

ASEAN as a Diffuse Regional Regime: A Study of its Regime Dynamics, 1992-2001

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Introduction

The political settlement of the Cambodian Crisis in 1989 won for the Association of Southeast Asian Nations (ASEAN) international acknowledgment as an effective organization in promoting regional stability in Southeast Asia. This achievement was made possible by its persistent diplomatic efforts, and the intersecting agendas of the major regional actors - China, Japan, US and at that time the former USSR. The end of the Cold War transformed the adversarial relations between the superpowers and allowed them to agree on the comprehensive political solution of the crisis. The framework of the Cambodian political settlement had been forged by ASEAN and brokered in multilateral forums of the United Nations (UN) and Non-Aligned Movement (NAM).

Not resting on its laurels, the Association moved quickly to establish the regional free trade area (AFTA) in manufactured goods and processed agricultural products in 1992. The meeting of the heads of government/state was regularized in a three-year interval in the same year. The rank of the Secretary General was raised to ministerial level and made his term of office longer to five years from three years. Moreover, the staff was made professional, recruited through merit and open competition rather than secondment from the bureaucracies of the member countries.

Shortly thereafter, it expanded its membership to include all the remaining countries in the region. Vietnam was admitted in 1995, Lao PDR and Myanmar in 1997, and finally after some delay, Cambodia was admitted in 1999. The admission of the newly established state of East Timor is widely expected in the

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foreseeable future.

This "One Southeast Asia" under the auspices of ASEAN was proclaimed in 1997 through its Vision 2020. This vision is equally an idealistic statement of the group's aspirations when compared with the Bangkok Declaration and ASEAN Concord. The difference, however, lies in the timeframe provided by Vision 2020. The Association has set for itself an indicative period up to the year 2020 within which to accomplish its collective goals. Through the Ha Noi Plan of Action approved in 1998, ASEAN has set targets in its political, economic, social and cultural cooperation for the period 1999-2005.

Amid this rapid succession of important developments, Thailand encountered a financial crisis in 1997 which quickly spread throughout all of South and Northeast Asia. The massive outflow of portfolio capital hit Indonesia, Malaysia, Philippines, and South Korea. All the countries in the region, with a few exceptions, suffered directly or indirectly from the crisis. The downfall of Suharto in 1998, the fall of Anwar Ibrahim, the defeat of the ruling coalition in Thailand parliamentary elections, were among the political repercussions of the financial crisis. Southeast Asia was gripped with pessimism as most of the economies of ASEAN members contracted. The initial responses of ASEAN members to the crisis were seemingly at cross-purposes. Malaysia introduced a policy of currency controls while Indonesia pursued the IMF prescription of fiscal discipline through decreased government spending. The much heralded "spirit of ASEAN solidarity and cooperation" seemingly vanished into thin air.

But soon ASEAN gained its bearings and addressed the most pressing problem of capital flight collectively. It has established a surveillance system which aims for transparency in the regional financial system; regional and bilateral currency swap arrangements have been pursued to prevent the recurrence of the crisis; and short term incentives for foreign direct investment have been agreed upon.

These dramatic decisions on a vision for the year 2020, formalization of the rules for the regional process of peaceful settlement of disputes, establishment of a free trade area in its trade cooperation, "bold measures in response to the financial crisis", among others, suggest the emergence of a new and reinvigorated ASEAN. A closer look at ASEAN cooperation at this time can describe and

explain its apparent transformation.

Understanding ASEAN Transformation

This study is an attempt to examine ASEAN as a diffuse regional regime. In the Theory of International Regimes, an "international regime" is defined as "sets of implicit and explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in an issue-area."¹ Another acknowledged definition of the concept is: "networks of rules, norms, and procedures that regularize behavior and control its effects (in relationships of interdependence)."² In this context, ASEAN may be seen as a diffuse regional regime because it encompasses many issue-areas³ such as political-security, economic, and "functional" cooperation.⁴ It is also a regional regime that is specific to the particular geographic region of Southeast Asia.

This study reviews closely the elements of the ASEAN regime, composed of principles, norms, rules and decision-making procedures of its multifaceted cooperation, and analyzes their impact on ASEAN transformation. These regime elements are drawn from the theory of international regimes popularized in the discipline of international relations by a group of scholars who attempted to offer another perspective to the realist view that international organizations hardly matter in interstate relations⁵; and in the process tries to blend the realist and pluralist perspectives of international relations.⁶

The regime dynamics of ASEAN is the focus of this study. Changes or persistence of the regime elements in the political-security, and economic issue-areas will be looked into in particular from 1992 to 2001. While ASEAN has other issue-areas of cooperation, these two sufficiently describe its regime dynamics during the period under review. This timeframe of the study covers many recent principle-setting and rule-making agreements like ASEAN Vision 2020 (1997) and the Common Effective Preferential Tariff Scheme for the ASEAN Free Trade Area (1992) in the trade issue-area. In the political-security aspect, the agreements are the Rules of Procedures of the High Council (2001), the Protocol on the Treaty of Amity and Cooperation (1998), and the Protocol on the Treaty of Southeast Asia Nuclear Weapon Free Zone (1995).

The agreements forged in this period are compared with earlier agreements. This comparative analysis of regime elements stipulated in these agreements will indicate either resilience or transformation of the ASEAN regime. Regime transformation may either be in the form of "regime change", "change within the regime", or "weakening of the regime". It is held that an essential or fundamental transformation has taken place when the principles or norms of the regime had changed.⁷ On the other hand, a mere "change within the regime" involves only the transformation of rules and decision-making procedures and does not fundamentally change the nature of the regime.⁸ Lastly, "weakening of the regime" refers either to the incoherence of regime elements or the gap between the regime elements and the actual practice of participating states.⁹

Following the general orientation of "complex interdependence"¹⁰ as an analytical frame, the regime dynamics will be examined in terms of the systemic global power structure, economic process, and influence of other international organizations. These factors explain the influence of the external environment on ASEAN's regime dynamics. In addition to these factors in the external environment of ASEAN, the principle-setting and rule-making agreements of ASEAN also influence its regime elements and hence, its regime dynamics. An examination of these agreements describes more specifically ASEAN regime dynamics.

This study has drawn insights from the literature on the impact of transformation of the global power structure on the Asia-Pacific and Southeast Asia in the aftermath of the end of the Cold War and how this transformation has influenced ASEAN.¹¹ It has also drawn perspectives from the studies of the influence of the globally integrating economic process since the 1980s and the formation of regional trading blocs, on the economies of member-states of the Association and their current drive toward economic integration.¹²

In regard to the influence of other international organizations on the regime elements of ASEAN, a comparison of the regime elements of ASEAN with the regime elements of global organizations such as the UN and NAM in the political and economic issue-areas would generate insights about their similarities and differences. The affinity in their principles and norms as well as their rules

and decision-making procedures indicate the influential role of the larger multilateral organizations on ASEAN.

