in the past few years, ASEAN has made itself progressively more relevant across the region. The “talk shop” still focuses on dialogue, but it has begun letting its actions do the talking.

As the global financial system struggles and China asserts itself in the South China Sea, ASEAN’s increasingly vulnerable member states are seeking a future in cooperation. At the same time, ASEAN has so far maintained “the ASEAN Way” — the region’s traditional respect for national sovereignty — while using the prospect of economic prosperity to incentivize concerted action on a range of policy goals. Though ASEAN’s halting steps toward regional unity remain difficult to predict with certainty, its growing readiness to act on critical regional challenges heralds a new vitality. The lagging flag appears to be the leading indicator of a new model of economic-centric regionalism.

As the saying goes, trade follows the flag. Since implementing its ambitious integration plan, ASEAN member states have eliminated 95 percent of tariff and non-tariff barriers, in an effort to increase intra-ASEAN trade from 25 percent to 35 percent in the next four years. It has been working. After reportedly implementing 75 percent of its blueprint to become an economic bloc, trade among ASEAN nations rose 33 percent in 2010, while trade with China grew 25 percent in the first half of 2011. While its vision doesn’t yet include a unified currency, ASEAN has floated the idea of a common visa and the free flow of skilled workers. The latter is not an easy sell to ASEAN’s wealthier members. As the EU has learned the hard way, wealthier nations tend to become beacons for job-seekers from poorer nations in a way that isn’t always manageable. A new $500-million infrastructure bank funds the building of roads, railways and ports to knit together the islands and archipelagos of the Pacific Rim. These efforts have begun to make real the prospect of rapid growth and access to the global marketplace.

From 2009 to 2010, total trade in ASEAN ballooned by one-third, to $2.09 trillion. Savvy investors have caught on, leading to a 38-percent increase in foreign direct investment in 2010.

By many measures, ASEAN is ascendant. Whereas European nations formed the EU to arrest a continental slide into stagnation — stemming from a loss of economic power in an increasingly global economy — ASEAN hums with the sounds of a region on the rise. Its 600 million people produce
a combined gross domestic product of $1.7 trillion, exceeding that of India. ASEAN nations weathered the global economic slowdown well, growing at 7.4 percent in 2010 with healthy future growth projected. From 2009 to 2010, total trade ballooned by one-third, to $2.09 trillion. Savvy investors have caught on, leading to a 38-percent increase in foreign direct investment in 2010.

Economic integration has also served as an instrument for improving governance and social policy. Though ASEAN’s Secretariat still boasts only 70 professional employees overseeing a region of 600 million, its regional architecture — in Professor Paul Evans’ characterization, “a noodle bowl” compared to the EU’s more complex and interwoven “spaghetti bowls” — is becoming richer and more robust.

In 2009, ASEAN established an Intergovernmental Commission on Human Rights, which The Wall Street Journal rightly criticized as “toothless,” but which is nonetheless indicative of new attitudes and institutions coming to the fore. Plans are also underway for a new ASEAN Supreme Audit Institution that would reduce graft and promote good governance. It is an important development in a region where six of 10 members scored in the bottom third of the 2010 Transparency International Corruption Perception Index — a potential disincentive to global investors seeking to put their money in emerging markets.

With these institutions has come a willingness to address taboo subjects. At regional meetings last fall, for instance, several delegates spoke out in their hope that Myanmar’s November 2010 general election would be free and fair. Last spring, the UN delegated to ASEAN a role in resolving the ongoing border dispute between Thailand and Cambodia, a regional first. And rather than cowering to China’s preferred method of dealing with each nation bilaterally, delegates have presented a unified voice in opposition to China’s aggressive move into the South China Sea. This more unified posture has been noticed across the region by former critics like Anies Baswedan, rector of Indonesia’s Paramadina University, who says that “more difficult issues (are) being tackled through official meetings.”

Important partners, such as the US, have taken note. President Barack Obama, who grew up in Indonesia just three houses down from former Indonesian President Abdurrahman Wahid, has made the Asia Pacific a priority, as underscored by his assertive, week-long trip to the region last November. And his Secretary of State, Hillary Clinton, in the words of the Center for Strategic and International Studies’ Ernest Bower, considers ASEAN “the focal point where the most important geostrategic chess games of the twenty-first century will be played.”

Along with these developments, Baswedan notes that “there’s more involvement of people, not just governments.” Within higher education, the ASEAN University Network promotes cross-country collaboration, with a credit transfer system for students. Indonesia holds a competition for students to become young ASEAN ambassadors. As The Jakarta Post noted last July, ASEAN has hosted so many conferences in Bali that its flag has become familiar to residents.

Recognizing that ASEAN integration must stem from the people, the Secretariat has organized regional events ranging from small business conferences to batik festivals. In October 2010, 80 talented musicians from around the region joined together at the Hanoi Opera House to play in the
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first ASEAN Symphony Orchestra. The beautiful strains of Brahms and Dvorak symbolized a broader harmony emerging among the people of the Pacific.

