

Building ASEAN Identity Within Member State Sovereignty

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Introduction

The issue of ASEAN identity affects more than just ASEAN sovereignty; it has the power to alter the international spectrum with its trans-national scope. To properly address the questions associated with the possibility of collective identity emerging from individual sovereignty, and its relation to regional identity, the following series of papers focuses on the themes of: territorial expansion, defense, economic integration and development, norm projection, hegemonic resistance, intra-regional dialogue, collective identity, sovereignty, the greater meta-themes of organizational evolution and effectiveness. These themes allow us to gain a better understanding of collective organization in relation to US policy goals. The following analysis will apply these themes to five selected cases within international organizations more broadly, followed by the application of the themes to ASEAN in order to determine its ability to build collective identity in the face of sovereignty pressures. We analyze the aforementioned aspects of regional organization through a multifaceted comparison with the African Union (AU), the Council of Europe (CoE), the Commonwealth of Independent States (CIS), the Shanghai Cooperation Organization (SCO), and the Asia-Pacific Economic Cooperation (APEC). The European Union (EU) is not analyzed in this series of papers due to its fundamental and operational differences making any generalization from it rather impossible.

From our case-study analysis, two especially prominent themes emerge: the effectiveness and the evolutionary trend of an organization. This collection of papers will provide an in-depth, multifaceted examination of the question of sovereignty and identity building in relation to organizational success within ASEAN. These analyses contribute to a greater understanding of

ASEAN's ideal place within larger regional goals of foreign policy, especially for US foreign policy.

As trans-regional organizations evolve to adapt to the global agenda, it is important to consider how it plays a role with already established entities within the international spectrum. Effectiveness of an organization and effectiveness of the aforementioned integral themes within an organization are equally important aspects of success when considering intra-regional collaboration and collective agenda-setting. An organization's degree of effectiveness can be both broad and narrow, with countries experiencing great collective successes, or with individual countries controlling the organization's agenda for their own benefit. Said degree of effectiveness is dependent on the organization; similarly, an organization can experience great success through very effectively implementing only some of the above themes rather than implementing them all. As the above themes are listed as organizational goals equating success, the variance of success and related effectiveness is heavily contingent on the region's agenda.

The level of trans-regional dialogue within an organization parallels its overall effectiveness within the region. As countries realize their collective reliance upon each other, their dialogue shifts. The frequency of successes from their collaboration is a great determinant of the intra-regional organization's ability to establish their effectiveness and the degree to which the organization is considered as an exemplar. The importance of government-to-government communication when setting collective agendas and successfully addressing regional problems all depend on the region's governments ability to create and maintain high levels of intra-regional dialogue.

Expansion of an organization's membership can be directly linked to its effectiveness and the ability for it to project norms. To incentivize countries to join with the possibility of losing its own sovereignty, the potential trade-off must outweigh the risk of losing individual autonomy. As a collective unit, the organization must be cautious in its development to add additional members in order to prevent a disruption in the group dynamic. As the entity evolves to have more members, the importance of the organizational structure and maintenance of intragovernmental dialogue will ensure that the trajectory of the organization's influence on the region.

The ability for a trans-regional organization to project norms onto member states is a key indicator when distinguishing the effectiveness of the entity within the region. When member states are willing to adopt a uniform policy without coercion or force, it portrays the organization's influence from a soft power lens. In a region where member states consist of different cultures and customs, the initiative behind implementing a regional standard, whether it is a human rights policy or languages of operations, proves that these individual states value the organization's objectives over their own agenda. Each member state contributes to the overall integrity of the organization. Having regional credibility allows trans-regional organizations to efficiently implement policies as individual governments respect these statutes without contestation.

Regional economic development is dependent on effective trans-regional dialogue and integration. Attributing characteristics for the success of a regional organization include successfully integrated economies between member states include the removal of non-tariff trade barriers, a commitment to a free trade region, and an increase in intra-organizational trade and

the greater integration of supply chains. This economic collaboration, as established by an effective organization, evolves into influence over regional development. The effectiveness of standardization, when looking at regional economic opportunity, operates as a function of development. This includes the sharing of economies, production lines, and methods. Overall, improvements to member state economies extends beyond its individual region and supports the entirety of the members. When member states are willing to adopt these shared economic policies, they will then see increases in development. The result is an international organization that has achieved an effective level of economic integration.

Respect for the sovereignty of each member state from the organization and its individual members can be critical in the progressive development of an organization. Respecting sovereignty not only allows for equal participation amongst member states, but encourages collective dialogue between them that further progresses the organization and its goals. While an organization might consider itself as more than just the sum of their parts, its organizational identity should be defined by the collective influence of each member state, rather than the imposition of one agenda upon the whole.. The ability for a regime to be in control of its own territory and autonomy encourages successful structuring and growth within its respective organization. This can be made extremely difficult for an organization with a single hegemonic power that dominates the dialogue, policy making, and economic agenda of an organization.

As membership expands, a common goal in an organization's agenda is the protection of its member-states. While most trans-regional organizations have not evolved to become defensive partnerships, it can provide an additional layer of regional security that helps to not only stabilize external threats, but also rewards regional peace. Member-states can rally behind a

common enemy — such as terrorism or piracy — and achieve the region’s goals multilaterally instead of bilaterally. Having more partners in a trans-regional entity lessens the cost of resources, gives the organization the ability to establish authority, and increase overall effectiveness.

The aforementioned themes serve as central focus points for both trans-regional entities and the ASEAN member group. Membership expansion within ASEAN has historically been deliberated; however, the consensus-based discussions have failed to incorporate new members. While there are concerns with this failure to represent a collective agenda, the consensus-based decision-making process is the official way that ASEAN addresses the importance of every member’s individual sovereignty. Collective topics such as economic development and defense serve as priority discussion points, and while it may never develop beyond a conversational dialogue, this cooperation provides the ASEAN the ability to project its norms across the region.

In order for a trans-regional organization to become successful and effective, it must contain the previously mentioned social, political, and economic themes to a certain degree: member expansion, sovereignty, the ability to project norms, intraregional dialogue, economic integration and development. The following multifaceted analysis will indicate the salience of these themes in relation to ASEAN.

African Union

Founded on May 26th, 2001, and launched July 9th, 2002, the African Union (AU) is a continental organization with 55 member states composed of multiple institutions like the Pan African Parliament, the Court of Justice, and the Central Bank. The AU's goals and purposes are an improved version of its predecessor, the Organization of African Unity (OAU), with the underlying function of the AU residing in a thorough understanding of the OAU's history and failures. Many themes of operation run parallel to what the OAU had set out to accomplish in 1963, in addition to the contemporary changes that were introduced at the onset in 2001. Before diving into the changes any further though, it is imperative to understand the OAU's influence as a foundation for the conception of the AU.

The OAU's creation was led by pan-Africanist ideals that proceeded from the idea of African states that were strong and united against colonial subjugation and racism, and worked together to improve the lives of African people. In practice, these ideals were met with challenge ironically not from external forces, but rather domestic disputes. A slew of contemporary issues occurred in the period between the OAU's founding and dissolution, most notably the conflicts that occurred in the Western Sahara, which involved Alegria, Morocco, Mauritania, and France, and the civil wars in Angola, Mozambique, Ethiopia, Sudan, Chad, and other parts of the Sahara (Packer and Rukare 2002). The critique at this time was of the OAU's deferral to domestic jurisdiction when met with these struggles related to ethnic rivalry, political repression, economic deprivation, uncertain processes of political succession, and military regimes. Strictly adhering to principles of self-determination that this anti-colonial organization was founded on,

the OAU's "hands off" approach to the internal struggles of its member states became their downfall. Reforms of the OAU charter and organization were continually demanded but were impossible to implement without the reformation of their financial contributions of membership. Rather than going through a process of alteration, the African states decided to start from scratch with the AU.

The AU sought to be the version of the OAU that the African states needed, including a mechanism that could deal with the domestic conflicts that arose in each state. This notion was actually conceived before the founding of the AU in 2001 in the treaty that established the African Economic Community (AEC) in 1991, put into effect 1994. This treaty was designed to create a framework for the mobilization, development, and utilization of African human and material resources in an effort to achieve continental self-sufficiency (Parker and Rukare 2002). The AEC Treaty is significant in that the Constitutive Act of the African Union essentially mirrors portions of the document with some slight additions and modifications. It is considered by many to be the "parent document" to the formation of the AU, with really only three distinctions that separate the two, the most notable being the three financial institutions created to carry out the economic measures foreseen in the AEC Treaty. This represented an important development of structural conception from the OAU, as it placed financial institutions in the hierarchy of the AU. The new era of continental entities on the African continent, led by the AU, was "to forge unity, solidarity and cohesion, as well as cooperation, between African peoples and among African States" (Sirte 1999). Meant to address the issues that took precedence in the era of the OAU Charter, the AU's Constitutive Act defined a progressive role that the organization would take in the affairs of its member states. This role is one of the more integrated and active

approaches in this report, at the opposite end of the spectrum of ASEAN, making for a worthwhile resource of comparison.

The sole purpose of the AU's establishment is the promotion of sustainable development as well as the promotion of good governance, social justice, gender equality, and good health. It is a body concerned with the peace, security, and stability of the region, and as thus there is a provision that counteracts the independence of member states. This is the prominent differing factor from its predecessor; it is an organization that sees the value in sovereignty but also for legitimate intervention. By agreeing to become a member of the AU, a state is committing to the values as stated in the Constitutive Act, the key points as stated below:

- “-peaceful resolution of conflicts between member states of the Union through appropriate means as may be decided upon by the Union Assembly (Art. 4(e));
- prohibition of the use or threat of force among member states of the Union (Art. 4(f));
- peaceful coexistence of member states and the right to live in peace and security (Art. 4(i));
- respect for democratic principles, human rights, the rule of law, and good governance (Art. 4(m)); and
- respect for the sanctity of human life, and condemnation and rejection of impunity, political assassination, acts of terrorism, and subversive activities (Art. 4(o))” (Parker and Rukare 2002).

These articles highlight the overall agenda of the AU, which are essentially steps towards the advancement of democratization in African states and the monitoring of that process, as observed

by the continued use of language promoting those values, i.e. ‘peaceful resolution of conflicts’, ‘prohibition of the use or threat of force’, ‘respect for democratic principles’, etc. (Parker and Rukare 2002).

The function of the AU is not only to serve as a promotion of those values, but to intervene when necessary. Below is the language used in the Constitutive Act that provides the stipulation for domestic interference:

“Right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity. (Art. 4(h))” (Parker and Rukare 2002).

Interference is open to definition by the Union as a variety of measures, namely peacekeeping mission and sanctions. The Constitutive Act also provides member states with the right to request intervention if any of the previous articles as stated here have been compromised. In addition to having the authority to intervene, the AU has the provided right in Article 30 to suspend the participation in the activities of the organization of any government of a state who has come by their power through unconstitutional means. This speaks to the general mission of the AU’s operation, the overall promotion of democratic values within their member states. The adoption of these issues into the Constitutive Act of the African Union is not an attempt to encroach on the sovereignty and independent function of each member state, but rather a tool of standardization across the continent; no longer will leaders with a disregard for the democratic policy and basic human rights be welcome at the diplomatic table (Maluwa 2003).