ASEAN's External Environment

Global Power Structure and the ASEAN Political-Security Cooperation

The conduct of the American war against terrorism reflects its current inclination to act unilaterally, although it has enjoyed considerable world wide support since 9/11 of last year, in dealing with its enemies - the shadowy terrorist network of Al-qaeda, the Taliban government that supported it and now dismantled by American and NATO action in Afghanistan, and the "axis of evil". The global reach of the American war effort reached Southeast Asia as post-mortem investigation of the 9/11 attack revealed that the perpetrators have links with Indonesian, Filipino and Malaysian Islamic militants. News reports have described the region as "another front in the war against terrorism".

The action of ASEAN in this crisis has been decisive, indicating the strong influence of the US on ASEAN's political-security cooperation. In November 2001, the heads of government issued the Declaration on Joint Action to Counter Terrorism. As a follow-through to this declaration, a work program on terrorism involving information and intelligence sharing on activities and logistics of suspected terrorist groups has been operationalized among police and intelligence organizations among member-states.¹³

Three ASEAN countries who have been identified as the operational base of Al-qaeda and other Islamic radical groups, have signed the Agreement on Information Exchange and Establishment of Communication Procedures on May 7, 2002. These countries are Indonesia, Malaysia, and the Philippines. Cambodia acceded to this agreement on July 30, 2002.¹⁴ Thailand is reported to be prepared to accede to the agreement in the scheduled summit meeting in November 2002.¹⁵

ASEAN also affirmed its full support for the implementation of the Security Council Resolution 1373 and noted that all of its members have submitted their reports in compliance with the resolution.¹⁶

Analysts of Southeast Asian affairs, however, have not seriously considered the idea of unipolarity in both the region and the larger Asia Pacific. Instead, the

more widely acknowledged description of the post-Cold War structure is multipolarity where the former superpowers manifest declining roles.¹⁷ The multilateralism on security issues that is emerging in the region is largely attributed to the "new order" of the post-Cold War era. And in this emerging multilateralism, ASEAN has been projected into the limelight through the ASEAN Regional Forum (ARF) with the support of Japan, Australia, and Korea as well as the acquiescence of China.¹⁸ This new role for ASEAN has created the chance of expanding its norms of peaceful co-existence and peaceful settlement of dispute to the larger Asia Pacific region.

ASEAN Principles and Norms of Political-Security Cooperation and International Organizations

ASEAN principles and norms of political-security cooperation have been influenced by the UN and NAM. Its member-states, as active participants in these multilateral bodies, have integrated these principles and norms into the ASEAN regime.

The Zone of Peace Freedom and Neutrality (ZOPFAN) Declaration indicates ASEAN's close affinity with the principles of NAM. The rhetoric of ZOPFAN follows the NAM's principles of peace, sovereign equality and peaceful co-existence. ASEAN does not believe in siding with any of the superpowers, although its members value the American military presence as a balancing force to the threat of communist domination and hence, perceived it as a positive force for regional stability.¹⁹

The Declaration also acknowledges the importance of "respect for justice and the rule of law...and adherence to the principles of the UN Charter" to regional peace and stability. This reference to the principles of the UN Charter suggests that ASEAN conforms to such principles and hence, is influenced by the ideals and practice of the UN.

Among the UN principles that could be gleaned from the Bangkok Declaration are the goals of maintaining international peace and security and promoting economic and social development.²⁰ Both of these principles are also stated in the Declaration, and to this extent make ASEAN goals similar to the UN. However,

ASEAN's goal of shielding the region from external interference is neither listed in Article II of the UN Charter nor emphasized among the other basic principles of the UN, and hence makes it particular to the region as a defining principle in the historical context of its establishment.

The norms of conduct that guide members of ASEAN in their relations with each other are based on the above-mentioned principles of its cooperation, and interestingly, similar to that of the UN basic norms of state behavior as well as the "principles of peaceful co-existence" of the NAM. Included in the UN and NAM norms of conduct followed by ASEAN are: settlement of disputes through peaceful means, refraining from the threat or use of force; and non-interference in the "domestic jurisdiction of any state".²¹ These norms of conduct, stated in the Treaty of Amity and Cooperation echo the norms of conduct stipulated in the UN Charter, and particularly the "principles of peaceful co-existence" of the NAM. The exception is the explicit norm proscribing external interference particularly aimed at subversive and coercive acts that destabilize the domestic political situation of member states.

Unlike in the UN conflict resolution framework, however, ASEAN does not have the forcible sanctions stipulated in Chapter VII of the UN Charter; neither does it have the mechanisms for the innovative peacekeeping nor the formal arrangement of collective security.

Political-Security Cooperation: Resilient Principles and Norms, Changing Machinery and Rules

The principles and norms of political-security cooperation have proved resilient in the last 35 years of its existence. The overarching principle of ASEAN political-security cooperation remains freedom from external interference as the safe course for the region's peace and stability. In the ZOPFAN, this was expressed in terms of the "neutralization" of the region. Today, ZOPFAN is articulated in terms of disarmament through the Treaty of Southeast Asia Nuclear Weapon Free Zone and the peaceful settlement of dispute through the Treaty of Amity and Cooperation (TAC).

The peaceful settlement of dispute between member countries, informally

operationalized through direct and confidential bilateral negotiations, has effectively addressed their territorial disputes. Thus far, the members of ASEAN have not violated the principles enunciated in their basic agreements like the TAC. The use of force and threat of use of force have never been resorted to.

The perceptible change in ASEAN's political-security regime can be seen in the enlargement of its scope with the opening of the TAC to non-Southeast Asian countries. While China and the Republic of Korea have expressed their inclination to favorably consider acceding to the Treaty, none of them has actually done so. Other major actors in the Asia-Pacific appear to be unenthusiastic about the enlargement of the scope of the TAC. Moreover, ASEAN has instituted the Troika (the past, present and incoming chair of the standing committee) to deal with dispatch rapidly developing regional political-security issues or situations and perform the mandate that will be assigned to it by the foreign ministers.

The establishment of the ASEAN Regional Forum in 1994 marked the emergence of multilateral forum in the Asia-Pacific for political and security issues. It is an important development in the political-security cooperation of ASEAN because the Association now finds itself as the "driving force" for stability of the larger region of the Asia-Pacific.

