

TOP NEWS

WORLD NEWS

Jack Dorsey steps down as Twitter CEO, company CTO Parag Agrawal to succeed

Published on Nov 29 10:13 PM IST

INDIA NEWS

India offers vaccines, medical supplies to support African countries hit by Omicron variant

Published on Nov 29 10:36 PM IST

WORLD NEWS

Who is Parag Agrawal, the new CEO of Twitter? 5 things about IIT-Bombay alum

Published on Nov 29 10:30 PM IST

INDIA NEWS

After Oppn demand discussion on repeal bill, minister says decision unanimous

Published on Nov 29 08:59 PM IST

TRENDING TOPICS

- Horoscope Today PM Modi India Vs New Zealand Live Score, 1st Test, Day 5 Bisahulal Sahu Parliament Winter Session 2021 LIVE India Covid-19 Cases Delhi's Air Quality Index Delhi Schools Reopen

DONT MISS

BOLLYWOOD

Anushka Sharma, Athiya Shetty join Rohit Sharma's wife, others for a tea party

Published on Nov 29 09:19 PM IST

MUSIC

BTS: Suga says winning Grammy award isn't easy, 'thankful' about barriers

Published on Nov 29 08:31 PM IST

CRICKET

Dravid gives INR 35000 to Green Park's groundstaff for preparing sporting pitch

Published on Nov 29 06:18 PM IST

HEALTH

World AIDS Day: Know the early symptoms of HIV

Published on Nov 29 09:51 PM IST

View All

LATEST NEWS

CITIES

Four of a family among five killed in road mishap in UP's Prayagraj

Published on Nov 29 10:24 PM IST

INDIA NEWS

India offers vaccines, medical supplies to support African countries hit by Omicron variant

Published on Nov 29 10:21 PM IST

WORLD NEWS

China's Xi pledges an additional 1 billion Covid vaccine doses for Africa

Published on Nov 29 10:20 PM IST

CRICKET

'Harbhajan was a fine bowler. What Ashwin's done to go past him in just 80 Tests is phenomenal': Dravid hails offspinner

Published on Nov 29 10:19 PM IST

View All

Home / Ht Insight / International Affairs / The ASEAN agreements are not as...

INTERNATIONAL AFFAIRS

The ASEAN agreements are not as straightforward as we imagine them to be

Harsh Mahaseth is a lecturer and PhD candidate, Jindal Global Law School, and a senior research analyst, Nehginpao Kipgen Center for Southeast Asian Studies, O.P. Jindal Global University, Sonapat, India. Karthik Subramaniam is an undergraduate student at NALSAR University of Law, Hyderabad, India.



The initial declaration signed between the founding members was a simply worded document containing merely five articles, affirming the establishment of the organisation while stating its names and purposes.

Updated on Nov 29, 2021 12:56 PM IST

By Hindustan Times

The Association of Southeast Asian Nations (ASEAN) was established on the August 8, 1967 with five countries, namely, Malaysia, Thailand, Singapore, Philippines, and Indonesia. Over the years, ASEAN added five other nations; Myanmar, Brunei, Cambodia, Vietnam, and Laos, with the aim of creating a regional intergovernmental organisation which promotes intergovernmental collaboration and cooperation, and facilitates economic, political, socio-cultural, educational, military and security integration among its members.

Since its establishment, ASEAN has conducted thousands of meetings which have culminated with the creation with a variety of agreements. While agreements have been reached, the lack of any clear nomenclature, and the lack of definition provided to nomenclatures such as "ASEAN Instruments" has affected the implementation of such instruments, leading to the creation of what can be termed as "soft law", and not "hard law".

While hard law instruments refer to legally binding obligations, making them legally enforceable before a legal authority, soft law provides an alternative for law making instruments, such as through a non-binding agreement which offers a viable alternative to apprehensive parties.

Most ASEAN agreements are, therefore, merely descriptive, providing suggestions, rather than instruments that are mandatory and binding on the parties involved.

RELATED STORIES

- Mamata Banerjee calls on PM Modi, demands withdrawal... India condemns Pak attempts to raise bilateral issues at... Russia-India-China (RIC) foreign ministers to hold...

A lack of clarity in nomenclature used has also led to confusion, and misunderstandings with regards to what terms refer to. The internal instruments of ASEAN include over 30 different titles without any official and comprehensive definitions provided. Terms such as Action Plan, Strategic Plan, and others of the kind have been used without any official definition. A term such as "ASEAN Instrument" has been used across a multiplicity of documents and agreements with no comprehensive definition set out. The gradual accumulation of such vaguely defined instruments, varying in their nature and characteristics has led to a faltering development of ASEAN law.

These issues could, however, be attributed to a few reasons. The membership of ASEAN has a variety of countries with a variety of inherent differences.

