

LL4287V/LL5287V/LL6287V ASEAN Law and Policy

Overview

Since 1967, ASEAN had for 40 years operated under an ostensibly informal status and flexible modality, eschewing an overt reliance on the law. In 2007, however, ASEAN member states adopted the ASEAN Charter to radically transform the organisation into a tri-pillared (political-security, economic, and socio-cultural) Community based on the rule of law and rule of institutions. Through the Charter, ASEAN expressed its ambition to have a meaningful presence on the global plane, wield significant leadership in the regional order, and improve the lives of ASEAN citizens. At the end of 2015, the tri-pillared ASEAN Community (political-security, economic, and socio-cultural) was established, with a new roadmap stretching to 2025. ASEAN remains the only formal, rules-based organisation in the Asia-Pacific.

This course examines ASEAN's ongoing metamorphosis into a rules-based regional organisation within the context of international law, national competences and jurisdiction, and international relations. It deals primarily with Law (of course) but is also attentive to the Non Law and Quasi Law aspects inherent in ASEAN's character as an international person, its values and principles, and its operational modalities, processes, and institutions.

This course will enable participants to understand (1) ASEAN, the region in which they live; (2) ASEAN, the regional organisation which seeks to manage and influence state-to-state relations both intra- and extra-regionally; and (3) ASEAN, the Community whose hard and soft laws will increasingly have an effect on groups and individuals.

Teaching style

This is a rigorous course and the seminars employ Socratic learning methods centred on discussion questions. Study questions entailing deeper thought may also be provided. **While those who have studied international law might have a slight edge, the course is structured such that the playing field is levelled.** Participants who have read and thought about the materials provided for each lesson (capped at a manageable number of pages) and engage in the class will of course benefit the most.

Assessment mode

Class participation [20%]

Mid-term essay of 2-2.5k words [30%]

End of term 6hr take-home exam [50%]

Learning outcomes

At the end of the course, participants should be able to command the following knowledge and skills:

1. Theoretical understanding: Critically analyse the ideological basis – especially telos (purpose) and ethos (character) – of ASEAN as a regional organisation;
2. Knowledge of regional institutional law, its agents, and its processes in context:
 - (1) The key concepts, rationale, and political environment within which the ASEAN legal integration process is undertaken;

- (2) The laws, institutions, and policies which are necessary for the transition to being a rules-based organisation;
 - (3) The tension between politics and law inherent in any such transformation; and
 - (4) How law – a political tool – can eventually take on a life of its own to compel adherence, and in so doing establish a genuinely working legal regime. (I.e. how a ‘rule by law’ entity becomes one which is under the ‘rule of law’.)
3. Application of regional substantive laws (both hard and soft legal instruments) to the sectoral areas pertinent to each of the political-security, economic, and socio-cultural pillars of the ASEAN Community.
 4. Use what is learnt in the course to compare/contrast and better understand other international and regional organisations and their regimes.

List of topics and provisional reading list

[Note: The materials below will be excerpted to make a reasonable reading list (circa 30 pages) for each class.]

Part 1: Overview and General Concepts

- 1.1 Overview of Course
- 1.2 Introduction to principles, concepts, and institutions necessary to understanding regional law and regional organisations (and international law and international organisations more generally) vis-à-vis ASEAN
- 1.3 ASEAN, the Political Creature (1967–2007)
 - The history and evolution of ASEAN (1st 2 phases of development)
 - The raison d'être of ASEAN and its morphing purposes
 - The ASEAN Way – norms, values, and principles (diplomatic/political/non-legalistic), Westphalian mindset, absolute sovereignty
 - The institutions of ASEAN and their development
 - The modus operandi of ASEAN

Reading list:

Introduction to International Law reader

James Crawford, Brownlie's Principles of Public International Law (8th ed.) (OUP, 2012), Ch. 15 (International Organizations) and Ch.16 (Law of Treaties), esp. pp. 192-9, 367-75.

Chin Kin Wah, Introduction: ASEAN — Facing the Fifth Decade, 29(3) Contemporary Southeast Asia (2007) 395-405.

Further reading:

Philippe Sands and Pierre Klein, Bowett's Law of International Institutions (6th ed.) (Sweet and Maxwell, 2009), Ch.5 (Regional Organisations, Introduction).