Peaceful Co-existence and Peaceful Settlement of Dispute

The ASEAN norms of peaceful co-existence and peaceful settlement of dispute are also available for the consideration of non-ASEAN countries in the multilateral forum although their acceptance is admittedly remote. The "new order" in the Asia Pacific has not fundamentally transformed these norms. These norms are listed in the TAC as follows:

- Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
- The right of every State to lead its national existence free from external interference, subversion, or coercion;
- Non-interference in the internal affairs of one another;
- Settlement of differences or disputes by peaceful means;
- Renunciation of the threat or use of force;

- Effective cooperation among themselves.²²

These norms of conduct are largely similar to the five principles of peaceful co-existence first articulated in the Bandung Conference of Afro-Asian Solidarity in 1955. In ASEAN, these norms of conduct have become the core of its mechanism for the peaceful settlement of disputes among member states. It is worth emphasizing that the ASEAN norm of dispute settlement among member countries is *exclusively through peaceful settlement of disputes*. Although there are no specific rules of procedures except the general stipulations in the TAC, these norms have evolved in practice and now operationally function through direct, bilateral, and quiet diplomacy between the parties to a dispute.²³ The process focuses on the political means of peaceful settlement and has allowed cooperation in the other issue-areas to move forward even between parties to a dispute. This quiet diplomacy does not follow a strict timetable with a specific deadline or a rigidly rule-based procedure. The parties continue their negotiation until they reach a consensus regarding the issue on hand. These negotiations had encouraged the establishment of bilateral bodies between member countries involved in territorial disputes.²⁴ The Malaysia-Philippines Joint Commission for Bilateral Cooperation, the Indonesia-Malaysia and the Malaysia-Thailand General Border Committees are examples of these bilateral bodies.²⁵ This method of dispute settlement has allowed ASEAN to move forward in the economic and social issue-areas without being hindered by their territorial disputes. More importantly, it had yielded positive results in a number of cases when the bilateral negotiations led to agreements to resolve the dispute through adjudication in the International Court of Justice. The TAC allows parties to resort to the judicial procedures of the UN subject to the agreement of both parties in case they are unable to reach a consensus in their negotiations.

Decision-making Procedures and Rules: Innovations Amid a Transforming External Environment

The Bangkok Declaration established ASEAN's decision-making machinery. This machinery was originally composed of the rotating ministerial meeting, a standing committee headed by the foreign minister of the host country, ad hoc

and permanent committees, and a national secretariat in each of the member states.²⁶ In its first nine years of existence, the meeting of foreign ministers was the highest policy-making body of the Association.²⁷ The foreign minister of the host country and the ambassadors from ASEAN countries accredited to that country comprise the standing committee. It is headed by the foreign minister of the host country. The standing committee runs the day-to-day activities of the Association. The working groups, which support the standing committee, are the ASEAN committees whose chair followed the same principle of rotation of the standing committee. These committees were the committee on culture and information; committee on trade and tourism; committee on industry, mines, and energy; committee on social development; and the committee on science and technology.²⁸ Each of these committees had sub-committees that divide the issue-areas into more specific classification. The representatives to these ASEAN bodies come from the officers of the ministry of foreign affairs of the member countries. Within the foreign ministry of each member country, a national secretariat or office of ASEAN affairs was established.

The multilateralism of ASEAN is a process of official meetings at all levels - heads of government, foreign ministers, other ministers, senior officials, and working groups. Aside from the meeting of foreign ministers, the meeting of economic ministers was established in the ASEAN Concord. Later, other ministers' meeting were added. Among the ministers that periodically meet are those in charge of civil service, education, energy, finance, health, interior, labor, science and technology, transport, and social welfare. There are also meetings of senior officials, working groups and experts' meeting from these ministries. A veteran diplomat, the first Filipino who served as Secretary General of the ASEAN Secretariat, described these rotational meetings as a "flying circus".²⁹ The "transgovernmental network" of ASEAN from the highest level to the level of working groups and experts in the multifaceted functional work of government constitutes its vast administrative and technical machinery.

In the absence of a permanent secretariat, ASEAN meetings at all levels were serviced by the national secretariats of the host country. In effect, the Association's "secretariat" rotated with the chair of the standing committee. The

yearly rotation of chairmanship posed problems of coordination and implementation of activities adversely affecting the efficiency and continuity of the Association. In NAM, which up to now does not have a permanent secretariat, this problem is partly addressed by the longer interval (three years) of the rotation of the chair. The succeeding chair, through a transition team, has enough time to work with the incumbent chair to attain a measure of continuity.³⁰

Continuity and Coordination through a Reorganized ASEAN Secretariat

The momentous agreements reached by the heads of government in 1976, in the aftermath of the unification of Vietnam under communist rule, included the establishment of the ASEAN Secretariat. The "rapidly growing activities" and the "need for greater efficiency in the coordination of ASEAN organs" were the major reasons cited for establishing the Secretariat.³¹ It is headed by the Secretary-General appointed by the foreign ministers on a "rotational basis in alphabetical order"! He/she is envisaged as the key official who will coordinate the association's various bodies and exercise administrative and financial control and supervision over the Secretariat. The functions and powers of the Secretary-General have been listed under 14 items which include, among others, "harmonize, facilitate and monitor progress in the implementation of all approved ASEAN activities, and initiate plans and programmes of activities for ASEAN regional cooperation in accordance with approved policy guidelines".³²

In the 1990s, the end of the Cold War transformed the bipolar power structure into a multipolar structure with the implosion of the former USSR and the reunification of Germany. In the global economic environment, the protracted and stalled Uruguay Round of multilateral trade negotiations moved forward as a result of the compromise reached between the US and EU regarding agricultural subsidies and was finally concluded in 1994 with the formation of the WTO. Moreover, regional free trade areas, notably the NAFTA, were being organized suggesting the formation of trading blocs.³³

These global political and economic developments posed serious challenges that needed new directions and collective actions. The unwieldy committee system of

the ASEAN machinery and the weak "Secretary-General of the ASEAN Secretariat" as the coordinating center were seen as inadequate in dealing with the changed political and economic environment.