There has also been a shift in the functioning of ASEAN post the creation of the new ASEAN Charter. The ASEAN was initially a political creature which mainly reached agreements through an informal process called the ASEAN Way. While emphasis was on reaching common consensus with regards to decision-making among the member states, this led to the lack of development of set of clear, stable, and predictable rules, thus reinforcing the tendency of the weakness of the institutions.

While one could argue that ASEAN has been successful in its endeavours, establishing itself as a crucial player in the Asians-Pacific community, the lack of clarity has played to its detriment. The consensus-based model adopted by ASEAN for making decisions has led to the exposure of the inherent differences present between the members, leading to an issue in arriving at common solutions for difficult problems.

The study has been accessed by clicking here.

(Harsh Mahaseth is a lecturer and PhD candidate, Jindal Global Law School, and a senior research analyst, Nehginpao Kipgen Center for Southeast Asian Studies, O.P. Jindal Global University, Sonapat, India. Karthik Subramaniam is an undergraduate student at NALSAR University of Law, Hyderabad, India.)

SHARE THIS ARTICLE ON

TOPICS

- Asean Asean 2025

RECOMMENDED FOR YOU

- Watch Virat Kohli learn dance step from Yuzvendra Chahal's... Veteran journalist Vinod Dua in ICU; daughter Malika Du... IND vs NZ: 'He bats for more than an hour and doesn't do...

Get our Daily News Capsule. Enter Email Address. SUBSCRIBE. Close Story

MORE FROM THIS SECTION

- The Chinese Communist Party's ambitious agenda South China Sea geopolitics and the shadow of Covid-19 The future of India's development cooperation in...

TRENDING TOPICS

- Horoscope Today PM Modi India Vs New Zealand Live Score

INTERNATIONAL AFFAIRS

The Chinese Communist Party's ambitious agenda

Published on Nov 29, 2021 03:36 PM IST

INTERNATIONAL AFFAIRS

South China Sea geopolitics and the shadow of Covid-19

Published on Nov 21, 2021 02:46 PM IST

INTERNATIONAL AFFAIRS

The future of India's development cooperation in Afghanistan

Published on Nov 12, 2021 06:46 PM IST

INTERNATIONAL AFFAIRS

AUKUS and an acquiescing ASEAN

Updated on Nov 05, 2021 03:55 PM IST

INTERNATIONAL AFFAIRS

The future of war in South Asia: Innovation, technology and organisation

Published on Oct 22, 2021 10:48 PM IST

INTERNATIONAL AFFAIRS

AUKUS and Kunming-172: An Alert for Indonesia

Published on Oct 13, 2021 09:51 PM IST

INTERNATIONAL AFFAIRS

Quad embraces Asean spirit of cooperation

Published on Oct 13, 2021 03:53 PM IST

INTERNATIONAL AFFAIRS

Neighbourhood's first responder: India's approach to humanitarian assistance

Updated on Sep 30, 2021 07:21 PM IST

INTERNATIONAL AFFAIRS

Devising an Indian policy on Sanctions for Pakistan

Published on Sep 23, 2021 06:32 PM IST

INTERNATIONAL AFFAIRS

ASEAN's Lilliputian progress in Myanmar

Published on Sep 11, 2021 05:51 PM IST

INTERNATIONAL AFFAIRS

China's post-Covid-19 path to normalcy: Parallels for India

Published on Sep 08, 2021 04:06 PM IST

INTERNATIONAL AFFAIRS

Singapore's diplomacy outreach on the US-China rivalry

Updated on Sep 08, 2021 11:55 AM IST

INTERNATIONAL AFFAIRS

Interpreting the US's China Military Power Report 2020

Published on Sep 07, 2021 10:43 PM IST

INTERNATIONAL AFFAIRS

Clash of narratives: The US-China Propaganda war amid the global pandemic

Published on Sep 02, 2021 03:44 PM IST

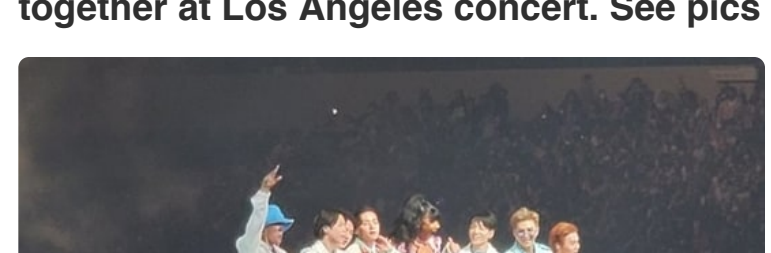
INTERNATIONAL AFFAIRS

China's global internet ambitions: Finding roots in ASEAN

Published on Aug 28, 2021 03:53 PM IST

PHOTOS

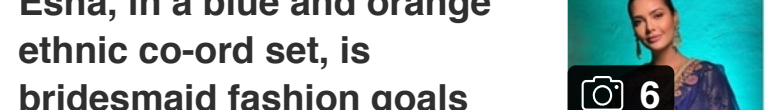
BTS and Megan Thee Stallion perform together at Los Angeles concert. See pics