As a continental organization, the AU has been most effective in their ability to project norms onto member states. This is first established in the commitment a member state makes to

the objectives as stated in the AU's mission. The adoption of the Constitutive Act serves as hard power for the AU, and clearly outlines a framework of institutions that member states should follow. Critiques to this approach include the encroachment on state sovereignty; however, this is combated by the simple, but effective fact that the goal is for democracy to become standard throughout the continent. Therefore, the mentality is more one of "reform, or get left behind" (Moller 2009). This is also supported by the long-standing ideology of pan-Africanism that the OAU promoted during its tenure. The foundation of a collective identity as independent African states, a "regime of truth", paved the path for the norms that the AU disseminates contemporarily (Moller 2009). The AU's objectives are built off decades' worth of a shared vision of African states having a cohesive institution that can confront the challenges of the day (Maluwa 2003). States that agree to this commitment see credibility in the values that the AU promotes over their own agendas. The endorsement of democratization is the most heavily projected norm that the AU has demonstrated during their era. The AU's project on human rights is one of their most strongly monitored, as it is the most used reasoning for intervention. These two areas have become the accepted standard for member states, with the AU's actions around human rights emulating another aspect of the organization that is considered a success.

Overall, the AU has been effective at operating at a high level of trans-regional dialogue within the member states. As the states within the AU have begun to rely upon each other, they have increased their collaboration in agenda-setting. This process starts with the AU, followed with individual states following suit. As mentioned, the area where this is best observed is the AU's project on human rights. The AU's provided provisions in their Constitutive Act for the protection of human rights has required the most collaboration between member states.

Following an era of violence in African states, the AU began their peace-promoting operations with a legacy of non-intervention in matters of grave impact. To ensure the protection of the norms has been disseminated by the AU and agreed upon by their member states, the AU established the African Standby Force (ASF) in partnership with the UN. The only way this intervention works, however, is if there is open dialogue regarding the atrocities committed in communities that are at risk. The AU relies on a Continental Early Warning System and a Panel of the Wise in order to establish a peacemaking mission. These functions are only able to be carried out by dialogue between member states, as each commits resources to assist with peace endeavors (Murithi 2008). Theoretically speaking, this is an area that the AU has demonstrated great effectiveness. However, the only caveat being that there is an overreliance on the UN's support for many of the peace operations that the AU has committed to. This will be further dissected at another point.

As set out by the Constitutive Act and the literature that followed, the AU as a continental organization would be considered effective in implementing an integrated economy and the development of individual economies in member states as the following article states: “accelerate the political and socio-economic integration of the continent (Art. 3 (c))” (El-Agraa 2004). The preamble and parts of Article 33 in the Constitutive Act include provisions that essentially adopt the likeness of the AEC Treaty mentioned before. The duplicity between the two documents is quite lengthy, but can be best summarized by this one key point that is emulated in the Constitutive Act: “to establish, on a continental scale, a framework for the development, mobilization and utilization of the human and material resources of Africa in order to achieve a self-reliant development” (El-Agraa 2004). These are a set of ideals that the AU

initially set out to achieve, and in principle, it demonstrates the philosophy behind a set of strategies that would have made this organization effective. The AU had a grand vision upon conception of the organization. Initially, the establishment of institutions like the Central Bank were meant to address the financial shortcomings of their predecessor. However, as it will be shown, as the organization has evolved, so has their ideal effectiveness.

Internationally, the AU is not perceived as effective as their goals had set. The member states of the organization make up 23% of the UN, often unifying multilaterally on major issues that plague discussion (Moller 2009). That is to say, the AU in some way has swayed over this decision process as the organization accounts for a significant portion of UN members. Though that is a significant number for consideration, the issue at hand is that overall the AU as an organization does not have similar authority as some of their member states due on an international scale. This is in large part due to the ineffectiveness of some of their most ambitious ideals and values. Behind every one of their successes there is a larger scheme to be considered. As the AU has evolved over time, external forces have influence over their operation, undermining some of the autonomy that member states sacrifice their sovereignty to achieve (Moller 2009). The effects of this process can be seen through two primary functions the AU has produced criteria about: human rights/peace-keeping missions and economic development.

It should also be noted that the AU inherited years' worth of human rights abuses and conflicts being committed in the member states of the OAU. As previously stated, the OAU had an anti-intervention approach to African heads of states who were in actuality self-appointed dictators committing acts of violence against their own citizens, one of the more significant acts

being the lack of action in the Rwandan genocide (Murithi 2008). This event demonstrated the virtual impotence of the OAU in the face of conflict within its member states; as a result, reports were released by both the OAU and UN acknowledging their failures (1999). This is the situation that the AU inherited upon conception, the liabilities and assets of the OAU's approach to state intervention. To counteract these failures, the AU adopted frameworks and institutions like the Peace and Security Council (PSC) in 2004 to intervene and produce preventative measures to ensure situations as seen during the OAU's era did not occur. However, the AU is a continental organization created on a set of ideals that they do not have the functional capacity to produce. Most, the AU has not been able to finance their own peace-keeping missions independently, demonstrating an overreliance on partnerships with the UN and other international organizations, namely the Economic Community of West African States (ECOWAS), the International Authority on Development (IGAD), the Southern African Development Community (SADC), the Economic Community of Central African States (ECASS) and the Arab Maghreb Union (AMU) (Murithi 2008).

The AU's mission on human rights has failed on account of being ill-equipped institutionally and under-resourced to resolve conflicts successfully. Two of the more notable peace operations that set the precedent for future peace-keeping endeavors were the African Union Mission in Burundi (AMIB) and their efforts in the Darfur region of Sudan. In the prior conflict, the AU deployed AMIB with more than 3,000 troops from South Africa, Ethiopia and Mozambique to monitor the peace process and provide security. Their goals included the task of also establishing the conditions that would allow for a UN peace operation to enter the country. As the process was taking place, a barrage of challenges occurred including the reintegration of

internally displaced persons (IDPs) and refugees into their communities (Murithi 2008). Lacking the necessary sources to address these challenges as well as the sheer lack of troops, the AU had to look to the UN to take over the production of this peace project. In the other instance, the Darfur situation provided a challenge to the AU on varying levels of domestic, regional, continental, and international dimensions. Seeking a political solution to what quickly became a military conflict, the AU's monitoring mission left much to be desired, specifically a more robust peacekeeping force being one of the requirements that could have had a hand in alleviating some of the conflict. Both of these situations emulate a common thread seen throughout the operation of the AU as an organization: a lack of financing and resources for internal operations.

As previously stated, the AU has faced challenges with their approaches to economic integration and development. From its creation, the AU had a grand ideal to what economic integration would look like, which was mostly influenced and adapted from the AEC Treaty. Since 2001, the AU has produced and disseminated several elaborate policy initiatives for the alleviation of poverty and empowerment of women, namely the New Partnership for Africa's Development (NEPAD). The implementation of these plans has been quite poor in comparison to the well-defined policies these initiatives have outlined. Unfortunately, years into the existence of the AU, poverty remains widespread throughout the continent, women continue to be oppressed and exploited, and Africa remains at the periphery of the global economy (Kimenyi 2015). This failure is associated with a lack of financing, weak internal institutions, and other more political factors. Despite the AU having the intentions to be a continental organization able to address the financial and economic concerns of all their member states spread throughout the

continent, there is a reliance on regional organizations like ECOWAS and ECASS to accomplish some of these developmental tasks on their agenda.

Nevertheless, despite the lack of functional success the AU has had, it is the ideal structure and implementation of policies that needs to be considered. While the AU has been ineffectual in operationalizing parts of their Constitutive Act, they still serve as a model for attainable goals that an international organization can hope to achieve. The AU clearly outlines trans-continental project that addresses the concerns of the individual states while also appreciating the diverse cultural differences represented in each region. Additionally, the transition from the OAU to the AU serves as a model for reform that other international organizations like ASEAN could observe. The key factor of this transition was a strong foundation in a collective identity the member states emulated and adopted into their own set of values.

Ideologically, ASEAN is on the opposite end of the spectrum in terms of entity intervention in state matters, and also differs in that there is no prerequisite of an adoption of values domestically in order to maintain membership. The AU however has seen success as an organization due to this commitment member states make to the articles as outlined in the Constitutive Act. This is the norm-building mechanism the AU has used since the onset and, in large part, this was conceived due to the lack of success the OAU had with not establishing a standard for all member states. The AU has been effective in standardizing their objectives into the domestic institutions of member states, which has in turn created channels for effective collaboration and trans-regional dialogue.

Council of Europe

After World War II, many European nations agreed to create an organization called the Council of Europe (CoE) that would shield and prevent the rise of totalitarian regimes internationally. Founded on May 5, 1949 by 10 European nations (Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden, and the United Kingdom), the objective of the Council was to protect human rights and democracy, develop a European identity, and to resolve any problems that would arise in European communities. After the collapse of communism in 1989, membership grew from 23 to 47 nations to solidify democratic principles to ensure that communism will not rise again. Since 1989, the Council has created four main bodies: The Committee of Ministers, the Congress of Local and Regional Authorities of Europe, the Parliamentary Assembly (PACE), and the Secretariat, and many other smaller bodies and committees for extensive support. Today, the Council deems itself the “continent’s leading human rights organization” (Council of Europe).

Within the Council, all members must abide by the tenants of the organization: human rights, rule of law, and democracy. The development of membership grew from the original founding countries to encompass the new wave of central and eastern post-Soviet countries. In order to be granted membership, there are two criteria for accession into the organization, accepting both the founding statute which is added by the European Convention of Human Rights (ECHR) and the first additional protocol. Member states are only required by the Council to abide by these primary set regulations, with every convention and treaty after being voluntary. With this approach, the organizations’ effectiveness relies on the political determination of

members. As of 2020, every European nation is a member of the Council with the exception of Belarus. Belarus is currently not in compliance with the regulations of the ECHR, as they permit the death penalty as a form of capital punishment (outlawed by the ECHR). Due to the ECHR standards, this makes Belarus an unattractive candidate for admission and until Belarus can adopt the convention, the Council refuses to accept Belarus by regarding them as a human rights violator.

The original intent formulated for the CoE was to strengthen democratic values, which has produced a public forum for member states rather than an authoritative framework. The operational executions of the Council rely on “standard-setting, monitoring, and cooperation”, (Partner Perspectives 2013) absent a singular entity that serves as an executive decision-maker. Rather than politically integrating the entire region, the Council promotes a collaborative approach where engagement is encouraged from one another. Once admitted into the CoE, member states are able to maintain their sovereignty whilst partaking in the Council by deciding whether to adopt and ratify a convention or treaty. It is important to note that the Council itself has no such power for legal enforcement after a member state is admitted relying solely on agreements and conferences to further expand their values. The organization is structured upon negotiation and consent, which allows for “soft legislation through multi-stage decision-making” (MacMullen 2004) to govern the decisions of every convention.

In terms of internal organizational cooperation, the European Court of Human Rights (ECtHR), also known as the Strasbourg Court, serves as the physical court structure that monitors and supervises the compliance levels of member states. ECtHR also establishes that its “task is to ensure that States respect the rights and guarantees set out in the Convention”

(Council of Europe). The purpose of ECtHR is to safeguard against any forms of political abuse, where judgements are made by the national legal system. Citizens from member states are given a chance to legally address their respective member state's violations, where judgement decisions are binding after.