During the meeting of the heads of government in Singapore in 1992, sweeping institutional reforms were introduced:

1. the regularization of the formal and informal summits;
2. the dissolution of the five ASEAN economic committees and the establishment of the Senior Economic Officials Meeting and the AFTA Council;
3. the redesignation of the Secretary-General of the ASEAN Secretariat into the Secretary-General of ASEAN with enlarged mandate to initiate, advice, coordinate, and implement ASEAN's activities; and
4. the professionalization of the ASEAN Secretariat staff on the principle of open recruitment".³⁴

This review of the organizational structure of the Secretariat under the 1992 Protocol Amending the Establishment of the ASEAN Secretariat was pursued by the standing committee in 1998. It decided that "the Secretariat should function as a coordinating Secretariat to help facilitate effective decision-making within and amongst the ASEAN bodies".

The reorganized Secretariat has now two Deputy Secretaries-General to assist the Secretary-General. One is in charge of the internal management of the Secretariat, while the other is in charge of operations and policy. The operations and policy unit of the Secretariat is subdivided into: Task Force for Financial Cooperation and Macroeconomic Surveillance; Economic and Functional Cooperation; Trade, Investment and Services; and Programme Coordination and External Relations. In addition, the professional staff has been increased to 23 senior officers, 27 programme officers, and 28 assistant programme officers. Its total complement has been increased from 64 to 99.

This new structure of the Secretariat is facing its test amid the regional financial crisis and its aftermath. The collective response of the association in terms of "bold measures", acceleration of the implementation of AFTA, social

safety nets, and a common position on the financial architecture demonstrates close coordination between the ASEAN policy making bodies and its administrative machinery. The quick and meaningful response of ASEAN to the crisis is proving, thus far, the validity of its rationale in restructuring the Secretariat.

The Troika: Addressing Fast Moving Regional Issues and Situations

The practice of establishing a *Troika*, i.e. the past, present, and incoming chair of the standing committee is also worth noting. This ASEAN practice is similar to the NAM *Troika*.³⁵ ASEAN resorts to a Troika in addressing important political issues like the delayed admission of Cambodia to ASEAN because Hun Sen forcibly ousted the Funcipec faction in the coalition government and, in effect, reversed the political settlement brokered by ASEAN and the UN. In 1999 during the 3rd Informal Summit Thai Prime Minister Chuan Leekpai, apparently as a response to the reported incursions of the Myanmar military into Thai territory in its pursuits operations against insurgents, proposed the institutionalization of the *Troika* as an *ad hoc* quick-reaction body.³⁶ It is envisaged to be ministerial level body acting on behalf of the ASEAN Foreign Ministers "to address in a timely manner urgent and important regional political and security issues and situations of concern likely to disturb regional peace and harmony".³⁷ Its power is recommendatory, and in the absence of a specific decision-making mandate, the Foreign Ministers might task it to perform good offices, inquiry, and other similar fact-finding missions for the ASEAN Standing Committee.

Recent Formalization and Expansion of Rules of Procedures of the High Council

The framework of dispute settlement in TAC is not limited to direct bilateral negotiations. It also provides for a multilateral procedure or "regional processes" through the High Council.³⁸ However, it had been inoperative for 25 years since enforcement of the TAC in 1976. While the intra-ASEAN disputes seem to have been effectively addressed by its informal and flexible bilateral negotiations, ASEAN did not have a similar process to deal with regional disputes like the territorial dispute over the South China Sea. The operationalization of the High

Council could be a feasible response to this need.

On 23 July 2001 in Ha Noi, ASEAN adopted the Rules of Procedures of the High Council of TAC. It is composed of representatives at the ministerial level of the contracting parties which could take cognizance of a dispute situation if all the parties involved agree to avail of this regional process. This process actually refers to the political negotiation involved in good offices, mediation, inquiry, and conciliation. Similar to the informal bilateral process, the parties are encouraged to pursue "friendly negotiations" before resorting to the judicial procedures available in the UN Charter. The rules of procedures for the High Council stipulate the rights and obligations of parties to a dispute in availing of this regional process. It states the rules on composition, initiation of dispute settlement procedure, convening of meetings, proceedings at a meeting, decision-making and amendment of the rules. There are now formal requirements to invoke the peaceful settlement procedure of the High Council. A party to a dispute must submit a written communication to the Chair of the High Council, through diplomatic channel, a detailed statement of "a) the nature of the dispute or situation referred to the High Council; b) the parties to the dispute and their respective claims; and c) the basis upon which the High Council shall take cognizance of the situation of the dispute or the situation pursuant to the Treaty".³⁹ Nevertheless, the sovereign right of states is acknowledged in Rule 9. It requires all parties to a dispute to confirm in writing that they agree to the application of the procedures of the High Council for it to proceed any further with the regional process.

This change within the regime of ASEAN's peaceful settlement of dispute was already discernible in 1987. The enlargement of its scope from a mere intra-ASEAN process to cover non-members is a significant departure from its informal direct negotiation between member countries.

The first protocol to the TAC in 1987 was an opening to non-member countries in Southeast Asia to accede to the Treaty. It was also an opening to non-Southeast Asian countries to join the regional regime for peaceful settlement of dispute. The impetus for this initiative was the goal of settling the Cambodian crisis through a comprehensive political settlement. The crisis was eventually

settled peacefully but under the auspices of the major powers utilizing the UN procedures. The opening of the TAC to both non-ASEAN and non-Southeast Asian countries later proved practical. Vietnam, Laos, Myanmar and Cambodia acceded to TAC to join ASEAN.

The second protocol to the TAC in 1998, after the completion of the so-called ASEAN 10, continues to open the regional process to non-Southeast Asian countries and hence, making the ASEAN norm of peaceful settlement available to address regional problems like the territorial disputes in the South China Sea. ASEAN's aspiration of becoming a zone of peace, freedom and neutrality is promoted by the expansion of its TAC to other countries in the larger region of the Asia-Pacific.

Earlier in 1995, ASEAN forged the Treaty on Southeast Asia Nuclear Weapon Free-Zone, another rule that formalized dispute settlement in the issue-area of nuclear weapon, radioactive wastes, and radioactive materials.⁴⁰ The treaty aims to make the territories, continental shelves, and EEZ of member countries free from nuclear weapon and radioactive wastes and materials. The Commission for the Southeast Asia Nuclear Weapon-Free Zone, composed of representatives of signatories, has been established under the Treaty to "ensure compliance with its provisions".⁴¹ A subsidiary organ, the Executive Committee, has also been established to undertake the following functions in regard to dispute settlement:

1. "ensure the proper operation of verification measures;
2. consider and decide requests for clarification and for a fact-finding mission;
3. set-up fact-finding missions;
4. consider and decide on the findings of the fact-finding mission and report to the Commission; and
5. request the Commission to convene a meeting when appropriate and necessary".⁴²

The decision-making procedure in the Commission and the Executive Committee departs somewhat from the norm of consensus. The Treaty states that "decisions of the Commission shall be taken by consensus or, failing consensus, by two-thirds majority of the members present and voting".⁴³ However, the rules of

procedures and financial rules that have to be adopted by the Commission shall be decided by consensus. The Executive Committee has to follow the procedure of consensus or, failing consensus, by two-thirds majority of the members present and voting without exception.