- 2.1 ASEAN, the Legal Creature (2007–)
 - Rationale for transformation
 - What ASEAN wants to achieve in its 3rd phase of development (integration, tri-pillared Community)
 - New concepts, norms and principles – ROLI and HR&D
 - New institutions and competences – Summit, AMM, ACC, SG, Sectoral Groups.
- 2.2 Clash between the Old and New ASEAN?

Reading list:

Jean-Claude Piris and Walter Woon, *Towards a rules-based community: an ASEAN legal service* (CUP, 2015), Ch. 1.

Robert Beckman, Leonardo Bernard, Hao Duy Phan, Tan Hsien-Li, and Ranyta Yusran, *Promoting Compliance* (Cambridge: Cambridge University Press, Feb 2016), Ch. 1.

Amitav Acharya, *Constructing a security community in Southeast Asia: ASEAN and the problem of regional order* (Routledge, 2009), Ch. 2.

Further reading:

Rodolfo Severino, *ASEAN* (ISEAS, 2008).

ASEAN instruments and documents (from CIL treaties database or www.asean.org):

Bangkok Declaration (1967)

Treaty of Amity and Cooperation (1976)

1976 Agreement on the Establishment of the ASEAN Secretariat (1976)

Bali Concord I (1976)

Bali Concord II (2003)

ASEAN Charter (2007)

Report of the Eminent Persons Group (EPG) on the ASEAN Charter (2007)

Part 2: The Rule of Law and Institutions in ASEAN

3. Law-making in ASEAN

- Brief discussion on the definitions and components of the Rule of Law and how ASEAN measures up (Fuller's 8 principle; clarity, applicability, formality, procedure, rules, system, enforcement, etc.)
- Issues in ASEAN Law and how it is made
 - Hard law, soft law, rules of an indeterminate nature, purely political documents
 - Nomenclature vs. text, language, and content
 - Sources and influences in ASEAN law-making
 - Status of ASEAN instruments pre- and post- 2007 (Does the Charter codify everything?)
 - Constituent instruments and their corresponding action plans
 - Instrumental differentiation according to community/sectoral area. Why?
 - External agreements (to be studied in later seminar)
- Improving law-making in ASEAN
 - Best treaty-making practices (Realistic targets, timelines, classification, post-accession procedures, coming into effect, etc.)

Reading list:

Colleen Murphy, Lon Fuller and the Moral Value of the Rule of Law, 24 *Law and Philosophy* (2005) 239-62. Read only pp. 239-43.

Kenneth Abbott and Duncan Snidal, Hard and Soft Law in International Governance, 54(3) *IO* (2000) 421-56.

Christine Chinkin, The Challenge of Soft Law: Development and Change in International Law, 38(4) *ICLQ* (1989) 850-66, esp. 850-3, 855-6, 859-62.

Anthony Aust, *Modern Treaty Law and Practice* (3rd ed.), Chs. 2 and 9, esp. 16-29, 162-3, 168-9.

Further reading:

LL Fuller, *The Morality of Law* (Yale UP, 1964)

HLA Hart, *The Concept of Law* (OUP, 1994) – to be excerpted.

Jan Klabbers, *The concept of treaty in international law* (Kluwer, 1996), Ch. 1 (overview) and Ch. 5 (Soft law).

Jean d'Aspremont and Tanja Aalberts, *Which Future for the Scholarly Concept of Soft International Law?* (Editors' Introductory Remarks to Symposium), 25(2) *Leiden Journal of International Law* (2012) 309-312.

Christopher Marcoux and Johannes Urpelainen, *Non-compliance by Design: Moribund Hard Law in International Institutions*, 8 *Review of International Organizations* (2013) 163-91.

ASEAN instruments and documents (from CIL treaties database or www.asean.org):

ASEAN Vision 2020 (1997)

Hanoi Plan of Action (1998)

Bali Concord II (2003)

Vientiane Action Programme (2004)

ASEAN Charter (2007)

Roadmap (2009) comprising Political-Security, Economic, and Socio-Cultural Community Blueprints

IAI Framework (2009)

4. Regional Governance and Institutions in ASEAN

- The governance modality – ASEAN as an international/regional organisation vs. ASEAN as an aggregation of member states
- Organisational efficacy or institutional mimesis
- Decision-making in ASEAN – consensus, ASEAN minus X (economic matters)
- The institutions and agencies in ASEAN carrying out the laws and policies, especially the ASEAN legal department in treaty interpretation and clarification
- The legal role and powers of the ASEAN Secretary-General and the Secretariat vs. those of the Committee of Permanent Representatives and the Member States

Reading list:

David Martin Jones and Michael LR Smith, *Making Process, Not Progress: ASEAN and the Evolving East Asian Regional Order*, 32(1) *International Security* (2007) 148-84.