The CoE narrowly focuses their agenda on democratic values and human rights that entails a decentralized implementation of the law. In comparison, the European Union (EU) is a larger trans-regional organization that focuses on integrative economic and foreign policies; from standardizing the euro currency to establishing a Schengen Zone for the free-flow movement of people across borders. Due to many states obtaining membership status in both organizations, the relationship must always remain active and alive. In order to prevent redundancies in the law, they must also learn to distribute and divert responsibilities according to their respective mission statement. The relationship between the CoE and EU is here to stay because of shared members and shared regions. While both organizations serve two completely different purposes, the biggest distinction is that the CoE appeals heavily to member states as they are able to act reasonably independent within their shared framework. Due to the EU's sovereignty differences from the CoE, this paper will not address it as a potential exemplar for ASEAN.

In reference to the aforementioned goals of protecting democracy, developing a cohesive identity, and resolving regional issues, the Council implemented the ECHR on September 3, 1953 as its widely recognized achievement. Despite this accomplishment, there are fissures that have reduced the effectiveness of the organization and can be divided into themes of noncompliance, disorganization and exploitation, and growing irrelevance.

As the Council was founded upon a voluntary membership basis, it produces some inconsistencies throughout the regime. Without compliance measures, variance amongst member state cooperation exists. For instance, some member states choose to adopt the Council's values and conventions, while others take advantage of the voluntary basis of convention ratification, choosing never to actually implement resolutions. Countries like Russia, who act independently with individualistic agendas, may threaten the cohesion of the Council. For example, Russia's invasion of Crimea in 2014 warranted a suspension from the council, as a violation of human rights. Russia's response was to threaten withdrawal which influenced the Council's decision to restore their rights. The Council's fears the idea of dealing with an external pariah state, which led them to concede to Russia's demand. Yascha Mounk, a professor at John Hopkins University called the vote, "yet another example of European institutions – lacking not only the courage of their convictions, but any kind of conviction – caving to authoritarian powers" (Erlanger 2019). Rather than mandating expulsion, the Council is willing to grant member states their full rights from enough diplomatic persuasion and blackmail. In this case, it is much more convenient to have members obey lower standards of human rights within the council, than to have them exist as an external pariah state. The Council's absent answer to safeguarding them from authoritarian-leaning regimes may cause future issues in regard to managing unconventional member states that threaten the Council's values.

Oftentimes, critics also deem that the Council of Europe is too disordered on the matters of substance, where "it is not always clear how critical this has been...at the grass roots" (Greer 2018). There has been increasing disorganization in logistics which has led to the system being overworked and exploited. Examples of this can be pointed to courts "in Germany, Spain and

France, have even signaled their determination not to follow Strasbourg when they deem its interpretation of ECHR rights inconsistent with their interpretation of their own national constitutional documents” (Greer 2018). Due to the values of the Council and its goals, the complication with attempting to advance human rights is that the term itself is arbitrary and broad, which encompasses a litany of subsections. Oftentimes, there can be misconceptions with the limitations of the term, thus making violations a gray-zone that can hurt the credibility of the CoE by making them seem inconsistent with their core values. What one country may deem their actions as constitutional under the ECHR, the ECtHR may not, which causes potential conflict and division amongst the European region. For example, in April 2013, Switzerland had an incident where the government deported a Nigerian delinquent back to their respective country (Partner Perspectives 2013). The ECtHR saw their action to be in violation of the ECHR, in which Switzerland still deemed themselves to have made the right decision in terms of national security and the protection of their nation. It is instances like this that opposing viewpoints on the arbitrariness of the term “human rights” can cause future dilemmas with the Council. At times, the authority of the ECtHR is questioned from countries as they believe that demands are not realistic and sacrifice national integrity.

Due to the blurred lines of “human rights”, there has been a growing rate of lawsuits being brought to the ECtHR that have overwhelmed and overworked the functions of the institutions. This forces the court to pick and choose violations that are deemed worthy of investigating thereby disregarding minor violations. The logistics of the ECtHR indicate that the court is only “capable of judging about 10 percent of the application[s] it receives...[where] 90 percent or so of applications are rejected without adjudication” (Greer 2018). The lack of proper

hearings and judgement calls on alleged violations allows corruption to become unnoticed or neglected by the Council, caving in on its own mission by justifying minor violations from member states.

Similarly, the growing integration of Eastern European countries have watered down the ECHR values, leading to polarization and irrelevance within the Council. For example, Eastern European countries are opposed to LGBTQ+ activities due to inherent cultural values. This essentially undermines the CoE's supposed purpose of expanding human rights as anti-LGBTQ+ positions place Eastern European states in violation of the ECHR where their cultural values superseded the human rights values laid out by the Council. Thus, treaties and further projects within this department are usually voluntary or funded through self-interest. Though this polarization exists in certain departments of the Council, the organization is still perceptually subsumed by the EU, where "the European public, much of the media, and even major scholarly publishers... frequently confuse both the CoE... with EU's European Council" (MacMullen 2014). Without this distinction properly clarified, harm can be done to the Council's ability to properly execute duties and distribute responsibilities according to the organization.

Despite these underlying issues, the Council's ability to project norms in a cooperative and collaborative manner provide a more efficient mode of governing as it overlooks these miniscule problems. As the vast majority of member states believe in the mission statement of the organization, their initiative and drive is supported by their ability to progress individually whilst also maintaining collective benefits. The council has constructed prerequisites that paved the way for its credibility and authority within the region. The ability to project norms, stated in

the intro, allows for organizational efficiency to be maximized in which it harmonizes agendas, policy implementation, and intra-regional dialogue.

While the focus of the ECtHR promotes compliance with new and general member states, the CoE contains other institutions such as the Committee of Ministers and PACE to help enforce these norms. During accession of new states, the committees closely monitor and outline specific guidelines and regulations that new member states must satisfy. In the scenario that member states are found violating the Council's framework, the Committee of Ministers "may request that it withdraw, or it may suspend voting rights of representatives on the Committee or PACE" (Jordan 2003). No member states to date have been withdrawn from the Council, but there have been suspensions made in the past, such as the previous example of Russia's invasion of Crimea. The Council voted to suspend Russia's voting rights from the parliamentary assembly and terminated the country's right "to participate in election observation missions and turfed it off its most prestigious committees" (Harding 2014) as a direct violation of the ECHR. With physical repercussions in place, most of the contribution remains in pressuring member states to meet the demands and commitments of the Council.

Even though laws are not binding to a member state unless signed and ratified, there are many reasons to further enforcement and compliance. Therefore, the Council relies on soft power and the ability of political pressure and shaming. Member states, oftentimes, do not want to be perceived as an unreliable and unstable nation on the political spectrum. Instead, they crave positive recognition from their peers for conforming to shared values, where the notion of acceptance is highly praised from a foundation organization such as the Council. This is particularly true for nation states that are smaller who do not receive the usual international

recognition as a country like Russia, would. With the previous example of Switzerland's incident with the Nigerian delinquent, the country's compliance with the ECtHR is founded solely on refusing political isolation within the Council. A withdrawal would negatively affect the perception of a nation-state, where their own agenda exists outside of a collective one. This can harm the country's ability to evolve and prosper by refusing alliances and collective effort.

Another reason for member state compliance is their individual gain to strengthen a regime's legitimacy. This reason is particularly true for smaller countries who do not withhold the power or influence to implement change independently. For example, Latvia, a country that experienced ethnic intolerance from Russia, became a major proponent of implementing a language policy that embraces minorities in member states. Latvia was able to make significant progress in minimizing racism and encouraging diversity in "Article 5 of the language law" (Jordan 2003). Smaller governing countries such as Latvia, are more likely to internalize human rights norms and effectively create legislation and law to foster legitimacy and strengthen social cohesion. Similarly, as one of the founding international organizations of Europe, many member states use the Council as a stepping stone to further their agenda with other organizations, such as the EU or North Atlantic Trade Organization (NATO). No country has ever joined the EU without belonging to the CoE initially. Thus, the CoE provides the groundwork necessary as membership is treated as a political acceptance into the European state system, where having that credible and interconnected network can provide advantages and leverages into other international institutions. While individual gains from member states can distort the intention of the organization, political pressure subsumes this concern by motivating member states to uphold fundamental pillars of democracy and human rights as a remark of acceptance.

From its methods of operating under a voluntary basis and providing incentives for member states to join, this has allowed the organization to thrive under a soft power lens. With its influence, other organizations and nation states around the world are able to adopt the ECHR as a reference point for international law and human rights. With the ECHR being its highest achievement, it has allowed the Council to develop the reputation of a “Human Rights Watchdog” over the years – a credible position on political and social decisions from being the oldest political organization and enforcing a convention that has been successfully internalized within a region. Even with its own treaties making a statement for themselves, a trans-regional organizations’ interaction with others can impact both their identity and recognition by association. Within the Council, states are categorized into two categories, member states and observer states. There are currently 5 Observer states (Canada, Holy See, Japan, Mexico, and the United States of America) who are non-European nations that are still willing to comply with the conditions of the ECHR. Essentially, observer states are established alliances for the Council and a formal endorsement from the international spectrum. This shows that the ECHR can extend outside of their physical boundaries, without imposing their norms deliberately, onto other nation-states outside of the European region. The inclusion of observer states helps strengthen the CoE’s reputation among credible observer states while also improving internal diplomatic efforts as observer states’ input is taken into consideration.

Within the Council of Europe, there is a distinct balance between a collective trans-regional organization identity and maintaining national sovereignty within member states. The reason for its success can be attributed to the notion that member states are able to act individually under a collective framework that promotes engagement and collaboration. In this

case, without proper enforcement, the CoE provides a litany of incentives for members to join, ranging from preventing political isolationism, advancing smaller regimes, and paving way for future membership into other organizations. Member state's initiative to act accordingly and deliberately within the Council, has established the credibility of the organization as a whole, particularly with observer state alliances. The fact that member states can act on their own accord in following the organization's resolutions helps give credence to the authority of the Council. While every organization possesses internal flaws, the CoE's influence is a major advancement within international human rights. Rather than coercing nation states within and outside the organization to uphold the Council's beliefs, it focuses mainly on its internal structure. When the foundation of the organization is concentrated within the region without looking to expand, it allows a centralized emphasis on internal stability and strength that eventually extends to other regions. Through the creation of the ECHR, the Council's ability to project norms onto the region has exponentially increased in which the organization establishes influence, not power, within the international spectrum. This mode of passive influence is rooted within a credible and authentic organization, such as the CoE, who continue to preserve its original goals and intent.

Commonwealth of Independent States

The Commonwealth of Independent States (CIS) has, in many respects, shed light on examples of how an international organization should not be run. This is because it has failed to successfully implement three key themes critical for organizational success. These three themes are: intra-organizational dialogue and collaboration, economic dialogue and integration, and respect for member state sovereignty. The lack of these standards is evident within the CIS. First, there is little enthusiasm nor collaboration between its member states. Second, the organization has had subpar economic success and has had difficulty economically integrating its member states. Third, the presence of a dominant, hegemonic power, which has infringed upon the national sovereignty of its fellow member states, creates difficulty in further forging its intra-organizational relations. This section will analyze the CIS, how it has lacked these themes throughout its organizational history, and how learning from these mistakes can help strengthen ASEAN as an organization.