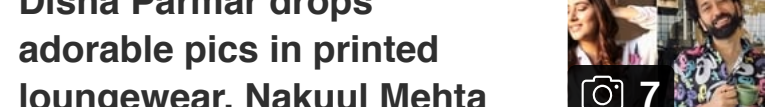
Esha, in a blue and orange ethnic co-ord set, is bridesmaid fashion goals



Disha Parmar drops adorable pics in printed loungewear, Nakuul Mehta comments



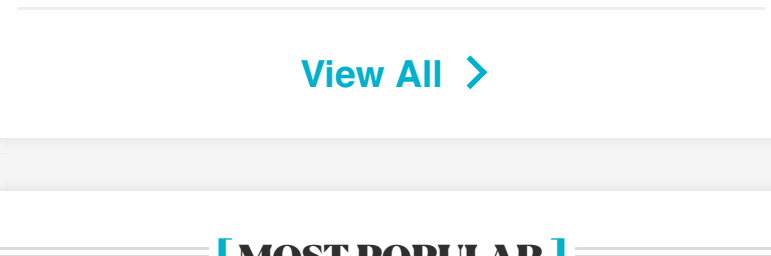
Malaika Arora and Kubbra Sait in tank top-shorts are ready for a tough workout



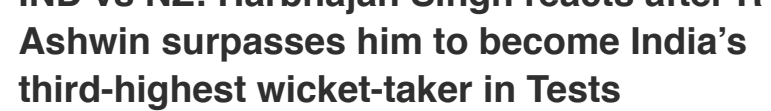
View All

MOST POPULAR

IND vs NZ: Harbhajan Singh reacts after R Ashwin surpasses him to become India's third-highest wicket-taker in Tests



Katrina Kaif's mom drops phone, fan asks paparazzi to check her WhatsApp: 'Wedding guest list would be there'. Watch



What do Omicron's 30 mutations signify? AIIMS chief Dr Randeep Guleria explains



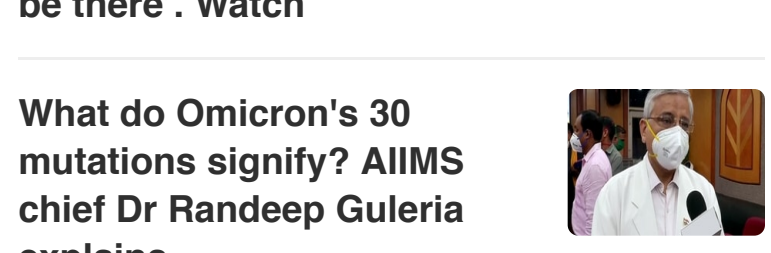
Abhishek Bachchan gives Sa Re Ga Ma Pa contestant Sanjana's husband a side-eye after he compares her with Aishwarya Rai



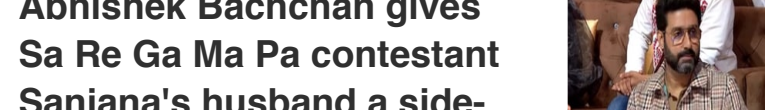
View All

TRENDING

Cat is very bored to see its doggo sisters during playtime. Watch funny video



Mom posts photos of baby daughter with the purse she loves, Twitter adores them



Cat plays harp before meals to remind human to give her food. Watch cute video



African duo lip sync to Shershaah's Raatan Lambiyaa in this viral video. Watch



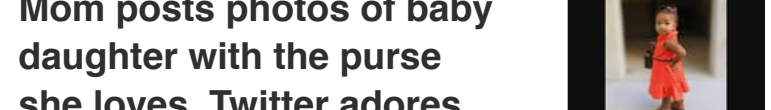
View All

LATEST VIDEOS

Parliament | Watch PM Modi's message to Opposition as Winter Session begins



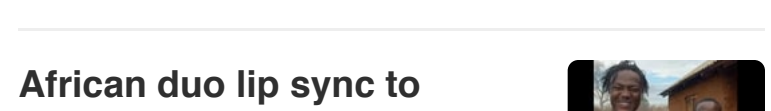
How Covid-stricken Czech prez named Petr Fiala new PM in an unusual ceremony



Omicron scare: India's fresh Covid rules for international arrivals | Key details



Omar reveals reason for 'revival in militancy' in Kashmir, hits out at Modi govt



View All