ASEAN Regional Forum: The Only Multilateral Dialogue on Security in the Asia Pacific

The possibility of expanding the scope of the regional process of peaceful settlement of dispute has been enhanced by the establishment of the ARF in 1994. The tacit agreement among Australia, China, Japan, South Korea, US, and Russia to form a multilateral security forum in Asia, but their inability to agree on its form, composition, and modalities, provided ASEAN the opening to push its version of multilateral security forum.⁴⁴

The objectives of the ARF are modest - "to foster constructive dialogue and consultation on political and security issues of common interest and concern; and to contribute to efforts towards confidence building and preventive diplomacy in the Asia-Pacific region". While its objectives are apparently simple, the geographic coverage of the forum is vast -- 18 countries of the Asia-Pacific region that covers from Australia in the south to Russia in the north, and from India in the west to the US in the east. And as it is turning out after nine annual meetings at the ministerial level, the "efforts to contribute to confidence building and preventive diplomacy" in the region is far from simple given the differing and clashing political orientations and interests of the participants. But in spite of this rather prolonged discussion on "the overlap between confidence building and preventive diplomacy", the ARF has provided the participating countries with a forum to discuss regional political and security issues. The 9th ARF, for example, "expressed concern over the naval clash in the Yellow Sea/West Sea" that caused tension in the Korean Peninsula, reiterated the need to implement the agreement that includes the Korean Peninsula Energy Development Organization project, and encouraged North and South Korea to enhance their reconciliation and cooperation.⁴⁵ The situation in the South China Sea was also discussed and noted the new approach of ASEAN to work closely

with China in crafting the "Declaration on the Conduct of Parties in the South China Sea".⁴⁶ Moreover, important progress in the work on the ARF Registers of Experts/Eminent Persons, the Annual Security Outlook, and voluntary background briefing on regional security issues, were acknowledged by the ministers.⁴⁷

Economic Cooperation: From Equity and Redistribution to Nondiscrimination and Reciprocity

The current drive of ASEAN to accelerate economic integration among its members through the establishment of a "free trade area", "investment area" and "e-ASEAN" is a significant departure from its rhetoric of economic cooperation that is closely identified with the aspiration of NAM. The evolution of ASEAN's concept of economic cooperation suggests that the economies of its old members have been increasingly drawn into, and benefited from the liberal economic order based on the "Bretton Woods Agreements" that established international regulatory institutions on monetary, financial, and trade issues. The overarching aim of these institutions is to promote an open world economy⁴⁸, which is the liberal economic order that NAM sees as the very reason of the underdevelopment of newly-independent countries of the South.

In the Declaration of ASEAN Concord, the Association's original overall framework for economic cooperation, the contracting parties agreed to pursue cooperation in trade consistent with the efforts of the NAM working in multilateral forums of the UN for the purpose of "joint approaches to international commodity problems and other world economic problems, such as the reform of the international trading system; the reform of the international monetary system; and transfer of real resources xxx, with the view to contributing to the establishment of the New International Economic Order (NIEO)".⁴⁹ These principles highlight the principles of economic cooperation followed by ASEAN in its early years of existence. These are the principles of "redistribution and equity" advocated by the NAM, composed of developing economies with diverse political orientations of the Third World.

In the 1970s during the early years of ASEAN, the diverse countries that make

up NAM called for the establishment of the NIEO. In spite of their different ideological orientations, they agreed on the analysis that the global economic system is discriminatory and inequitable for the developing economies. NAM argues that the era of colonialism institutionalized the exploitative and inequitable economic structures that characterize the liberal world economic order. Hence, for the sake of economic equity, this liberal economic order must be reformed through multilateral negotiations in the UN to attain the following goals: "the establishment of producer association by producer nations following the pattern of OPEC, creation of new commodity agreements to assure just price, indexation, sovereignty over natural resources, transfer of technology, and greater control over transnational corporations and transnational banks".⁵⁰ NAM partly succeeded in the acceptance of the non-reciprocal trading preference under the Generalized System of Preferences in the multilateral trade negotiations under GATT. But its other strong advocacies in regard to transfer of technology, commodity agreements, and greater control over transnational corporations were not as successful.

This reformist orientation of ASEAN economic cooperation in its early years of existence had faded with the unsuccessful efforts of NAM to get the agreement of the most developed countries like the G-7 and the OECD to its project of establishing the NIEO. The US even attempted to pressure NAM in UN deliberative agencies. It withdrew from the UNESCO because of what it alleged as the politicization of specialized agencies. The unbending opposition of the West against the NIEO aborted NAM's effort to restructure the liberal international economic order.

Moreover, the 1970s saw a number of developing economies in Asia pursued the strategy of modernization following the model of export-led economic growth. This development strategy encouraged multinational corporations to integrate their production across boundaries and trigger industrialization of these economies then referred to as the "newly industrializing countries" (NICs). The successful rapid economic growth of Hong Kong, South Korea, Singapore and Taiwan inspired other developing countries to follow the same strategy of modernization and modify their policy of import substitution. The pursuit of this

strategy, however, meant the acceptance of the principles, norms, and rules of the open trading regime of the liberal economic order shaped by the Bretton Woods Agreements.⁵¹ For the other ASEAN countries, this development strategy was further encouraged by the integration by multinational corporations of their production via the export-processing zones in Indonesia, Malaysia, Philippines and Thailand. The 1980s saw these countries (except the Philippines) register robust growth rates. They have become middle-income countries as a consequence of their export-led development strategies.⁵²

The more rapid global expansion of the liberal economic order and the "wave of democratization" of authoritarian regimes in Indonesia, Philippines, Taiwan, Thailand, and South Korea in the aftermath of the collapse of the former USSR and the socialist countries in Eastern Europe in 1989 saw the principles of ASEAN economic cooperation more strongly engulfed by the principles of the nondiscrimination and reciprocity of the liberal economic system. These principles have been institutionalized in the rules and regulations of the General Agreement on Tariff and Trade (GATT) through eight rounds of negotiations that culminated in the establishment of the World Trade Organization in 1994.