The CIS was formed on December 8, 1991. Initially signed by Russia and the newly independent republics of Ukraine and Belarus, the organization today includes Russia, Belarus, Moldova, Armenia, Azerbaijan, Kazakhstan, Tajikistan, Kyrgyzstan, and Uzbekistan. Georgia and Ukraine were formerly members of the organization, but left in 2008 and 2018 respectively following tensions with Russia. The intentions behind the formation of the organization were “to manage the Soviet breakup and preserve many of the pre-existing economic, political, and military ties among the Soviet republics” (Keyler 2009). The organization was an adjustment to the changing geopolitical climate following the Soviet breakup, and a way for Moscow to

maintain a grip on its security and geopolitical interests in its former states. In its pilot year, the CIS conceived a broad range of intergovernmental institutions such as the Council of the Heads of State, the Inter-Parliamentary Assembly, and the CIS Economic Court, which allowed for the endorsement of over 250 resolutions and accords to clarify its mission (Keyler 2009). The CIS charter was ratified in Minsk, Belarus on January 22, 1993, and intended the organization to foster the “further development and strengthening of the relations of friendship, good neighborliness, inter-ethnic accord, trust, mutual understanding and mutually advantageous cooperation among the member states,” with a remit that included, “cooperation in economics, security, the environment, human rights, social and cultural development, and work towards the ‘spiritual unity’ of the peoples of the member states” (CIS Charter 1993). While the CIS charter was scribed with productive values and goals, issues surrounding the paucity of the first theme, intra-regional dialogue and collaboration, were immediately highlighted upon its ratification.

Enthusiasm and morale surrounding the organization’s inception were already low because of the unstable political climate of the region, and the Moscow-centered pre-existing socio-political norms of the Soviet Union would prove to make progressive organizational dialogue and collaboration arduous. The lack of a clear regime in many of the newly formed post-Soviet republics also generated rampant disorganization throughout the ratification process, causing some states to take years to officially join the organization. Georgia, for instance did not officially join the CIS until 1993, Moldova declined to ratify its CIS membership until 1994, and Azerbaijan removed itself from the organization in 1992, only to rejoin in 1993 following a coup that overthrew its previous government (Kubicek 2009). The lack of coherence during the CIS’ founding led to the failure of many accords initially proposed by the CIS, such as a joint-military

command based in Moscow, the allowance of each member state to maintain its own nuclear weapons, the implementation of democratic, neoliberal political systems, and the establishment of market strategies and privatization of state economies. In place, the CIS continued to pass numerous resolutions with the goal of projecting norms, yet failed to collaborate on intra-organizational projects and accords to further develop the organization (Kubicek 2009).

Within the CIS, state cooperation is practiced through “consensus of interested parties” (CIS Charter 1993). A member state does not have to comply with or ratify an agreement or accord if they do not wish to do so, allowing states to only ratify agreements that benefit them or suit their needs. This has also caused a divergence in thought surrounding how member states view the organization and the legitimacy of its power (Kubicek 2009). For example, Ukraine was able to add its own reservations on agreements and accords involving freedom of movement, collective defense, and foreign policy. As Carmen Amelia and Gayoso Descalzi of the London School of Economics state, instead of maintaining a platform for the further development the organization in equal compliance, the countries of the CIS “share a ‘common condition’ in that the CIS region is defined by a hegemonic system of power around Russia. Within this system, sub-groups exist that exhibit different relationship types with Russia. Countries that consent to some form of hierarchy around Russia form a relatively tight group, whilst those that dissent engage in relatively anarchical relations with Moscow” (Amelia et al. 2011). Dialogue and collaboration within the CIS are undertaken by Moscow and its supporters rather than the organization as a whole. For this reason, the “absence of an organizational-legal mechanism for implementing interstate decisions” (Rakhmatulina) is listed by the UN as the primary problem the CIS faces in dealing with organizational deficiencies.

Poor economic dialogue, as well as low levels of economic integration and success also stem from the issue of Russia hegemonically dominating the CIS, and the organization's economic woes further portray the lack of cohesiveness between its member states. From the shaky conception of the organization until 2000, all intra-CIS trade dropped by a shocking 81%, and the total CIS trade output in 2000 was one third lower than in 1991. However, CIS trade to countries outside of the organization doubled within this same time frame. The two most prominent reasons behind this shift were the Russian Financial Crisis of 1998, and Russia's major markdown on oil prices following the crisis (Elborgh-Woytek 2003). The Financial Crisis, sparked in part by the Russian military's attempt to crack down on the Chechnyan insurgency, caused the ruble to be completely devalued, thus destroying the economies of many poorer and less developed CIS states. To build its economy up from ruins, Russia marked down its crude oil prices significantly. This allowed Russia to pull its economy out of turmoil and increase its trade output to non-CIS states. Russia now makes up 60% of the total trade output for the organization, and to a member state such as Armenia, exports 51% more than it imports from them. Smaller CIS states, on the contrary, which did not have the resources or human capital to grow out of the financial crisis, were left with economic devastation. Nations such as Moldova, Georgia, and Armenia never truly recovered (Elborgh-Woytek 2003).

Prior to 2012, trade between the member states of the CIS was negotiated through a multitude of bilateral and multilateral trade agreements. In order to further the economic integration and collaboration within the organization, the CIS established a formal free trade area in 2012, removing all customs and tariff barriers. However, this CIS Free Trade Area has become a perfect representation of the organization's lack of collaboration, economic success,

and respect for sovereignty. To begin, the treaty designating the free trade area was initially only signed upon by three members, Russia, Belarus, and Ukraine. Azerbaijan has still not ratified the treaty to this day. There are still formal non-trade barriers preventing free intra-organizational trade within the CIS such as price and quantity control measures and control regulations, however, the “availability of databases and empirical studies providing quantitative estimations of NTBs and their impact on trade and economic development in the CIS countries is very limited” (Taran 2008). Rather than having formal trade barriers barre intraregional trade and integration, most trade barriers within the CIS are “characterized by a wide presence of informal barriers, including corruption, poor law enforcement and illegal practices, as well as institutional weaknesses, underdeveloped infrastructure” (Taran 2008). On January 1, 2016, Ukraine applied to become part of the European Union’s, Deep and Comprehensive Free Trade Area (DCFTA), a free trade area which integrates non-EU member states into the larger European market. Leading up to this application, Russia signed a decree suspending Ukraine from the CIS’ Free Trade Area in December of 2015, to which Ukraine placed trade restrictions on Russia. Currently, there are three present and former CIS member states that are a part of DCFTA: Ukraine, Moldova, and Georgia (Sadowski et al. 2014). Interestingly, these are the three nations which Russia has supported separationist movements within.

Member state sovereignty is perhaps the most compelling theme analyzed in this section due to the amount in which it has been disrespected within the CIS, and Moscow in particular. The CIS Charter championed protecting member states’ security, yet many of the security threats endangering the organization came from within or between the member states, and in most cases, from conflicts involving Russia. For example, the Russian government supported the South

Ossetian separatist movement in Georgia almost immediately after the formation of an independent Georgian state in 1991, supplying the rebel forces financially and militarily. For nearly two decades, Russia would completely fund a rebel government that was almost universally unrecognized. In August of 2008, Georgian forces moved into Tskhinvali, the South Ossetian capital, in an attempt to reclaim its territory. A series of cross-border battles heightened with a Russian military invasion of the region, killing several hundred people and displacing thousands of Georgians in an “ethnic cleansing of South Ossetia’s Georgian population” (Demytrie 2018). Georgia immediately withdrew from the CIS following the events.

Russia now fully funds and controls all South Ossetian governmental and military matters, has given Russian citizenship and issued a Russian passport to each citizen, and has set up several military bases to monitor the region. Russia has also constructed permanent fencing surrounding the region, and prohibits the crossing into South Ossetia by Georgian citizens. These actions have separated the friends, family, and property of Georgians living in the region, and have infringed upon their autonomy as well as the state’s (Goryashko 2018). Moreover, Russia has supported several other similar separatist movements and annexed sovereign territory in the Georgian region of Abkhazia, the Moldovan region of Transnistria, and the Crimean Peninsula in Ukraine. The Russian annexation of the Crimean Peninsula, as well as Russian aggressions in eastern Ukraine and interferences within the central government, sparked Ukraine to officially leave the CIS in 2018 (Waller 2018).

Aside from separatist government support and territorial annexation, Russia has taken several other measures militarily to infringe upon CIS member state sovereignty. Following the failure to develop a joint-military command for the organization in 1993, Russian military took

full ownership of each nuclear weapon each CIS member had inherited following the collapse of the Soviet Union. Russia also has pressured Ukraine to relegate the entirety of the Black Sea Naval Fleet to Russian military forces following the annexation of the Crimean Peninsula. This has caused CIS states to suspiciously caution Russian ‘peacekeeping efforts,’ within the organization, and made them wary about forming a military coalition that would be dominated by Russia due to its superior political and economic prevalence (Kubicek 2009). In response, Russia has stated that it views the CIS region as its ‘sphere of influence,’ and that they have “the right to intervene in CIS states to protect the rights of ethnic Russians” (Kubicek 2009).

The primary lesson that ASEAN can take from the CIS in developing a sense of regional identity while still maintaining each member’s national sovereignty is clear: do not let a single country be the domineering power behind the organization. Within ASEAN’s member states, while each nation does vary in GDP, overall industrial development, and total exports, no one country truly commands the helms of the organization. One could argue Singapore, which has the highest GDP per capita of the ASEAN nations by a huge margin at 63,987 USD, is the domineering financial power. One could argue the same for Indonesia, which maintains ASEAN’s Secretariat in its capital city of Jakarta, as well as the organization’s largest population, military, and overall GDP. However, neither state has enacted its will on the sovereignty of another, nor controls the political agenda of the organization (Sasipornkarn 2019).

China, while not an ASEAN member, has taken and continues to take measures that infringe upon the state sovereignty of several ASEAN nations in the same light that Russia has infringed upon the sovereignty of many CIS nations. In 1974, the Chinese military seized the Paracel Islands from Vietnam, killing approximately 70 Vietnamese troops in the process. In

1988, the two nations conflicted again over the Spratly Islands, with Vietnam losing an additional 60 troops as well as the islands' possession. Since then, China has constructed numerous naval bases on the archipelago in order to ensure its legitimacy, and claims autonomy to territorial waters of three other ASEAN nations, Malaysia, Brunei, and the Philippines. This disrupts essential maritime trade routes for the organization, and jeopardizes resourceful fishing waters as well as oil and natural gas reserves. In 2012, a severe maritime standoff ensued between China and the Philippines when Chinese fishing vessels were illegally spotted in the waters off of Scarborough Shoal, an atoll which both nations laid claim to. The Filipino navy attempted to arrest the fisherman, yet were blocked by Chinese marine surveillance vessels. China and the Philippines eventually agreed to demilitarize the island until a proper deal of its ownership could be reached. While the Filipino navy abandoned the island, the Chinese navy stayed put, constructed blockades surrounding it, and forbade non-Chinese fisherman from using the waters (BBC 2016). This type of infringement upon territorial and international waters is similar to the action taken by Russia in supporting separatist movements combating fellow CIS member states. If tensions should arise between China and an ASEAN nation reliant on the South China Sea for trade and resources, such as the Philippines in 2012, they could enforce a naval blockade that could devastate its economy or seize fishing waters for Chinese use only.