But as much as playing Dvorak’s New World Symphony epitomizes ASEAN’s new regionalism, it is new social media that offers a real opportunity for ASEAN citizens to meet and communicate across vast expanses of ocean and distance. Recently, Indonesian President Susilo Bambang Yudhoyono urged the people of ASEAN to do just that, noting that Indonesia boasts the world’s second-largest population of Facebook users (now more than 41 million) and sixth-highest number of people on Twitter. ASEAN’s own Facebook page — “liked” by 2,877 (as of this writing), a fraction of ASEAN’s total population — provides updates on ongoing initiatives and dialogues. These online spaces are among the best ways for Pitsuwan’s hope for fulfilling his vision “to make ASEAN a household word,” and for people to “identify their futures with ASEAN, or with the potentiality of ASEAN.”

All of which raises the question: is the ASEAN Way going away? ASEAN’s Charter emphasizes “non-interference in the internal affairs of ASEAN Member States” and “respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States.” This sounds wonderful — and quintessentially Westphalian — on paper, but has proven less pretty in practice. ASEAN’s Asian spin on regionalism has presented unique opportunities, but also vexing challenges.

As Pitsuwan often notes, “The European model is not our model, it is only our inspiration.” For all its recent steps toward greater institutionalization, few have contemplated anything approaching the EU’s multitude of multilateral and supranational governing bodies. As the EU pulls out its collective hair trying to restructure its intransigent members, looser association has kept ASEAN free from Europe’s current troubles. However, ASEAN faces other difficulties challenging its traditionally hands-off approach. Chief among these are addressing the authoritarianism of Myanmar and the aggressiveness of China.

ASEAN’s leadership, to an extent, recognizes this. They have leveraged Myanmar’s scheduled turn to chair ASEAN in 2014 as an opportunity to encourage Myanmar’s government to institute reforms, and they have done so to good effect. Recently, Myanmar released some political prisoners, decreased Internet censorship and halted construction on a dam condemned by environmentalists. Most notably, pro-democracy leader Daw Aung San Suu Kyi has been allowed a new voice and visibility, including participation in upcoming parliamentary elections. In recognition of these reforms, Secretary Clinton became the first US Secretary of State to visit Myanmar since 1955, where she met with President U Thein Sein and Suu Kyi and announced a modest thaw in US financial restrictions on the country.
It is still undetermined whether a belligerent Beijing will bring the association closer together or drive it apart. But what is certain is that ASEAN is acting, and acting together.

Though Myanmar’s sincerity remains an open question, these steps do indicate that newly-energized ASEAN may have some potential to promote progress on human rights: rather than applying the “stick” preferred by Western nations, who have sanctioned Myanmar with little effect — ASEAN is in a much stronger position to promote the “carrot” that membership can bring.

As a rising regional player, ASEAN holds the keys to tremendous economic growth. In addition to signing free trade agreements with China, Australia, and New Zealand, the US has expressed interest in a possible trade deal. But as Clinton made clear at a regional security forum in Bali last July, Myanmar challenges the “cohesion and future” of ASEAN — and a US-ASEAN partnership. Nor is Clinton alone. “The foreign business community is anxious to be part of the rebuilding of (Myanmar),” an editorial in The Nation newspaper in Thailand recently declared. “But we need to see peace and the rule of law applied.” Time will tell if Myanmar is willing to revise past habits if it means future economic success. As a local business owner says, “The biggest proponents toward change in Myanmar are the young, who know what is happening with the Arab Spring in the Middle East and want to join the world.”

Where Myanmar poses a test to ASEAN’s internal affairs, China challenges its outward unity. Last year, Beijing claimed the entire South China Sea, including islands in territorial waters of five other nations, as a “core national interest.” It has been interpreted as everything from a naked power grab at the region’s shipping lanes (through which one-third of all transit ships pass) to an attempt to seize possible oil reserves estimated at 213 billion barrels, to a cornerstone of China’s nuclear submarine strategy. But “above all,” as Baswedan contends, “it represents a challenge to the unity of ASEAN.”

It is still undetermined whether a belligerent Beijing will bring the association closer together or drive its member apart. But what is certain is that ASEAN is acting, and acting together. At the November East Asia Summit in Bali, ASEAN officials took the lead in insisting on a “multilateral resolution of the conflicting territorial claims,” with President Obama offering support. The joint stand in Bali communicated a strong message to its giant neighbor: for now, ASEAN will stand as one.