These principles of the liberal economic system guide the norm of multilateral trade negotiations of ASEAN in its economic cooperation. These operational norms are markedly different from the principles stated in the Declaration of ASEAN Concord. These are reflected in the Framework Agreement on Enhancing ASEAN Economic Cooperation and the detailed rules of Common Effective Preferential Tariff Scheme (CEPT) for the ASEAN Free Trade Area (AFTA). These agreements reached in the 1992 Singapore Summit were followed by detailed agreements on "Mutual Recognition Arrangements" and "the Facilitation of Goods in Transit". More principles of the liberal economic order are stipulated in the Agreement on the Facilitation of Goods in Transit. Among these principles are: Most Favored Nation Treatment, National Treatment, Simplicity, Transparency, Efficiency, and Mutual Assistance.⁵³

These principles are pursued through the detailed regulative rules of the CEPT Scheme for AFTA and related agreements on Mutual Recognition Arrangements Facilitation of Goods in Transit, and Customs valuation.

Rules for a Free Trade Area: Deepening Integration in Regional Trade

The CEPT Scheme aims to reduce tariffs among member states for "all manufactured products - including capital goods, processed agricultural products, and those products falling outside the definition of agricultural products"⁵⁴ as defined in the Scheme. Using the nomenclature of the harmonized system of the World Customs Organization, the list of specific products covered by the CEPT Scheme is based at the HS 6-digit level.⁵⁵ On the other hand, the exclusion lists allowed for members that are 'temporarily not ready to include such products'⁵⁶ cover the HS 8/9-digit level. The products covered by the Preferential Trading Arrangements (PTA) are deemed transferred under the CEPT Scheme subject to the margin of preference as of 31 December 1992.⁵⁷ All other PTA items not transferred to the CEPT Scheme will continue to be subject to the same margin of preference.⁵⁸

The CEPT Scheme provides a schedule of tariff reduction for product coverage of the agreement. The original schedule provided a period of five to eight years starting on 1 January 1993 to reduce tariff rates to 20% and then the subsequent tariff reduction from 20% to 0-5% within 7 years.⁵⁹ The Scheme encourages member states to reduce tariffs faster than the stipulated schedule of tariff reduction on specific products they agree upon.

This original schedule of tariff reduction has been accelerated in 1995 in the Protocol to Amend the Agreement on the CEPT Scheme for AFTA. In the accelerated schedule of tariff reduction, the timeframe to reduce tariffs to 20% is shortened to 5 years and the subsequent tariff reduction from 20% to 0-5% is also shortened to 5 years.⁶⁰ Hence, the original target date of attaining the intended tariff reduction under the Scheme has been moved forward to 2003 from 2008. This target had been further accelerated from 2003 to 2002.⁶¹ ASEAN reported that 92.8% (40,856 tariff lines out of total 44,037 tariff lines) of the products in the Inclusion List of the six original signatories to the CEPT Agreement was in the tariff range of 0 to 5 percent.⁶²

The regional institution that was established to implement the free trade area is the AFTA Council. The Council was established to monitor and implement all of the agreements regarding regional trade liberalization. It is a ministerial level

council composed of the same members of the ASEAN Economic Ministers. It is provided administrative and technical services by the Senior Economic officials and the ASEAN Secretariat.

Complementary Rules Supportive of the Free Trade Area

Acknowledging that tariff reduction needs to be complemented, additional regulative rules have been agreed upon among the members in the area of Mutual Recognition Arrangements, Facilitation of Goods in Transit, and Customs valuation. These additional rules are integral parts of the overall aim of liberalizing intra-ASEAN trade. As described by ASEAN Secretary-General Rodolfo C. Severino,

"The integration of the Southeast Asian market has several elements. The reduction and eventual removal of tariffs on intra-ASEAN trade, as codified in the ASEAN Free Trade Area. The dismantling of non-tariff barriers. The harmonization of product standards. The streamlining and coordination of customs procedures. The liberalization of intra-ASEAN trade in services. Strengthening our land, sea and air transport linkages. Interconnecting our telecommunications. Providing a regional framework for the development and use of information and communications technology. The free flow of investments within ASEAN".⁶³

This observation reinforces an economic analysis on the implications of a free trade area for ASEAN.⁶⁴ The analysis, made in 1991 at the time when ASEAN was still seriously considering the establishment of a free trade area, concluded that "a free trade area in ASEAN will contribute to increased trade and growth in the region". However, "it may not be enough to reduce intra-regional tariff" in order to benefit from an integrated market. It is also necessary to "harmonize industrial standards, investment codes, labour restrictions, excise taxes and other domestic policies that can limit intra-regional trade and investment."⁶⁵

Mutual Recognition Arrangements

As part of the overall framework of market liberalization, the Framework Agreement on Mutual Recognition Arrangements aims to "introduce greater transparency in standards and conformance, the alignment of national standards with international standards, and facilitate mutual recognition arrangements" as ways of "eliminating technical barriers to trade and enhancing market access" among ASEAN countries.⁶⁶ Following the guidelines of the International Organization for Standardization and International Electrotechnical Commission, ASEAN seeks to establish a set of criteria and procedures aimed at accrediting "Conformity Assessment Bodies" by "Designating Bodies" in member countries.⁶⁷ These conformity assessment bodies are deemed technically competent to evaluate the required standards of sectoral products and all member countries must recognize their assessments. This procedure is expected to standardize product specification and assessment and would facilitate trade among member countries.

Another agreement that supports the establishment of the regional free trade area is the Agreement on the Facilitation of Goods in Transit. The agreement is intended to cover all modes of transportation - land, air, and sea. It stipulates three objectives:

- "a. to facilitate transportation of goods in transit, to support the implementation of the ASEAN Free Trade Area, and to further integrate the region's economies;
- b. to simplify and harmonize transport, trade and customs regulations and requirements for the purpose of facilitation of goods in transit; and
- c. to establish an effective, efficient, integrated and harmonized transit transport system in ASEAN."⁶⁸

This agreement grants member countries the "right of transit transport and the right to load and discharge third countries' goods destined for or coming from contracting parties".⁶⁹ The agreement also stipulates that the parties will provide transit transport facilities in their respective territories, exempt transit transport from duties, taxes, and other charges except for specific services rendered, avoid unnecessary delays or restrictions, and exempt sealed road

vehicles from examination by customs offices.

More specific protocols under this framework agreement will be negotiated. These protocols include designation of transit transport routes and facilities; designation of frontier posts; types and quantity of road vehicles; technical requirements of vehicles; ASEAN scheme of compulsory motor vehicle third-party liability insurance; railways border and interchange stations; customs transit system, sanitary and phytosanitary measures; and dangerous goods.