China has significantly increased its trade output, and therefore its influence in Southeast Asia as well. The Financial Times reported that in 2000, "China was a less significant source of imports into south-east Asia than either Japan, the US, or the EU. Now (2018) it accounts for about 20 percent of the value of all goods imported in the region, up from 5 per cent in 2000, making it the region's biggest and fastest-growing single source of imports. The value of the

goods China exports to ASEAN is more than double that of Japan” (Reed et al. 2018). China has also launched the Belt and Road Initiative (BRI), which is a “vast collection of development and investment initiatives would stretch from East Asia to Europe, significantly expanding China’s economic and political influence” (Chatzky et al. 2020). Plans for the project include the construction of a vast network of railroads, gas and oil pipelines, roadways, factories, ports, and Special Economic Zones with Chinese expenses are expected to reach 1.2 trillion USD by 2027. This massive influx of infrastructure and investment could make an immediate positive impact in ASEAN’s poorer nations such as Myanmar and Cambodia, but it also runs the risk of a member state compiling massive amounts of debt to a Chinese state-owned-enterprise, which would be harmful to the organization as a whole. China is also growing the economy of ASEAN nations through tourism, particularly in Vietnam and Thailand. For example, Thailand was visited by thirty-three million tourists in 2016, and Chinese tourists accounted for 27% of that total. This is more than three times the number of Chinese tourists that visited Thailand in 2012. Air Asia, the largest budget carrier based in the ASEAN member states, “operates 274 weekly one-way flights between mainland China and ASEAN cities, up from 197 in 2013” (Reed et al. 2018). While this influx of Chinese tourists is beneficial to the tourism industry in ASEAN nations, it can be, and has been, used as an “economic weapon” to devastate its tourism industry. For example, many Chinese travel agencies cancelled their tours to the Philippines following the Scarborough Shoal Standoff in 2012 (Reed et al. 2018).

While China imposes the most hegemonic threats to ASEAN as an organization and as a region, they is a member of the ASEAN Plus Three Cooperation, which was adopted in 1997 following the Asian Financial Crisis with the mission “to strengthen and deepen East Asia

cooperation at various levels and in various areas, particularly in economic and social, political and other fields.” A joint statement, presented at the eleventh APT Summit in 2007 affirmed that “the ASEAN Plus Three Process would remain as the main vehicle towards the long-term goal of building an East Asian community, with ASEAN as the driving force” (ASEAN 2016). Because of this, China has an obligation to respect the rights of and sovereignty of the ASEAN nations, and to aid and encourage their further development. Any steps taken by China to seize territory, resources, impose military power, or affect the flow of trade run contradictory to the mission of the cooperation.

Another key lesson that ASEAN can take away from the CIS, in order to form an identity within member state sovereignty, is that its member states must continue to economically integrate themselves. This would be beneficial to the United States as well. The US currently has over 306 billion USD invested in the ASEAN nations, and the region comprises the US’ fourth largest trading partner, with a two-way trade total of over 292 billion dollars. Singapore alone is home to the offices of over 4,200 US companies. This could also help ASEAN appropriate American corporate investment from China. A survey conducted by the American Chamber of Commerce in China in May, 2019, found that “40 percent of its surveyed members [American businesses operating in China] had either begun to shift their production outside of China or were thinking of shifting their production out of the country. Of those planning to leave China, more than half listed Southeast Asia as the location they are considering relocating to” (Upton 2019). However, many companies are “skeptical about ASEAN economic integration and the ASEAN Economic Community. Their experience on the ground shows that our journey is

incomplete and there remain non-tariff barriers to doing business across borders. They feel that ASEAN has not yet become a single market” (Koh 2018).

The ASEAN free trade area was established in 1992 and now allows each ASEAN member to trade amongst each other without tariffs or customs. However, non-tariff customs barriers such as customs surcharges, product characteristic requirements, and monopolistic measures continue to slow the formation of a single ASEAN market. In fact, while 98% of total intra-ASEAN tariffs have been eliminated between its six largest economies, non-tariff measures between ASEAN member states rose from 2,000 to 9,000 between 2015 and 2019, and non-tariff measures currently affect 100% of the trade in Vietnam, Thailand, Cambodia, Laos, Singapore, and the Philippines (Lohatepanont 2019). Current intra-ASEAN trade is only at 25% amongst its member states, a percentage similar to that of the CIS (Reed et. al 2018). To compare, intra-organizational trade within the EU, an international organization with profound integration and identity, is 64% amongst its member states (Elborgh-Woytek 2003). ASEAN is not the EU, and does not need to strive for such a level of economic integration, yet must aim to increase its economic dependence on its own member states rather than third countries such as China. Regionalism in Asia is “mainly-market driven and constructed around partnerships between the private sector, playing a crucial role in the process, and the state” (Chen et al. 2017). Hence, governments of the ASEAN member states are driven together by economics and market possibilities more so than by politics. Transitioning ASEAN into a more integrated economic zone would have a direct positive effect in intra-organizational dialogue and collaboration as well, thus helping to develop an organizational identity (Ariff 1997). If regionalism in Asia is

truly defined through a nation's key economic partners, then this is the optimal way to construct a strong identity within ASEAN.

Shanghai Cooperation Organization

The Shanghai Cooperation Organization (SCO) is a Eurasian political, security, and economic alliance that was announced in June of 2001, formally created in June 2002, and came to actualization in September of 2003. The SCO is an expanded version of the Shanghai Five (1996), which included China, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan. The Shanghai Cooperation Organization's current members include: the People's Republic of China, the Republic of India, the Republic of Kazakhstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, the Republic of Tajikistan, and the Republic of Uzbekistan. The SCO's observer state members include: Iran, Byelorussia, Mongolia, and Afghanistan. The SCO's dialogue partners include: Armenia, Turkey, Sri Lanka, Nepal, and Cambodia. This is not an organization based on cultural similarities, but rather an organization of successful partnerships. The SCO's supreme decision-making entity, the Heads of State Council (HSC) holds an annual meeting at which all relevant matters are discussed and decided on. The SCO also conducts regular military exercises to promote cooperation and reliability against both external and internal threats. These include terrorism, counterterrorism, regional threats, political threats, separatism, and extremism. These exercises also promote regional stability. The SCO is the largest regional organization in the world, covering three-fifths of the Eurasian continent and almost half of the world's population (Shanghai Cooperation Org. 2020).

The SCO was created by its members to combat the three evils: ethnic separatism, religious extremism, and international and domestic terrorism. It was also created to foster greater collaboration and establish regional partnerships. The SCO's member states desired for

an entity that could reliably pursue the items on its collective agenda with success. As the organization's most powerful members, China and Russia receive obvious benefits from transregional cooperation both within the region and on the greater global stage. These include greater economic prosperity, wider distribution access, larger markets, growing soft power in the region, and a relatively natural way to build partnerships (Yuan 2010). As the SCO prides itself in its protection of sovereignty, these two powers will need to proceed carefully to avoid alarming the already-hesitant Central Asian states. But, the tensions between China and Russia cannot be ignored. To circumvent the image of either nation puppeteering the SCO for individual benefit, the SCO stresses that it is not an alliance following a singular direction, but rather a partnership of countries working collaboratively to proactively address their regions' problems. Having existed since the SCO's inception, the further realization of these goals can be seen in the language of the joint statement published after the 6th Meeting of Ministers of Justice of Member States of the SCO in 2018:

“In the further successful development of cooperation and consolidation of partnership and an open dialogue existing between the ministries of (law and) justice” and with the proposition and agreement of the following multilateral and multinational agenda points:

“Stating mutual understanding reached in matters related to developing the legal systems of the SCO member states, considering agreements and tasks enshrined in the SCO Development Strategy Towards 2025, the ministers of (law and) justice of the SCO member states declare the following:

1. The development of cooperation between the ministries of (law and) justice of the SCO member states is in conformity with the goals and principles of the SCO Charter, the Treaty on Long-Term Good-Neighbourliness, Friendship and Cooperation of the SCO Member States, and the SCO Development Strategy Towards 2025.
2. The interaction between the ministries of (law and) justice of the SCO member states facilitates preservation and expansion of mutual trust, good-neighbourliness and friendship between the SCO member states.
3. The ministers of (law and) justice regard as their priority the continuation of interaction in improving the mechanism for rendering legal services to physical persons and/or legal entities and in the key areas of judicial expert activities.
4. The ministers of (law and) justice stress the importance of counteracting the spread of modern threats to international security based on the generally accepted norms of international law and international treaties accepted by the SCO.
5. The ministers of (law and) justice note the importance of the establishment of working expert groups for judicial expert activities and for legal services of the Conference of SCO Justice Ministers and emphasise the need for active and purpose-oriented work to implement their Plans of Events for 2018-2020.
6. The ministers of (law and) justice took note of Russia's report regarding the draft SCO Convention on Legal Assistance and Legal Relations in Civil and Criminal Cases. To carry out the instruction of the SCO heads of state, as

envisaged in the Qingdao Declaration, the parties will continue their effort to form the SCO contractual and legal infrastructure related to rendering legal assistance to citizens and legal entities in civil and criminal cases by signing a relevant SCO convention.

7. The ministers of (law and) justice will actively help to implement the present Joint Statement.”

Looking towards the future, the SCO’s long-term effectiveness in promoting regional stability, economic prosperity, and development—its established goals—depends on how its member states formulate their common identities and norms while addressing mutual concerns. The SCO emphasizes that the organization is not a military alliance, but the embodiment of a new vein of security development working to protect sovereignty and promote collaboration through common interests. Despite the initial fears related to hegemonic states, specific agendas, and a weak organizational structure, the SCO has proven that it has the collective ability to stabilize the Eurasian region while providing its members with a new path towards development distinctly outside of the traditional colonial method. However as the region experienced growing connectedness, greater issues arose. Due to the continued destabilisation of the Afghanistan region and Taliban related terrorism, harbored reservations about China’s growing influence from Moscow, and growing Western apprehension about the Eurasian geopolitical rise, the SCO will need to proceed with its regional identity-building very carefully (Yuan 2010).

In order to unify these diverse Eurasian countries, the SCO had to discern distinct principals that could bypass historical sensitivities while also promoting mutual understanding and respect. The political and economic aftermath of the collapse of the Soviet Union and the

formation of the Commonwealth of Independent States (CIS) in 1991—discussed further in the CIS portion of this analysis—created an identity within Eurasian governments that prioritized sovereignty. There was also outstanding need for a transregional organization that could formulate successful collaboration. The SCO's foundational identity is based on anti-colonial and anti-imperial initiatives, allowing the organization's framework to be very transmittable across Eurasia.

The SCO's functionalist approach—discussed later—paired with the typically highly centralized government structures across the member countries, allowed the two to integrate well, and the SCO's initial initiatives relating to the three evils have seen much success. Ethnic separatism has been reduced, religious extremism is better contained, international and domestic terrorism is more successfully contained, and greater collaboration goals have all been realized as the countries continue their successful dialogues and intragovernmental communication. A complete and thorough analysis of these collaborations is beyond the scope of this particular paper. What can be shown, however, is that these countries do have active and successful communications. As the SCO expands its influence and areas of operation, the organization is finding itself lacking an identifiable and unitable shared identity for the SCO region. Current identifiable features of the SCO identity are related to its desire to continue maintaining the current global hierarchy, foundational systems and relationships, and of the organization's decolonization and sovereignty agenda. The SCO, with China as its engine, is able to wield a hefty model of supporting a new form of international relationship that is founded on the “right of all countries to safeguard national unity and their national interests, pursue particular models of development and formulate domestic and foreign policies independently and participate in

international affairs on an equal basis” as written in the *Declaration on the Fifth Anniversary of the Shanghai Cooperation Organization*. Unlike previous Russian and Western-dominated entities, the SCO provided its members with a path to economic development that was an alternative to the traditional colonization model (Dadabaev 2014).