Anja Jetschke, *Institutionalizing ASEAN: celebrating Europe through network governance*, 22(3) *Cambridge Review of International Affairs* (2009) 407-26.

Jean-Claude Piris and Walter Woon, *Towards a rules-based community: an ASEAN legal service* (CUP, 2015), Ch.3.

Further reading:

Anja Jetschke and Philomena Murray, *Diffusing Regional Integration: The EU and Southeast Asia*, 35(1) *West European Politics* (2012) 174-91.

ASEAN instruments and documents:

Bangkok Declaration (1967)

Agreement on the Establishment of the ASEAN Secretariat (1976)

ASEAN Charter (2007)

ASEAN and ASEC structures (PDF)

ASEAN webpage (PDF)

5. Securing Compliance with ASEAN Law

- Why do states obey international law? Why would ASEAN states obey regional law?

- ASEAN's dilemma – ensuring compliance for both hard and soft law
- ASEAN's ideal solution – dispute settlement and monitoring mechanisms
- Dispute settlement mechanisms
 - Functions of dispute settlement mechanisms – can they truly compel compliance?
 - Specific provision in instrument or general provision in ASEAN Charter
 - Activation of dispute settlement procedures and processes towards resolution (state-to-state modalities – what about private parties/individuals?)
 - How and why dispute settlement modalities tend to vary according to the Community pillar (E.g. security, economic, socio- cultural matters)
 - Effectiveness and Improvements
- ASEAN monitoring mechanisms
 - Specific provision in instrument or general provision in ASEAN Charter
 - Monitoring procedures and processes, including self-monitoring (e.g. AEC Scorecard)
 - Hierarchy of powers among those who have oversight
 - Effectiveness and Improvements

Reading list:

Harold Hong-ju Koh, *Why Do Nations Obey International Law?* 106 *Yale Law Journal* (1997) 2599-659.

Robert Beckman et al., *Promoting Compliance: The Role of Dispute Settlement and Monitoring Mechanisms in ASEAN Instruments* (CUP, Feb 2016), Chs. 1, 2, and 3.

Further reading:

Simon Chesterman, *From Community to Compliance? The Evolution of Monitoring Obligations in ASEAN* (CUP, 2015).

Eric Posner, *Do States Have a Moral Obligation to Obey International Law?* 55(5) *Stanford Law Review* (2003) 1901-19.

Andrew Guzman, *A Compliance-Based Theory of International Law*, 90(6) *California Law Review* (2002) 1823-87.

Joel Trachtman, *International Law and Domestic Political Coalitions: The Grand Theory of Compliance with International Law*, 11(1) *Chicago Journal of International Law* (2010)

Kal Raustiala, *Compliance and Effectiveness in International Regulatory Cooperation*, 32 *Case Western Reserve Journal of International Law* (2000) 387-440.

Jonas Tallberg, *Paths to Compliance: Enforcement, Management, and the European Union*, 56(3) *IO* (2002) 609.

Jean-Claude Piris and Walter Woon, *Towards a rules-based community: an ASEAN legal service* (CUP, 2015), 66-106.

Christopher Marcoux and Johannes Urpelainen, *Non-compliance by design: Moribund hard law in international institutions*, 8 *Review of International Organisations* (2013) 163-91.

George W. Downs and Michael A. Jones, *Reputation, Compliance, and International Law*, 31(1) *Journal of Legal Studies* (2002) 95-114.

ASEAN instruments and documents (from CIL treaties database or www.asean.org):

Treaty of Amity and Cooperation (1976)

ASEAN Protocol on Enhanced Dispute Settlement Mechanism (2004)

ASEAN Charter (2007)

Protocol to the ASEAN Charter on Dispute Settlement Mechanisms (2010)

6. ASEAN Law in National Regimes

- Implementation of international and regional law in national regimes

- Monism (direct effect) and Dualism (ratification, transformation, incorporation)
- Case studies of three ASEAN member states with regard to different types of ASEAN law – incumbent reality and future potential
 - Singapore (dualist – all ASEAN laws)
 - Indonesia (ostensibly hybrid; the role of judicial creativity)
 - Cambodia (direct effect for human rights treaties)
- The impact of ASEAN law in national regimes – when having the law is not good enough and necessitates other considerations
 - Domestic rule of law and good governance
 - Properly functioning civil institutions
 - Human and financial resources

Reading list:

Anthony Aust, *Modern Treaty Law and Practice* (3rd ed.), Ch. 10.

