ASEAN BETWEEN ASPIRATIONS AND REALITIES

Dr. Ioan Voicu*

Abstract

The most important legal instrument of the Association of Southeast Asian Nations — the ASEAN Charter — entered into force on December 15, 2008 and bestowed a legal personality for this regional organization. The ASEAN Charter has given root to a new ASEAN.

In this original framework, the ASEAN meetings of 2009 and in particular the October 23-25, 2009, ASEAN Summit hosted in Thailand were conceived to herald a new phase in ASEAN’s life.

By their results, the 2009 ASEAN Summits will have a special place in the history of this regional institution because they managed to consider in a constructive way and to find workable solutions on how to give tangibility to three communities: “A Community of Action”; “A Community of Connectivity”; “A Community of Peoples”.

This article contains an analysis from a diplomatic perspective of the most significant documents adopted at the ASEAN Leaders’ level.

A fundamental question is: can ASEAN successfully cope with future predictable and unpredictable challenges (global or regional)? In this regard, is ASEAN able and equipped to take the lead in genuine institution building in the East Asia region?

The general conclusion is that ASEAN can play a more important role in its area and at global level, only if its members cooperate more closely in all fields.

บทคัดย่อ

เครื่องมือทางกฎหมายที่สำคัญที่สุดของสมาคมแห่งประชาชาติเอเชียตะวันออกเฉียงใต้ คือ กฎบัตรอาเซียน (ASEAN Charter) ซึ่งมีผลบังคับใช้ตั้งแต่วันที่ 15 ธันวาคม 2551 และทำให้องค์การภูมิภาคนี้มีสถานะทางกฎหมายอย่างเป็นทางการ และสามารถจัดการประโยชน์ของกลุ่มประเทศสมาชิกในปี 2552 โดยเฉพาะอย่างยิ่งการประชุมสุดยอดอาเซียนระหว่างวันที่ 23-25 ตุลาคม 2552 ซึ่งประเทศไทยเป็นเจ้าภาพ

*Doctor in political sciences, (international law) of Geneva University (1968); doctor honoris causa in international law of Assumption University of Thailand (1998); alternate representative of Romania to the United Nations Security Council (1990-1991); ambassador of Romania to the Kingdom of Thailand and permanent representative to international organizations based in Bangkok (1994-1999); visiting professor in Assumption University of Thailand since February 2000.
1. A New Beginning

Evolution of institutionalism in Asia is a highly topical issue. The major reason is obvious. As pointed out in one of the most recent and authoritative academic books, “Asia is characterized by a singular lack of regional organizations as compared with Europe, the Americas and Africa. The reasons for this remain unclear, although it may not be unrelated to the broad range of geopolitical interests and cultural groupings within the region”.1

Yet, the history of institutionalized cooperation in Asia offers an encouraging example: the functioning of the nearly 43 years old Association of Southeast Asian Nations (ASEAN)2. To understand the special place of ASEAN in the present Asian political configuration a few unique features of the area covered by it deserve to be enumerated, having in mind Asia’s original anatomy and fluid environment.

As pointed out by Dr Kantathi Suphamongkhon, former foreign minister of Thailand, who provided a recent overview of ASEAN diplomacy, Southeast Asia, encompassed by ASEAN, has slightly more land and slightly more population than the European Union. (SEA: area 5,000,000 square kilometers, population 580 million. EU: area 4,325,000 square kilometers, population 499 million). Although occupying only three percent of the earth’s total surface, the ASEAN region contains over 20 percent of all known plant, animal, and marine species.3

Southeast Asia is located in a strategic part of the world. The Straits of Malacca are used for navigation from the Indian Ocean to the Pacific Ocean. These Straits are the main shipping channel linking the major economies of India, China, Japan and the Americas. Much of world trade, including a quarter of all oil transported by sea, passes through the Straits of Malacca.

With the exception of the newly independent Timor Leste, all 10 Southeast Asian countries are now members of ASEAN.

ASEAN covers a land of great diversity—in terms of cultures, wealth, languages, religions, and systems of government. There are 350 indigenous languages spoken in Indonesia alone. Southeast Asia has several religious denominations: Islam, Buddhism, Hinduism and Christianity. The largest Is-