The functionalist approach to intergovernmental cooperation creates a political environment where social and cultural differences carry less weight than in traditional intergovernmental organizations. This approach allows entities to collaborate closely while bypassing sensitive social, technical, and humanitarian matters, enabling them to then concentrate fully on solving the relevant political matters. It is innately different from more traditionally recognized Western forms of regional organization. For example, instead of being based on shared values and political ideologies, the SCO’s cooperation schemes are rooted in effectiveness, functionality, and sovereignty. The functionalist approach supports the CA states in their hesitation related to previous negative and unsuccessful regional integration attempts following the post-Soviet period (Dadabaev 2014).

Early SCO norms were largely based on the “Shanghai spirit” decision-making principle, which was dominant within the preceding organization, the Shanghai Five. This “Shanghai spirit” includes: mutual trust, mutual benefit, equality, consultation, respect for cultural diversity and the pursuit of common development. This approach to regional cooperation is very similar to ASEAN’s own standards of operation. While the SCO experiences less cultural, political, and economic tensions than ASEAN, both entities have successfully promoted regional integration for their members. This approach (discussed later) to collaboration also prioritizes voting by

consensus as the mode for addressing elements within the greater structure of the organization (Aris 2009).

As the SCO's efficacy in dealing with border issues, coordinated antiterrorist efforts, coordinated efforts against the spread of separatism and religious extremism grew, the organization's objectives shifted towards expanding economic ties and transregional infrastructure development while working to maintain the momentum they had achieved in their previous efforts in peace and security. This shift is important in understanding the priorities and abilities of the players in the Eurasian political sphere moving forward. As these governmental bodies shift their focus from immediate issues and begin discussing issues that are less clear and more difficult to navigate, the emphasis placed on the functionalist approach will have to adapt as regional differences (in technology, education) become more relevant, and as Eurasian societies become more interdependent. A less clear modern global situation (when compared to the post-soviet environment) translates to a different understanding of collaboration norms that tend to vary region by region. Due to the PRC's unparalleled dominance, both politically and economically within the SCO, the smaller governments in Eurasia will need to find innovative ways to stay in the conversation while still maintaining their sovereignty within the collective. The SCO, as it grows its membership base, expands upon its relevant agenda, and seeks to have more comprehensive approaches to cooperation will need to adapt its identities and norms in accordance with the changing priorities of both its louder and softer voices (Dadabaev 2014).

As the SCO's member states articulate their desires for the greater agenda, they must appeal to the organization's stronger players goals for the region. Currently, China and Russia are focusing more on regional diplomatic issues, while the smaller CA states are calling for a

greater economic focus. The CA states are still prioritizing infrastructure development, like trans-regional railways, while the organization's larger economies have moved onto broader issues (Hashimova 2018). The below excerpt from the fifth anniversary declaration of the SCO in 2006 highlights this aspect of a competing set of agendas:

“As articulated by SCO Secretary General Nurgaliev...the main challenge for these states is 'to create common political, economic and informational space and to instil in the peoples of the six nations a sense of having a shared destiny'.[39] As recognised by the SCO members, this goal will require efforts 'to strengthen and expand social foundation for friendship and mutual understanding among SCO member states', which are regarded as 'an important way to ensure SCO's resilience and vitality'.[40]” (*Declaration on the Fifth Anniversary of the Shanghai Cooperation Organization 2006*).

The cooperation norms within the SCO are based on success. Cooperation in any region prioritizes one or two items, then after the successful realization of the goal, that cooperation grows, adding more intricate levels of reliance, tasks, and responsibilities for the member-states. The level of achievement sets the stage for the next project; if only small success is achieved, then the next agenda's goals will be much more conservative. To create a more easily adapted collective identity, as well as to draw the perception of influence away from China and towards the rest of the CA states, the SCO aims to intensify people-to-people contact rather than government-to-government and government-to-people contact. Unlike the literal people-to-people dialogue created by Eisenhower in 1956, this form of people-to-people dialogue is centered around establishing a trans-regional sense of community for the member

states' governments rather than individual connections (Xinhua 2020). China needs to ensure the rest of the CA states that it has no desire to become hegemonic. China needs to also play a delicate balancing act with Russia, still respecting Russia's historical role in the region while navigating its economic supremacy. This idea of China's supremacy and influence strictly within the SCO and the Eurasian region also comes from its lack of reciprocity in cultural, economic, and political exchanges. For example, there are a multitude of Chinese cultural centers (Confucian Institutes, etc.) across the Eurasian regions, but there are not any similarly-functioning initiatives bringing Eurasian culture into China (Yuan 2010).

Knowing that China has a distinctly different approach to intergovernmental coordination, domestic and international security, cultural ideologies, ect., that are fundamentally different (from the "West") understandings of government and society, how will the SCO with China at its helm, transcend this suspicion? One example of this difference is the PRC's approach to security: establishing multilateral security dialogues as an alternative to traditional military alliances. Another, possibly the biggest, is the style of government (Yuan 2010). The PRC functions as a unitary, socialist, communist, state. These words terrify those that live under a democratic-republic style state due to the implications associated with the lack of personal freedoms. Those who have lived in China can relate that one effectively trades personal freedoms (speech, assembly) for security (Kampfner 2010 Ch. 2). This trade-off is understandable, with great benefits and great consequences within each style. But, it is this fundamental difference (governing style) that is the main source of modern-day tensions. Western governments' previous experiences with these types of unitary states are filled with terror and evil. Because of these previous scars, the West is fighting China's rise under claims of

unknown agenda, secrecy, ect. Only recently was China accepted into major global institutions, albeit under great scrutiny and suspicion. Being tied to the PRC, the SCO receives these same suspicions. As the PRC becomes a stronger player on the global stage, the entities that it supports also gain a growing international audience, having both positive and negative implications.

Both the international and domestic perception of the SCO is hinged on its media and government portrayal. For example, the PRC's president, Xi Jinping delivered a speech at the 19th SCO summit in Kyrgyzstan in 2019, from which many rallying and ideological quotes (listed below) were broadcasted across media platforms and government entities.

“We shall shoulder the substantial trust of the people of all member countries of the SCO with our thoughts and efforts directed towards one goal and continually gather powerful forces to achieve common goals.”

“Innovation-driven development shall also be our top priority. The digital economy, e-commerce, AI and big data are all fields for our next round of cooperation.”

“We shall cherish the diversity of civilizations, we should not follow the outdated mindset of a zero-sum mentality, and we shall draw inspirations from each other to bring new impetus to our cultural exchange.”

“There is an old saying in Kyrgyzstan: Life's strength relies on cooperation. Let's work together to produce practical outcomes, and take the SCO towards a brighter future.”

Since its creation in 2001, the SCO has had the international perception of an anti-Western organization formulated to counterbalance the West's influence in Eurasia, as well

as a powerful extension of China and Russia's agendas. This point of view, as listed in Aris' 2009 work titled, "*Global Alternatives, Regional Stability and Common Causes: The International Politics of the SCO and its Relationship to the West,*" unfortunately, dominates the perception of Eurasian politics and developments. There exists a very traditional view of hierarchy that as one rises, the others must fall, or that there is an innate competition for supremacy where there is a singular winner.

The other view of the SCO mentioned in Aris' 2009 work is that it provides a nontraditional path towards greater development and economic interconnectedness for countries wishing to preserve their sovereignty. These two perceptions represent different approaches to the self/other dynamic within foreign policy. The former represents a surface level, very distinct us versus them framework, while the latter represents a much more subtle distinction between groups of culturally similar people that could likely be within the same international borders. The latter specifically relates to protecting sovereignty, and places less emphasis on the self/other and us/them frameworks. This directly links to a collective identity building framework. This form of collective identity is more closely associated with organizations like the European Union (EU). SCO membership is more directly bound by realistic, functionalist goals and agendas. But, one must also recognize the fluidity of these associations and identities within the self/other dynamic. For the SCO, the regional security and vast potential for economic interaction is the main pull for members to join. There is a seemingly endless set of potential political partnerships and economic opportunities for all members involved under collective collaboration within the SCO region (Aris Snetkov 2013).

In the years since its inception in 2001, the SCO has accomplished much as an organization. It has succeeded in fostering and guiding the region's greater collaboration, but as tensions between national sovereignty, regional identity, and organizational strain grow, the SCO will need to rely further on an established regional identity in order to unite the region. Its early successes in fighting the three evils (terrorism, separatism, extremism) have set the stage for a very influential regional organization. At present, the items on the agenda are much more convoluted. These include: expanding economic ties, transregional infrastructure development, identity development, and the perception of Chinese dominance. Its anti-colonial and anti-imperial narrative are instrumental to its past and current successes. Moving forward, I predict that the SCO will experience growing strains on intergovernmental collaboration as its larger economies become stronger, thus requiring greater regional identity in order to support the smaller CA states. To make the SCO a more successful international entity, the organization must cement its shared regional working narratives and secure its efficacy and usability within the regions by promoting successful collaborations and growing dialogue centered around the appreciation of its differing cultures.

The SCO saw vast success in its original goals of border security, fighting terrorism, separatism and extremism, and regional confidence building. As the organization grew, so did its agenda, becoming a regional authority backed by China and Russia. As the SCO's goals rose to encompass issues like economic development and greater cooperation amongst non-governmental entities, the growing need for a regional, collective identity also became present. The current SCO identity broadcasts anti-colonial and anti-imperial narratives, which effectively unifies the CA states. But, as the SCO and its driving members (China and Russia, in

that order) become even more influential within the region, the smaller CA states will increasingly call for a greater regional identity that is progressively addressing the common visions, goals, and values present in the smaller CA states. While anti-Russian sentiments within the SCO region stem from Russia's previous imperialist agenda, anti-Chinese sentiments and mistrust from within the CA states stem from differing cultural values and norms (Dadabaev 2014).

Asia-Pacific Economic Cooperation

Since its establishment in 1989, the Asia-Pacific Economic Cooperation, or APEC, has grown to 21 economies along the Pacific Rim representing 44% of all world trade and 53% of the global gross domestic product (Hsieh 2013, 120). The impact and importance of this organization cannot be understated, however scholars have long argued about its success and its capacity to function as an organization much like ASEAN. These two institutions have many things in common from a diverse range of members to its decision-making mechanism, however the progress that APEC has shown in meeting its goals provides evidence that a flexible framework for regional integration and identity can work successfully. In this [chapter, part of overall diplomacy lab paper], we will first analyze APEC's history and goals to examine what they have accomplished as well as the challenges it faces as an international organization. Second, we would explore the norms and how APEC functions as an organization to determine its identity in relation to member state cooperation. Lastly, we will consider APEC's perception to determine at what extent is APEC 'powerful' in providing lessons that ASEAN can learn from.

APEC was established for the sole purpose of trade and economic matters. Ideas for such a pan-Pacific organization began as early as 1960 with Japan and its proposal for an Asian development fund. Subsequently in the 1970's, the building blocks for APEC were set with the creation of the Pacific Basin Economic Council, composed of representatives from the private sector of Australia, Japan, New Zealand, and the United States, and with the establishment of ASEAN in Southeast Asia. The rapid growth of regionalism in the area ultimately led up to a

proposal by Australian Prime Minister Bob Hawke in 1989 to establish a “more formal intergovernmental forum in the region” as opposed to smaller intra-regional or bilateral meetings existing at that time (McKay 2002, 44). Later that year in Canberra, commenced the first APEC meeting composed of foreign ministers of the original 12 members, also known as ASEAN +6: Australia, Canada, Japan, South Korea, New Zealand, and the United States (McKay 2002, 42-44).