Expanding Free Trade in the ICT Sector

In addition to these multifaceted aspects cooperation to establish a free trade area in ASEAN, the trading in information and communication technology (ICT) sector has been given special attention through the e-ASEAN Framework Agreement signed on 24 November 2000. This agreement seeks to establish a free trade area covering goods, services, and investments in the ICT sector. The original target date is in 2010 but the economic ministers, in their meeting held on 15 September 2001, urged member countries to accelerate the implementation of the e-ASEAN to 2002.⁷⁰ In the same meeting, the economic ministers took note of the on-going activities aimed at realizing e-ASEAN. These include the efforts to establish the ASEAN Regional Internet Exchange; facilitate the enactment of legislation for e-commerce among members without such legislation; accelerate the establishment of certification authorities for the regional cross-recognition of digital signatures to enhance e-commerce; shorten the time frame for the elimination of tariffs for ICT products; develop the needs in terms of capacity building and development of member countries, particularly Cambodia, Laos, Myanmar, and Vietnam; and harness ICT in e-Government, i.e. procurement of goods and services.⁷¹

The accelerated elimination of duties for ICT products will start in 2003 instead of 2002 as urged by the economic ministers. For the old members, this will continue to 2004 until 2005. For the new members, this process will start in 2008 until 2010. Member countries have submitted their indicative lists of ICT products under this scheme.

Integrating New Members into the Free Trade Area: ASEAN Integration System of Preferences (AISP)

In accordance with the Initiative on ASEAN Integration aimed at bridging the development gap between the old and new members, the AFTA Council decided to extend tariff preferences to the new members starting on 1 January 2002.⁷² This preferential treatment is voluntary on the part of the old members and subject to bilateral negotiations based on the products to be submitted by the new members. The implementation of this system of preferences will be monitored by the senior economic officials and reported to the economic ministers. The benefit of the AISP to the new members is estimated to be US \$ 400 million worth of exports a year.⁷³

This system of preferences extended to new members by the old members is an integral part of the Initiatives for ASEAN Integration. It is the Association's attempt to hasten the development of the new members in order to bridge the "development gap" between the old and new members. The system of preferences is complemented by a package of "44 programmes and projects with a total budget of US\$ 57.5 million".⁷⁴ The priority areas for this package are infrastructure, human resource development, information and communications technology, and regional economic integration. This package or Work Plan for the integration of the new members was developed through a series of workshops led by the new members themselves, coordinated by the Secretariat, and with the financial support of Japan. The financial resources necessary for its implementation is expected to be generated from the "dialogue partners" who have extended development assistance to ASEAN since 1977.

In the launching of this Work Plan, the Secretary-General of ASEAN reiterated the rationale of the Initiative. He said:

"Misgivings were raised about a 'two-tier' ASEAN. However, for ASEAN, Southeast Asian solidarity is strategic imperative. Its collateral effects will just have to be dealt with. The only thing worse than a two-tier ASEAN is a two-tier Southeast Asia - one in ASEAN and the other outside it. ASEAN's response to the "two-tier" problem is not to keep out the weaker economies of Southeast Asia

but bring them in, seek to integrate them in ASEAN, and help them close the development gap between them and the older members".⁷⁵

Addressing the Regional Financial Crisis

The deepening of regional economic integration through the acceleration of the implementation of the CEPT for the free trade area and other complementary agreements like mutual recognition arrangements, improvement of the regional investment climate, the initiative to integrate the new members to bridge the 'development gap', and other short-term measures were the long-term programmatic policy responses of the Association to the financial and economic crisis of 1997-98. These policies are aimed at restoring investor confidence in the region and thereby encourage the inflow of trade and investment.

Additionally, however, more specific responses were taken to directly address the regional crisis. These are: the ASEAN Surveillance Process (ASP), the launching of ASEAN + 3 Financial Cooperation, and the Chiang Mai Initiative.⁷⁶

The ASP is a monitoring process that involves the exchange of information among finance ministers and central banks of member countries, as well as the tracking of economic and financial developments in the region and around the world. The principal aim is to attain an acceptable level transparency in regional financial matters that is expected to prevent the recurrence of the crisis. The Secretariat has formed the ASEAN Surveillance Coordinating Unit (ASCU) to assist the finance ministers and central banks in this monitoring task. The Asian Development Bank had provided technical assistance in the building of technical capability of ASEAN officials charged with this responsibility.⁷⁷

The focus of cooperation among ASEAN and China, Japan and South Korea includes financial cooperation. This involves "establishing a regional financial arrangement to supplement existing international facilities". It also covers cooperation in capacity building through a network of training and research institutes. The supplementary arrangement under this cooperation evolved into the bilateral swap agreements among ASEAN members and the East Asian countries and is now referred to as the Chiang Mai Initiative. This is a regional financial arrangement that involves "an expanded ASEAN Swap Arrangement and

a network of bilateral swap arrangements among ASEAN countries, China, Japan and the Republic of Korea".⁷⁸ It has been operationalized as can be seen in the reported currency swap agreement between the Philippines, China and Korea in the amount of US\$ 1 billion.⁷⁹ The Philippines had earlier forged a bilateral swap agreement with Japan.

Institutionalization of Dispute Settlement Mechanism for Economic Agreements

From 1971 to 1996, ASEAN had reached 47 economic agreements covering issue-areas as trade, food and energy security, preferential trading arrangements, industrial ventures, industrial complementation, promotion and protection of investments, as well as the establishment of a free trade area. These economic agreements have given rise to so many rights and obligations to each and every member of ASEAN, and in the process of implementing these agreements, disputes are bound to arise. On 20 November 1996 in Manila, the ASEAN Economic Ministers (AEMM) signed the Protocol on Dispute Settlement Mechanism.

Following the established rule of peaceful settlement of dispute on political and security issues, the formal procedures of this protocol give premium to direct bilateral consultation between members. The protocol urges members to address their differences, as far as possible, amicably through consultations.⁸⁰ The period of this consultation is specified for the purpose of an early resolution of the dispute. If this consultation does not lead to a settlement, members can consider good offices, conciliation, and mediation. If these procedures fail or the consultation fails to settle the dispute in 60 days, it becomes mandatory to raise the dispute to the Senior Economic Officials Meeting (SEOM).⁸¹ It is required by the procedure to establish a panel composed of acknowledged authority in the field of international trade law or former government officials who had served as senior trade policy official.⁸² The panel would look into the legal and technical issues involved in the dispute and submit its objective assessment and recommendation to the SEOM for its ruling. Members may appeal the ruling of the SEOM to the AEMM. The ministers are required to make a ruling on any appeal within 30 days of the appeal.⁸³ The expected outcomes of these procedures

are either compliance of the erring member or suspension of concessions and compensation. In case of this latter outcome, the parties to the dispute are still encouraged to negotiate a mutually acceptable compensation.