Eugene Tan and Eunice Lim, *The Effect of Treaties in Singapore's Domestic Law* (2013, unpublished)

Kuong Teilee, *Cambodian Constitutional Provisions on Treaties: A Story of Constitutional Evolution Beyond Rhetoric*, 1 *Cambodian Yearbook on Comparative Legal Studies* (Harvard-Yenching Institute Working Paper Series 2010) 1.

Sari Aziz and Ranyta Yusran, *CIL Research Project on International Maritime Crimes* (Country Report – Indonesia), *CIL Working Paper* (2010/10).

Further reading:

Anne Peters, *Supremacy Lost: International Law Meets Domestic Constitutional Law*, 3(3) *ICL Journal* (2009) 170.

Eyal Benvenisti and George W. Downs, *National Courts, Domestic Democracy, and the Evolution of International Law*, 20(1) *EJIL* (2009) 59.

Anne-Marie Slaughter and William Burke-White, *The Future of International Law is Domestic (or, the European Way of Law)*, 47(2) *Harvard ILJ* (2006) 327.

Walter Mattli and Anne-Marie Slaughter, *Revisiting the European Court of Justice*, 52(1) *IO* (1998) 177.

Walter Mattli and Anne-Marie Slaughter, *The role of national courts in the process of European Integration*, in Slaughter, Stone Sweet and Weiler (eds) *The European Court and National Courts-Doctrine and Jurisprudence* (Hart, 1998)

Part 3: Substantive Legal Areas

7. ASEAN Citizenship and Rights (Pillars 1 and 3: Political-Security and Socio-Cultural)

- The development of a 'Caring and Sharing' and 'People-centred' ASEAN
- Why human rights and democracy are included as part of ASEAN's legal transformation – influences from individual member states and civil society stakeholders vs. the eventual claw-back
- Human rights in ASEAN – only in the Political-Security and Socio-Cultural Communities and not the Economic Community?
- The ASEAN human rights system (to be illustrated with case-studies):
 - Primary (and overarching) regional mechanism ASEAN Intergovernmental Commission on Human Rights (AICHR)
 - Special Regimes – ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC); ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW)

- Powers and competences; guiding instruments and how international law has shaped them; promotion and protection of rights; competition and overlaps among regimes; exhaustion of remedies and potential of individual recourse
- Interplay between national, regional, and international protections

Reading list:

Tan Hsien-Li, *The ASEAN Intergovernmental Commission on Human Rights: Institutionalising Human Rights in Southeast Asia* (CUP, 2011), Ch. 4.

Yuval Ginbar, *Human rights in ASEAN – Setting sail or treading water?* 10(3) HRLR (2010) 504.

Gerard Clarke, *The evolving ASEAN HR system: The ASEAN Human Rights Declaration of 2012*, 11(1) *Northwestern JHR* (2012) 1.

Catherine Renshaw, *The ASEAN Human Rights Declaration 2012*, 13(3) HRLR (2013) 557.

Suzannah Linton, *ASEAN States, Their Reservations to Human Rights Treaties and the Proposed ASEAN Commission on Women and Children*, 30(2) HRQ (2008) 436.

Further reading:

Thio Li-ann, *Implementing Human Rights in ASEAN Countries: "Promises to keep and miles to go before I sleep"*, 2 *Yale Hum. Rts. & Dev. L.J.* (1999) 1

Avery Poole, *"The World is Outraged": Legitimacy in the Making of the ASEAN Human Rights Body*, 37(3) *Contemporary Southeast Asia* (2015) 355.

André Asplund, *ASEAN Intergovernmental Commission on Human Rights: civil society organizations' limited influence on ASEAN*, 7(2) *Journal of Asian Public Policy* (2014) 191.

Nicholas Doyle, *The ASEAN human rights declaration and the implications of recent Southeast Asian initiatives in human rights institution-building and standard-setting*, 63(1) *ICLQ* (2014) 67.