During that time and still today, APEC stands as the first organization to try and bring together the theoretical “trans-Pacific community” (Chen 2005, 367). Regional cooperation in this large zone was non-existent before, but as APEC expands to 21 members, and while there are difficulties with this, it still allows for the Pacific Rim to engage as well as bring together an ad hoc, but common agenda for its regional interests. Through its non-discriminatory principles, APEC has helped to bring together the major powers and smaller states in a common platform for dialogue, and this in itself is a remarkable feat considering the diversity in economies, culture, and history throughout the illusive pan-Pacific region (Acharya 1997, 325).

As there was widespread support for this new organization by the member-economies’ leaders, there was less of an agreement on what precise role the organization should play. Being that its establishment was not based on a treaty, it exists purely as an institution that promotes economic integration through a non-binding or “soft-law approach” (Hseih 2013, 120). This method was pushed heavily by the ASEAN members who believed that APEC should remain loose and is consensus-based with a small Secretariat as opposed to a tighter, rules-based approach heralded by the so-called “Western” minded-members such as the United States and Australia. This divide is representative of the wide array of views on both sides of the Pacific,

but with that flexibility, APEC can play many roles and to each member, it evolves to serve its purpose to promote economic progress.

Finally, in the 1991 Seoul Meeting Declaration, the members agreed on what is known as the “Three Pillars of APEC” to centralize their focus:

1. Strengthening the open multilateral trading system;
2. Achieving free and open trade and investment in the Asia-Pacific by a process of facilitation and liberalization;
3. Intensifying development co-operation in the region (Weixing 2013, 69).

These goals adopted also established the guidelines for which to address how success APEC has been in its agenda, but it should be noted that the vagueness in the Three Pillars once again expresses the flexible framework that APEC works in (McKay 2002, 45). Nevertheless, the main overarching objective that APEC has set itself came out of the 1994 Indonesia Meeting called the “Bogor Goals” (Ibid). It called for the region-wide trade liberalization with a 2010 deadline for developed economies and a 2020 deadline for developing economies. But, due to the organization’s norms involving its non-binding and soft law approach as well as the Asian financial crisis in the 1990’s, progress is yet to be seen in the Bogor Goals.

However, it should be noted that today all of the economies in the grouping are involved in one or more of the major free trade negotiations from the Trans-Pacific Partnership, which grew out of APEC, to the Regional Comprehensive Economic Partnership, and countless more bi-lateral agreements even though APEC itself remains non-binding and is yet to be labeled a free-trade zone by the World Trade Organization (Morrison 2014, 2). That is not to say that APEC impacted those decisions, however the institutionalization of the annual Leaders’ meeting

as well as the non-discrimination principles has allowed for free and innovative ideas that began such relationships that scholars have noted to establish these major free trade and economic deals. Most of the East Asian members are export-oriented economies; thus, eliminating trade barriers and reducing tariffs is an important part or, some say, benefit of APEC where intra-regional trade accounts for 2/3 of the total trade, which is massive considering the size of APEC (Pascha 2005, 119).

There is much discussion regarding the success rate of APEC and its slow progress towards the Bogor Goals. Scholars are divided between how much APEC has achieved over the 30 years of its establishment; however, in opposition to that, we must also examine the difficulties that APEC faces. Within the region, there is a very “weak sense” of community and there is not much to build strong institutions from, bearing in mind, factors including age-old rivalries as well as previous conflicts such as the Cold War (Narine 2004, 425). The Asian members also were wary of too much influence from the United States and other powers making the flexible framework the agreeable choice. This complex East-West divide reflects the political compromise in the creation of APEC, which is a feat in itself.

APEC also holds all three of the so-called Chinese economies: China, Hong Kong, and Taiwan; and as such, the members of APEC are called member economies making membership very ubiquitous and yet non-discriminatory to all members. The organization’s response to this situation around member’s comfort and the collective group dynamic is reflective of its core principle of respecting members’ sovereignty. This guiding code allows for the free participation of all members in progressing the organization’s goals. Nevertheless, through these struggles, APEC has delivered results in the sustained growth of the region and the development of its

member economies including the accession of China to the WTO and its trans-regional schemes withstanding its loose and flexible framework (Pascha 2005, 112-113).

As noted, APEC is not a legally binding international organization due to its establishment without a treaty, but it functions basically as an international forum. The meeting mechanism encapsulates how the organization works and was started since its origins in 1989 with the annual APEC Leaders' Meetings hosted by a member economy. However, behind the scenes, there more than 30 other meetings that led up to this penultimate meeting including the individualize annual APEC Ministerial Meetings of foreign and economic/trade ministers and other sectoral Ministerial Meetings that covers areas like education, energy, environment, finance, science and technology cooperation, small businesses, telecommunications, tourism, transportation, and women's affairs (Chen 2005, 367). While skeptics perceive APEC as a talk-shop with all these meetings, the gatherings provide meaningful progress to member economies' bureaucracies unseen to the public. APEC provides a perfect venue of leaders of the region to meet and build upon "a common sense of economic norms and values [to] strengthen adherence to the international trade system" (Morrison 2014, 2).

Out of these annual Leaders' Meetings comes a very important document that provides voice for the APEC cause, and they are called summit 'declarations.' These declarations set up the standards and norms of the organization opposed to organizations that follow a charter or treaty. The declarations can be quite lofty, with themes and slogans like the 2008 Lima Declaration that began with "A New Commitment to the Asia-Pacific Development." While the wordings are loose, the declaration provides guidance and authorize for change on an ad hoc

basis that allows APEC to evolve quickly in crisis situations and create norms as needed like the idea for the ‘Individual Action Plans’ in the Osaka Declaration (Weixing 2013, 68).

Though APEC remains committed to the Three Pillars that it had created, each year’s declaration and agenda is set by the host member economy providing a great deal of power to that certain host state to guide the organization leaving it quite unstructured compared to other regional groupings; this is most certainly due to the weak central APEC Secretariat located in Singapore. The Secretariat was established at the Bangkok Leaders Meeting in 1992 and is very limited in resources and power. The APEC Secretariat only has 23 professional staffers, who are virtual ambassadors from the member economies rather than permanent employees, headed by a rotating executive director, who is a senior official from the host member economy, with very minimal funding. The APEC Secretariat is to remain small due to the concern of Asian members who want to keep costs down as well not to allow for any impediment on its state sovereignty (Ravenhill 2000, 326).

The majority of APEC members are Asian states and their emphasis on keeping state sovereignty created the flexible and non-binding framework we see today. The main working procedures in APEC are done in consultation and made through consensus with open dialogue and equal voice for all its members. Once that consensus is made, the member economies would then construct their own “individual action plans,” or IAPs, to achieve the goal of “unilateral liberalization”; however, these IAPs are still non-binding and completely voluntary (Chen 2005, 367). This process is seen as part of the Asian approach in multilateralism, but it can also be understood as a way to combat power asymmetries in the organization when you have states like Papua New Guinea competing against Australia, whose GDP is 40% larger than Papua New

Guinea (Gallant 1997, 207). An observer of APEC also noted that the Asian approach to economic cooperation is “to agree on principles first, and then let things evolve and grow gradually” (Acharya 1997, 334). While this negotiating style was “often challenged” by the Western members, the majority Asian member economies always overruled their counterparts and the consultative norms remain the same (Acharya 1997, 338).

The insistence of Asian members for APEC to remain based on a consultative mechanism with informal measures is even mirrored in the organization’s name where Asian members rejected Australia’s proposal for the Asia-Pacific Economic Community to remain the Asia-Pacific Economic Cooperation in 1993. It also emphasizes the way-of-business in Asian culture where it “revolves around informal flexible ‘network-based’ economies rooted in social relations as opposed to ‘firm-based’ economies rooted in laws and binding contracts...[in] the West” (Gallant 1997, 203). This was institutionalized in APEC with the creation of the IAPs at the Osaka Meeting in 1995 that Japanese officials herald as the ‘Asian way.’

Realistically, with membership expansion to a total of 21 as well as being consensus-driven, the APEC voice is very much compromised by its members; however, while some say this is APEC’s downfall, instead it is actually its saving grace. By allowing its members to protect their specialized interests and lowering ‘sovereign costs’ by creating their own parameters and deadlines, APEC’s flexible framework created ‘concerted unilateralism,’ which basically translates to everyone progressing at their own time, but yet still progressing ever so incremental in a ‘concerted’ effort together (Acharya 1997, 337). This also means that no member economies can reject measures as long as their basic interests for economic

development were not ignored and allow adaptable state leaders to not firmly bind themselves to an agreement.

In turn, this formed what is called collective peer pressure where plans of action can be implemented by each of the member economies and yet be looked at in comparison to other states and allow for critiques and 'pressure' at the frequent meetings throughout the year (Pascha 2005, 126). Essentially, while no member economy is forced to participate in APEC schemes, by opting-out, the member state would have "to defend its reputation [as well as] its membership in APEC" (Ibid). Furthermore, the IAP peer review process is akin to the ones presently in the WTO called the Trade Policy Review Mechanism and further enhances the peer pressure mechanisms by the use of independent reviewers; this flexibility incentivizes the participation of all members. In this way, leaders of the member economies can still protect domestic interests and participate in a regional arrangement that could boost their economy making it a good deal for everyone (Gallant 1997, 210).

While IAPs and the Three Pillars are the larger goals that are made through consensus with leaders of the member economies, that is not to say that much work is also done at the lower levels through the many working groups that are just as influential as those larger objectives as they, too, have their own mechanisms and flexibility to facilitate greater trade and investment throughout the region. The APEC Business Advisory Council is known to be one of the most influential working groups in the organization bridging the public and private sector. The Council is composed of business leaders appointed by the APEC member economies and represent business interests of which they can advise APEC leaders on how to better facilitate trade and increase investment (Ravenhill 2000, 327). While the Business Advisory Council is

essential to APEC's work, there are countless other groups including the likes of the Environmental Protection Group as well as the Health Group that is doing the work within the scope manageable to APEC.

To its critics, as well as some of its Western members, there is a dissent in that they want APEC to evolve more into an economic and security organization (Weixing 2013, 72). Though APEC can also be classified as a *de facto* security summit as world leaders are bound to talk about security issues like for example in the 2002 APEC Meeting in Mexico, where the 9/11 attacks and counter-terrorism dominated the conversation points, however it was in relation to economic matters and during its creation, the Western member economies wanted to position APEC as a mechanism to contain China, however instead, it became a tool for the reentry of China to the global economy (Maull 2003, 243). Nevertheless, in the trans-Pacific region, there are already multiple security conferences and organizations such as the ARF and the Shangri-La Dialogue, albeit APEC does have a more inclusive and loftier membership, it certainly does not have the scope for it due to the weak Secretariat and its consensus-driven norms as well as a "clear common political agenda" (Pascha 2005, 121). However, being that the framework is so flexible, APEC can certainly evolve into that role in the future.

As we can see, while the norms and functions of APEC is dominated by its majority Asian members through the soft law approach with non-binding commitments and decisions made through consensus, the political compromises made by the Western member economies including Canada, Australia, and the United States proves to show the importance of being in an organization like APEC. APEC is considered to be a building block in a "continual process of

integration and growing connectivity” in the region, and stayed relevant to heavily contribute towards bettering trade liberalization and facilitation of the Pacific Rim (Morrison 2014, 3-4).