These procedures appear to be forging a compromise between the jurisdiction of SEOM and AEMM, on the one hand and the sovereign right of members on the other. But the mere stipulation of sanction in these procedures marks a significant development in regard to the "demand for jurisdiction" of supranational bodies on "preexisting national states" in the process of economic integration.⁸⁴

Conclusion: Continuity and Change in ASEAN Regime Dynamics

Amid the emergence of a multipolar regional power structure and continuous regional economic integration, as well as the forging of momentous agreements from 1992 to 2001, ASEAN has manifested both resilience in its principles and norms of political-security cooperation, and transformation of the principles of its economic cooperation. It has also manifested innovative transformation in its rules and administrative institutions in both the political-security and economic dimensions of its cooperation.

ASEAN political and security cooperation remains rooted in the principles of "freedom from external interference, peaceful co-existence, and peaceful settlement of dispute" for the purpose of attaining regional peace and stability. The norms of conduct that operationalize these principles remain intact - direct bilateral and quiet negotiations in settling disputes between member-states.

The perceptible change in the political-security cooperation is found in the rules for the regional process of peaceful settlement of dispute and the establishment of the quick-response Troika to address political-security issues. As earlier noted, these transformations are mere "changes within the regime".

The TAC has been amended twice and in both instances the intention was to expand the scope of the treaty. From the six old members, the first protocol of 1987 sought to include other Southeast Asian countries, while the 1995 protocol seeks the inclusion of countries outside of Southeast Asia in addition to the current ten members.

An equally important change in the rules of political-security cooperation is the formalization of the Rules of Procedures of the High Council, inoperative in the last 25 years since the signing of the TAC in 1976. The recently adopted rules stipulate the procedures in initiating the regional process of peaceful settlement of dispute, conduct of meetings, and decision of the High Council. Unlike the informal rule of the TAC among member-states, the regional process is a procedure of record, i.e. the complaint, reply, and decision are required to be in writing and coursed through official diplomatic channels. The process, however, remains confidential and may not be made public.

The enlargement of the coverage of the TAC may be given impetus through the ARF -- the Asia Pacific multilateral forum meant to promote confidence-building, preventive diplomacy, and conflict-resolution. But this prospect is at the moment remote. China has expressed its inclination to favorably consider acceding to the TAC but has not done so in actual fact. Other major powers appear lukewarm to the prospect of expanding the "ASEAN Way" of peaceful settlement of dispute. Without the support of all the major powers, the prospect of the expansion of the TAC beyond the members of ASEAN is at the moment nil.

In regard to ASEAN's economic cooperation, its regime dynamics manifest more substantive transformation or what may be termed as "regime change". The principles of economic cooperation have changed from cooperation based on "equity" and the need "to reform the international economic order" into "economic integration" in order to be competitive in the liberal order based on "nondiscrimination". This regime change in ASEAN's economic cooperation is deepened by rule-setting or regulative agreements meant to complement the establishment of the free trade area. The agreements on mutual recognition arrangements, trade in services, harmonization of customs valuation will further integrate ASEAN with the liberal economic order. Additionally, the free trade of ICT products and services (e-ASEAN), the unilateral special tariff preferences for the new members, and the package of development projects under the Initiative for ASEAN Integration also for new members, will reinforce the ongoing economic integration among ASEAN countries.

The deepening process of economic integration has transformed ASEAN economic cooperation into a more rigorous and formal rule-based regime. This will create in the near future the need for regional regulatory bodies in order to monitor and implement the economic integration process, as well as dispute settlement in regard to trade issues. It is important to observe this process more keenly in order to find out if it would lead to the establishment of supranational bodies. The establishment of supranational bodies that regulate regional economic issues would firmly manifest the perceived on-going regime change in ASEAN economic cooperation.

The regime change in the economic cooperation of ASEAN has initiated a process of formalization and rule-based cooperation. Its effects are not only perceptible in the economic issue-areas but in the political-security issue area as well. This process of formalization and rule-based cooperation, however, has not yet altered the principles and norms of ASEAN's political-security cooperation. It remains rooted in the principles of "freedom from external interference" and "peaceful co-existence" through the establishment of a zone of peace, freedom and neutrality. The norms of peaceful settlement of dispute through direct bilateral consultation and the regional process have also remained intact.

Notes

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³ Donald Puchala and Raymond Hopkins, "International Regimes: lessons from inductive analysis" *International Organization* in Stephen D. Krasner, *op. cit.* pp.64-66.

⁴ In ASEAN official papers, "functional cooperation" refers to cooperation in civil service matters, culture, environment, finance, health, information, labor, science and technology, social development, tourism, and transnational crimes prevention.

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¹⁴ *Ibid.*

¹⁵ *Philippine Daily Inquirer*, 4 November 2002.

¹⁶ Joint Communiqué of the 35th ASEAN Ministerial Meeting, *op. cit.*

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¹⁸ Paul M. Evans, *op. cit.* pp.13-14.

¹⁹ The Philippines and Thailand hosted American military bases "deemed to be temporary" in the ASEAN Concord of 1976.

²⁰ A. Leroy Bennett, *International Organizations: Principles and Issues*, 6th ed. (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1995), pp.58-62. Bennett says that "Article 2 establishes the basic rules of conduct or principles upon which the UN is founded xxx". Note that the author uses "basic rules of conduct" and "principles" synonymously.

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- ²⁷ The first summit meeting was held in 1976, nine years after the establishment of the Association.
- ²⁸ The ASEAN economic committees have been abolished and replaced by the Senior Economic Officials Meeting (SEOM) supported by working and experts groups. The SEOM reports to the ASEAN Economic Ministers Meeting (AEMM).
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- ³¹ Agreement on the Establishment of the ASEAN Secretariat, Bali, 24 February 1976 in <http://www.aseansec.org/print.asp?file=/politics/asec76.htm>.
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- ³⁵ *Ibid.*, p.4.
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- ³⁷ *Ibid.*, p.1.
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- ³⁹ Rule 7, Rules of Procedures of the High Council of the Treaty of Amity and Cooperation in Southeast Asia.
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- 56 *Ibid.*
- 57 *Ibid.*
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- 59 Article 4, CEPT Scheme for AFTA, Singapore, 28 January 1992.
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