As it has evolved organically over the last 44 years, ASEAN, Singapore’s Ambassador K. Kesavapany asserts, has been “nothing if not pragmatic.” It appears that the association now understands there are cases where an iron-clad regard for sovereignty threatens regional goals, especially economic ones. When such instances arise, ASEAN is inclined to continue its familiar dialogues and back-channel discussions, using the carrot of economic growth to encourage compliance and collective action. As an Australian Embassy official put it, “the ASEAN approach is right— strength in numbers and all have shared interests.”
In the inaugural volume of *Strategic Review*, President Yudhoyono wrote a cover story essay envisioning Indonesia on its centennial in the year 2045. Given the above developments, it is worth considering what ASEAN — and other regions influenced by its model of regionalism — might look like in 2048, four centuries after Westphalia, and a century after the UN Declaration of Human Rights hinted at a post-Westphalian departure. To use a provocative term coined by University of Chicago law professor Tom Ginsburg and others, it is worth imagining “Eastphalia.”

Eastphalia is where sovereignty and association meet, holding the promise of integration as well as independence. ASEAN’s biggest weakness and biggest strength have always been its inclusivity. It is, commentator Leon Hadar writes, “a mosaic of . . . old and new civilizations in various stages of economic development.” Singapore, one of the world’s richest nations per capita, coexists alongside repressive and impoverished Myanmar. Indonesia, a nascent democracy with the world’s largest Muslim population, and Thailand, with its Buddhist constitutional monarchy, abut the tiny sultanate of Brunei. It is also a mosaic of various political systems. Indonesia and Thailand are nascent democracies — yet in Thailand, one can be jailed for speaking out against the monarchy. Vietnam, Cambodia and Laos are all dictatorships. Singapore is semi-autocratic. All 10 members are different. Yet these disparate nations are steadily forging an integrated community, which should give hope to other regions around the world, many of which more closely resemble the patchwork of ASEAN than the relative homogeneity of the EU.

There is also an emerging market reality that is hard to ignore: unlike the EU, which is trying to maintain its place in the global order and stop its descent as a global power, emerging market nations like the 10 members of ASEAN are ascendant. For a
world shifting from West to East, the challenges, aspirations, and growing clout of ASEAN seem eminently more familiar to other emerging regions than old-world capitals like Paris and London, which enhances ASEAN’s ability to serve as a role model.

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It’s also a time when the once-thriving models of the West aren’t held in the same regard. While Western observers condemn ASEAN over Myanmar and argue that a wobblier version of the EU will never work because it lacks central authority to enforce common rules, ASEAN supporters darkly point to democracy’s present struggles.

“Authoritarian leaders and their populations here are appalled by America’s lack of discipline and massive debt,” wrote Yohanes Sulaiman, a lecturer at Indonesia’s National Defense University, in a recent essay. “If democracy provides nothing but economic crisis, political squabbling and gridlock, why would anyone want it? Better to stick with the authoritarian system of China or the semi-authoritarianism of Singapore.”

It’s not hard to imagine, for instance, a South Asian confederation of India, Pakistan, Bangladesh, Nepal, Bhutan, Sri Lanka and the Maldives — or a future bloc in the Middle East — modeled on ASEAN. Present conflicts may suggest they are improbable, given the bloodlust alone between Pakistan and India. But 60 years ago, few would have imagined France one day being joined at the hip with Germany.

The make-up of the modern Middle East — monarchies, military regimes, multi-ethnic states — reflects that of ASEAN. If ASEAN’s trajectory over the last few years is any indication, an Eastphalian world, by accommodating difference and deferring to national sovereignty, could facilitate the formation of regional associations.

They could begin as free trade areas and common markets — Israelis and Iraqis trading with Indians and Indonesians — and gradually evolve into something more cohesive and more vibrant. As Ginsburg put it well, “Eastphalia may be Westphalia without the universalism. A kinder, gentler Westphalia.” Because as troubling as the implications of non-interference can often be in our post-UN Declaration world, it may be the only way to begin.

Theorists from Seymour Martin Lipset onward have hypothesized that a baseline of economic security may be a necessary precursor to democratic and human rights reforms. Though others have challenged this theory, the trajectory of the region’s “Asian Tigers” — Singapore, Taiwan, South Korea — support this line of thinking. All have democratized as they become wealthier. By 2048, perhaps ASEAN’s human rights commission will be as vigorous as the one in South Korea.

Projecting so far into the future, as Pope Innocent’s 17th-century prognostication reminds us, naturally has its risks. As the region that gave us both Westphalian and post-Westphalian paradigms convulses, the future of regionalism remains
very much in doubt. The EU could emerge stronger, Myanmar could retrench, Beijing could play a cynical game of bilateralism and belligerence that rends the fabric of ASEAN unity. Or the ASEAN model, if present encouraging trends continue, may yet prove itself viable and desirable.

In 2048, students from Myanmar could travel and study freely in the US; trade between ASEAN and other regional blocs could exceed our wildest imaginations; and what began in 1967 as a loose association of nations could model a new regionalism for a changing world. As it creates its own passage between the Westphalian model on one side and the EU on the other, ASEAN might one day replace the principle of *cujus regio ejus religio* with an expression popular in Indonesia — *mendayung antara dua karang* — “rowing between two reefs.”