Since APEC spans both the eastern and western Pacific seaboard, scholars often label it a trans-regional organization bridging different regions together as opposed to the European Union and even ASEAN where membership is tied geographically and somewhat culturally. APEC stands apart as a trans-regional organization unlike organizations at a grander global level or even a smaller sub-regional level, making it truly the exception (Pascha 2005, 119). While regional organizations have problems of their own, at a trans-regional level such as APEC, the problems are even more magnified. Acharya (1997) stated, “APEC is simply a pragmatic and practical response to situations in which multilateralism is being constrained by individual state interests” (343). In this view, APEC is remarkably successful in being able to bring together a complex series of relationships across the Pacific Rim ranging from “formal and informal governmental arrangements, non-governmental processes, and supply and production chains” (Weixing 2013, 70).

However, APEC does have a perception of being a mere talk-shop, by scholars and APEC citizens alike, with the lack of a centralized driving message and policy. This is exemplified by multiple speeches from government officials including the former Australian Foreign Minister Gareth Evans who remarked that APEC stands for “ a perfect excuse for coffee” or that “APEC are four adjectives in search of a noun” (McKay 2002, 44). APEC’s high-profile dialogues of world leaders are part of the reason why it has been so heavily criticized, however these summits also strengthen APEC’s relevance on the global stage. The Leaders’ Meetings and the other lower-level ministerial meetings are extremely successful in

establishing trade mandates supporting the WTO in its missions as well as other issues such as counter-terrorism and anti-corruption in relation to economic matters (Hsieh 2013, 123).

Hsieh (2013) stated that there are “empirical evidence in the past two decades similarly demonstrates APEC members’ substantive progress, particularly in areas of business mobility, standards, and conformance, and intellectual property rights” (134). This further proves the significance and relevance of the organizations’ work as well as its norms. While APEC functions on a non-binding, consultative level, these advancements in trade liberation and multilateralism in the region, show that even though the policy and mandates are non-binding, member economies are able to opt-in and progress at their own timeframe; thus, further allowing more participation in the development of the Pacific Rim. McKay (2002) stated that “if a viable Asia-Pacific community is to be built, APEC will be central to the project” (53).

APEC and ASEAN are very similar organizations in terms of the norms that they follow as well as the diversity of members in their organization. They both have a weak Secretariat as well as functioning on a non-binding, consensus-driven level. Most members of ASEAN are also in APEC, but that is where the similarities end. ASEAN does have a charter and has aspirations to become more of a community rather than a ‘cooperation’ as APEC, who rather focuses solely on economic matters. APEC membership is also much larger and has a vast power asymmetry where members like the United States and Russia are faced against Peru and Papua New Guinea. These reasons are why the flexible framework is a great solution, because it allows for innovation to happen so the organization can evolve to meet the needs of its members as well as “accommodate the diversity of the regional economies” (Weixing 2013 66).

Identity building in such a diverse region with different interests in mind from the member states is difficult if not impossible for the scope that exists within APEC. While there may never be an APEC Pacific citizen, ASEAN can learn from APEC in its specified focus and advocacy in its regional capacity building. By first solely focusing on a subject matter like economic matters, the flexible framework can allow for evolution in the future. As for ASEAN's community-building, APEC has not achieved this; however, by standardizing ministerial and lower level meetings as well as engaging the private sector as successfully as APEC has achieved, it will further create the public engagement and support for a diverse ASEAN community.

Conclusion

In the *State of Southeast Asia: 2020 Survey Report* done by the ASEAN Studies Centre in Singapore, many of the people polled shared a concern that ASEAN is becoming the “arena” for a geopolitical battle between China and the US, and called for the “strengthening of ASEAN resilience and unity to fend off [external] pressure” (Tang 2020). This data showcases the urgency for ASEAN reform to create a more cohesive regional grouping with the organizational strength to further effectively voice the regions' agenda and see those items through aside from geopolitics.

As the introduction to this collection of papers indicates, our analyses indicate that trans-regional dialogue is the most prominent theme within international organizations alongside membership expansion, economic collaboration and dialogue, the ability to project norms, and sovereignty; however, defense is the theme least focused upon across each international organization examined. Each of our IO's illuminate their own point within ASEAN's functionality. To become a more successful and effective trans-regional organization, emphasizing intra-regional dialogue and economic collaboration serve as the most salient for the continued development and functionality of ASEAN. This conclusion will provide a succinct overview of sovereignty, collective identity, and organizational strength through a multifaceted comparison with each of the international organizations studied.

The AU provides a structure outlining the importance of disseminating norms within the members of a regional entity. This provides a possible framework for ASEAN if all members were required to domestically apply the charter of their membership. The AU ideally promotes a

set of standards that all states are required to uphold within their own area of operation. When carried out effectively, the AU's model demonstrates a healthy balance of cultural appreciation and democratic ideals. However, in order for ASEAN to adopt a similar organizational projection, maintaining individual sovereignty is called into question. The AU's authority over norm construction is derived from the ability to impose sanctions on members who do not conform once they've ratified the AU charter. That is not to say that ASEAN would not have the function of influence over the individual states within their organization, but it should be recognized as more of a soft power. For the AU to be used as an example, it must be recognized as having authority where ASEAN does not. Their organizational norms are a condition for each member, rather than a suggestion of operation. If ASEAN states are not willing to concede sovereignty in order to functionalize this approach, then it must increase their influential powers.

The CoE provides a possible framework for ASEAN under the condition that ASEAN acknowledges that its international power is merely restricted to their current region. The Council recognizes that its power is minimal and also remains passive under international law. Rather than having the ability to impose certain rules and regulations outside of the European region, its influence accrues to other nation states which decide to utilize the ECHR as a precedent for human rights and equality. Moreover, the Council shares a characteristic with ASEAN in terms of maintaining distinct national sovereignty. The question is not whether national sovereignty is a detriment to the organization's identity, but rather whether the promotion of sovereignty is the most practical avenue for ASEAN's effectiveness. A discursive framework is less efficient in the context of the Council, but ASEAN can implement safeguards within the organization to resolve this failure. Despite this question of sovereignty's correlation

with success, if it wants to use the Council as an exemplar, ASEAN will first have to concede that the organization will not have power, but rather influence.

The CIS chapter showed that a key lesson for ASEAN in developing a sense of regional identity while still maintaining each member's national sovereignty is straightforward: do not let a single country be the domineering power behind the organization. Within ASEAN's member states, despite each nation's variance in GDP, overall industrial development, and total exports, no one country truly commands the helms of the organization. As seen with the CIS, the presence of a hegemonic power results in an organization that is primarily driven by the agenda of that power. ASEAN was initially formed to maintain stability between the nations of Southeast Asia, and it has upheld this standard. It should be cautious, however, of outside hegemonic encroachment. Another lesson from the CIS is that ASEAN should become more economically integrated, which is directly beneficial to the United States. ASEAN is a key US trading partner, but its lack of integration has been worrisome to American investors.

The SCO provides a successful framework for a trans-regional entity that prioritizes economic collaboration, regional development and government-to-government dialogue over all other agenda points. There is hardly any realistic emphasis placed on creating and maintaining a collective identity, and much more emphasis placed on successful collaboration. Intra-regional dialogue is vital to the success of the SCO, and pairs well with the region's collective agenda. Due to the region's remaining tensions following the era of Soviet Russia, there is great emphasis placed on the SCO operating as an anti-imperial, anti-colonial entity. This functionality has the potential to provide great insight on the region's priorities with respect to the US's

international agenda through gaining a better understanding of non-Western states and their interactions.

APEC's process of using a flexible dialogue structure allows it to continually evolve to meet the growing needs of the organization, but with respect to individual sovereignty. Unlike ASEAN, APEC does not have a charter or treaty, however its soft law approach garners the mass and equal participation of its member-economies non-discriminately in its mission to break trade barriers. The effectiveness of its power across the trans-regional Pacific Rim is done by collective peer pressure that continues to drive the organization forward. While APEC summits are passive in nature as a forum for dialogue, APEC's work can be reflected in the WTO Rounds and impacts the global economy. Furthermore, this focus on economic development is aided by its lower-level councils that collaborate to engage with the public. This intra-regional cooperation is an essential lesson for ASEAN to learn from APEC as these public programming gives the organization the ability to garner public support for its agenda. Strengthening public support would enable ASEAN further project its norms and be able to be self-determining against foreign influences such as China.

Despite China's contribution to ASEAN economically, the United States may feel threatened by the rising influence of a new great power. In the scenario that diplomatic actions escalated, the US must always be prepared to protect their alliances and citizens across the globe. In this scenario, the US may be able to create and repair alliances with ASEAN member states in order to contain China's influence. As previously mentioned before, some ASEAN members have unstable ties with the US, such as Myanmar, which can serve as a future impediment to limiting the expansion of the Chinese government. With the US' withdrawal, it must utilize

common ground, such as portraying China as a potential enemy, that can transcend political issues that perceptively make the US aggressive and unreliable. Together, ASEAN and the US can benefit from one another from having a collective defense that can dismantle a common enemy, China.

Nevertheless, the United States' influence on ASEAN has remained strong and consistent. The US is the largest source of foreign direct investment for the grouping and furthermore, America's soft power and culture is extremely popular in the region and contributes to the appeal of the "American Dream" through film and music (Shambaugh 2018). Yet, the report done by the ASEAN Studies Centre shows that the region's confidence in the US is low, with nearly half of respondents communicating that they "have little or no confidence in the US as a strategic partner and provider of regional security" (Tang 2020). The report attributes this lack of confidence to the different foreign policy agendas between US presidents, and while America's commitment to ASEAN has remained strong, the absence of a comprehensive national agenda between administrations harms the ASEAN public's view of the US. A professor at George Washington University, David Shambaugh, suggests that while America remains consistent in the organization's support, it is losing the "information war" with China, whose economic and culture influence is less than the US. Whether ASEAN will further continue to reform and integrate as a community, America must remain engaged and maintain its status as a priority partner in the region.

At the beginning of this paper, we discussed what characteristics would be included in the perfect trans-regional entity. Based on the analysis produced from these five organizations,

we have determined that intra-regional dialogue and economic collaboration are the most salient for the continued development and functionality of ASEAN.

The AU demonstrates a successful project of diverse cultures and histories integrating accepted ideals produced by a trans-regional organization into domestic operation. The CIS presents the most flaws that ASEAN can learn from, specifically not to allow a hegemonic power to arise within them, to maintain progressive member state collaboration and dialogue, and to become economically integrated. The CoE remains as the most contrasting organizations from this case-study for ASEAN to embody, as the Council's niche is particular to human rights and democracy. The CoE's ability to project norms within their respective member states stems from a voluntary-basis membership that encourages initiative and cooperation. If ASEAN chooses to focus through a discursive framework whilst maintaining individual sovereignty, it can result into a trans-regional organization that encompasses a passive mode of influence.

The SCO provides an insight on operating a successful trans-regional organization unbounded by cultural alliances and unreliant on a hegemonic power to control the agenda. APEC's ability to further progress their agenda whilst using the same consensus-based deliberations that ASEAN has, proves the capacity that the soft-law approach can work to make an organization effective.

The conclusion of this collectively written paper demonstrates that the themes introduced in the intro are most pivotal in addressing the question of ASEAN effectiveness as a regional organization. Our collective analysis definitively suggests that the US would most benefit from these points: supporting a stronger ASEAN that serves as a buffer between the US and China; the ability for the US to gain the lead in the information war with China by emphasizing their

ASEAN partnerships; and to increase the proficiency of intra-regional trade, making the organization a more desirable investment hub. The unprecedented nature of this multifaceted analysis will serve as an essential catalyst for new and continued dialogue analyzing identity, sovereignty, and trans-regional collaboration through nontraditional lenses.

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