ASEAN instruments and documents (from CIL treaties database or www.asean.org):

ASEAN Charter (2007)

ASEAN Political-Security Community Blueprint (2009)

ASEAN Socio-Cultural Community Blueprint (2009)

Terms of Reference of the ASEAN Intergovernmental Commission on Human Rights (2009)

ASEAN Human Rights Declaration (2012)

Terms of Reference of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (2009)

ASEAN Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children (2013)

ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)

ASEAN Convention Against Trafficking in Persons (2015)

8. ASEAN and Security (Pillars 1: Political-Security)

- Evolution of ASEAN as a security community to the Political-Security Community – has anything changed?
- Norms – non-interference, amicable relations, peaceful resolution of conflict
- Modalities – culture of abstinence, consultation, confidence-building measures
- Institutions and Balance of Powers – the ASEAN Regional Forum and external powers
- Where does Law fit in? Treaty of Amity and Cooperation, Bali Concord II, ASEAN Charter
- Military Security (i.e. when the Use of Force or the threat thereof is involved) – intra-regional conflicts (e.g. Temple of Preah Vihear); conflicts with an external dimension (e.g. South China Sea)
- Human Security – Humanitarian intervention and disaster management (e.g. Aceh, Cyclone Nargis, treatment of ethnic minorities and Rohingya in Myanmar)

Reading list:

- Hitoshi Nasu, Revisiting the Principle of Non-Intervention: A Structural Principle of International Law or a Political Obstacle to Regional Security in Asia?, 3(1) AsianJIL (2013) 25.
- Lee Jones, ASEAN's unchanged melody? The theory and practice of non-interference in SE Asia, 23(4) Pacific Review (2010) 479.
- Karin Loevy, The Legal Politics of Jurisdiction: Understanding ASEAN's Role in Myanmar's Disaster, Cyclone Nargis (2008), 5(1) AsianJIL (2015) 55.
- David Jones and Nicole Jenne, Weak states' regionalism: ASEAN and the limits of security cooperation in Pacific Asia, Int Relat Asia Pac (2015)doi: 10.1093/irap/lcv015. First published online: July 28, 2015
- Carlyle Thayer, ASEAN, China, and the Code of Conduct in the South China Sea, 33(2) SAIS Review (2013) 73.
- Hitoshi Nasu and Donald Rothwell, Re-evaluating the Role of International Law in Territorial and Maritime Disputes in East Asia, 4(1) AsianJIL (2014) 55.

Further reading

- Evelyn Goh, Institutions and the great power bargain in East Asia: ASEAN's limited 'brokerage' role, IRAP (2011) 373.
- Evelyn Goh, The modes of China's influence, 54(5) Asian Survey (2014) 825.
- Evelyn Goh, How Japan matters in the evolving East Asian security order, 87(4) International Affairs (2011) 887
- Catherine Jones, Great powers, ASEAN, and security: reason for optimism? 28(2) Pacific Review (2015) 259.
- Rizal Sukma, The ASEAN political and security community (APSC): opportunities and constraints for the R2P in Southeast Asia, 25(1) Pacific Review (2012) 135.
- Amitav Acharya, Constructing a security community in Southeast Asia: ASEAN and the problem of regional order (Routledge, 2009), Chs. 2 and 4.

9. ASEAN Economic Community-Building (Pillar 2: Economic)

- The rise of ASEAN economic cooperation – a way of confidence-building, improving relations, and keeping the peace
- The movement towards intensifying intraregional economic relationships through the Rule of Law and Institutions
- The region's dependence on international trade and foreign direct investment – are bilateral and external multilateral arrangements more favoured than ASEAN intraregional arrangements?
- Status and effect of pre-Charter ASEAN economic instruments
- ASEAN Economic Community – what it seeks to achieve (single market and production base) and how it goes about doing so (ASEAN Charter and the AEC Blueprint)
- Post-Charter (and refreshed pre-Charter) economic instruments and institutions – ASEAN Trade in Goods Agreement (2010), ASEAN Comprehensive Investment Agreement (2012), ASEAN Framework Agreement on Services (1995), ASEAN Protocol on Enhanced Dispute Settlement (EDSM)
- Is the ASEAN Community-building propelled by (flexible-political) cooperation or (legal) integration? How likely is it to be attained? What more should be done?

Reading list:

- Chia Siow Yue and Michael G. Plummer, ASEAN economic cooperation and integration: progress, challenges and future directions (CUP, 2015), Ch. 5.

Stefano Inama and Edmund W. Sim, *The foundation of the ASEAN Economic Community: an institutional and legal profile* (CUP, 2015), Chs 1-3.

ASEAN instruments and documents (from CIL treaties database or www.asean.org):

ASEAN Charter (2007)

ASEAN Economic Community Blueprint (2007)

AEC Scorecard (2012)

ASEAN Trade in Goods Agreement (2010)

ASEAN Comprehensive Investment Agreement (2012)

ASEAN Framework Agreement on Services (1995)

ASEAN Protocol on Enhanced Dispute Settlement (EDSM) (2004)

Part 4: ASEAN in the International Order

10. ASEAN in its External Legal Relations

- ASEAN Centrality – scope, principles, and objectives of ASEAN’s external powers
- Charter procedures facilitating and improving ASEAN Centrality
- Implications of ASEAN’s legal personality on its relations with other global actors, especially ASEAN Dialogue Partners
- The Typology, Trends, and Legal Quality of ASEAN external instruments – (1) ASEAN member state agreements, (2) ASEAN ‘alone’ agreements, and (3) ASEAN mixed agreements
- ASEAN preferential trade agreements (PTAs) – status and leverage of ASEAN vis-à-vis external partners – who benefits? Substantive coverage and depth of PTAs, dispute settlement avenues

Reading list:

Lee Jones, Still in the “Drivers’ Seat”, But for How Long? ASEAN’s Capacity for Leadership in East-Asian International Relations, 29(3) *Journal of Current Southeast Asian Affairs* (2010) 95.

Simon Chesterman, Does ASEAN exist? The Association of Southeast Asian Nations as an international legal person, 12 *SYBIL* (2008) 199.

Marise Cremona et al., *ASEAN's External Agreements: Law, Practice and the Quest for Collective Action* (CUP, 2015), pp. 23-32, 51-7, Chs. 4-5 .

Further reading:

Alice Ba, Is China leading? China, Southeast Asia and East Asian regionalism, 66(2) *Political Science* (2014) 143.

Chen Zhida, ASEAN and Its Problematic Treaty-Making Practice: Can International Organizations Conclude Treaties "on Behalf of" Their Member States? 4(2) *AsianJIL* (2014) 391-419.

Daniel Seah, Problems Concerning the International Law-Making Practice of ASEAN: A Reply to Chen Zhida, DOI: <http://dx.doi.org.libproxy1.nus.edu.sg/10.1017/S2044251315000016>, 29 pages.

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Pieter Jan Kuijper et al., *From Treaty-Making to Treaty-Breaking: Models for ASEAN External Trade Agreements* (CUP, 2015), Ch. 3.

Yoshifumi Fukunaga, ASEAN's Leadership in the Regional Comprehensive Economic Partnership, 2(1) *Asia & the Pacific Policy Studies* (2015) 103.

Peter Petri and Michael Plummer, ASEAN Centrality and the ASEAN-US Economic Relationship, 69 *Policy Studies* (2014) 1.

Jens-Uwe Wunderlich, Comparing regional organisations in global multilateral institutions: ASEAN, the EU and the UN, 10(2) *Asia Europe Journal* (2012) 127.

ASEAN instruments and documents (from CIL treaties database or www.asean.org):
Report of the Eminent Persons Group (EPG) on the ASEAN Charter (2007)
Rules of Procedure for Conclusion of International Agreements by ASEAN (2011)
ASEAN Agreement on Privileges and Immunities (2009)

11. ASEAN the international/regional organisation in comparative context

- ASEAN aspires to be an upstanding international legal person. How does it differ from 2 major international organisations? Examination of influences from the UN and EU in terms of laws and institutions upon ASEAN (e.g. Charter, Community, etc.)
- Comparative analysis of the institutional structure and powers of ASEAN relative to the UN and EU
- Comparative analysis of ASEAN's legal regime and its powers relative to the UN and EU – Is there the rule of law in ASEAN? How is it different from or similar to the rule of law in the UN and EU? Is it a hybridised system?
- The Rule of Law (and not the rule of might) – the extent to which these regimes are able to regulate (and prevail over) unequal power relations. Is ASEAN an effective regulator of intra- and extra-regional powers?

Reading list:

Damian Chalmers, Gareth Davies, Giorgio Monti, *European Union Law: Cases and Materials* (3rd ed.) (CUP, 2014), Chs. on EU Institutional Law.

Simon Chesterman, Thomas Franck, and David Malone, *Law and Practice of the United Nations: Documents and Commentary* (OUP, 2008), Chs. 1-4 (to be excerpted).
