

**FONDATION POUR LE DROIT CONTINENTAL**  
**JOURNEES INTERNATIONALES ASEAN - UE**  
**JEUDI 15 ET VENDREDI 16 DECEMBRE 2016 A PHNOM-PENH (CAMBODGE)**

**PRESENTATION DES JOURNEES**

La Fondation pour le droit continental organise à Phnom Penh (Cambodge) une rencontre entre l'Association des nations de l'Asie du Sud-Est (ASEAN) et l'Union européenne (UE), les jeudi et vendredi 16 décembre 2016, soit près d'un an après la mise en œuvre, le 31 décembre 2015, de la Communauté économique ASEAN, qui est l'un des trois piliers de cet ensemble régional.

L'ASEAN réunit dix pays d'Asie du Sud-Est dont l'hétérogénéité politique, économique, linguistique et culturelle est forte. L'Union européenne (UE) offre de ce point de vue une expérience déjà ancienne. Cette Journée internationale - qui pourrait être la première d'un cycle de rencontres qui développerait sur un rythme biennal - a pour objet de réunir des experts des deux ensembles régionaux autour de thèmes qui feront l'objet des trois tables rondes décrites ci-après. L'expérience, d'une autre nature, de l'Organisation pour l'harmonisation du droit des affaires en Afrique (OHADA), sera également évoquée.

La manifestation sera ouverte au public. La participation attendue est celle des acteurs politiques, juridiques et économiques intéressés par l'ASEAN.

**PREMIERE TABLE RONDE : LA DIMENSION POLITIQUE DE L'ASEAN**

- Les circonstances de la création et du développement de l'ASEAN
- Les objectifs de l'ASEAN : créer un espace politique (paix entre les Etats), un espace économique (circulation des personnes et des capitaux, petites et moyennes entreprises, commerce électronique), un espace social (protection des travailleurs), un espace environnemental (écologie), un espace culturel, un espace de coopération judiciaire ?

**Narrative for Round Table 1:**

When ASEAN was founded in 1967, Southeast Asia was a region marked by political upheaval, striving for domestic stability and economic development. Since then, the concepts of ASEAN and an ASEAN Community have evolved significantly and the region can now be described as benefiting from comparative political stability and enjoying overall a remarkable economic growth. Southeast Asia is a region rich in cultural, ethnic, linguistic traditions and religions and geographic diversity but generally viewed nonetheless as a united bloc.

Southeast Asia starts as a fictive construct of states sharing considerably different colonial and postcolonial legacy, followed by political struggles for independence. This enormous heterogeneity, coupled with country political rivalry, explains why Southeast Asian states would cherish the principles of non-interference, respect for national sovereignty and by default reject any form of institutionalized integration. This factor is in sharp contrast to that of the predominantly-shared religious, political, economic, social and inseparably-intertwined histories of Europe.

With this insistence on the sovereignty of national bodies in decision-making, we can understand why ASEAN was initially founded as a security-oriented cooperation grouping and confined to only “institutionalized shallow integration.” Compared to the EU's legalistic, institutionalized, and binding nature ASEAN's operates as a smooth open regionalism with a gradual informal institution-building among ASEAN member states. Much has been talked about the ASEAN's Way or ASEAN's exceptionalism principles, which can be credited for ASEAN's remarkable accomplishments in the last forty years.

The rapid advent and expansion of globalization precipitated by the competition from China, ASEAN leaders decided in 2008 to adopt the ASEAN Charter with the aim to deepen integration in the future. This Charter-based ASEAN formalized some forty years worth of ASEAN Summit decisions, ASEAN instruments, treaties and agreements concluded by ASEAN states and gave full effect in the new ASEAN Charter era.

The ASEAN Economic Community (AEC), recently realized by the end of 2015, though to some can be seen as the first symbolic step towards “deep integration”, is now the cornerstone of the entire ASEAN Community. ASEAN's member states, essentially agreeing on the imperatives for integration and the resulting benefits, have set out a set of coherent roadmaps with tangible goals and action steps by which to achieve them.

Although the ASEAN Community should be perceived as an ongoing process, the 2015 celebration marks an important milestone for the Charter-based ASEAN's progress towards internationalism, though it clearly retains a marked emphasis on the principles of sovereign independence and non-interference.

Compared to the economic pillar, the political-security and socio-cultural pillars are notably less developed. ASEAN's shallow political integration also comes at a cost for decision-making within the regional grouping and ASEAN heterogeneity may prevent integration from becoming deeper. ASEAN is weakened by its inability to tackle effectively negative cross-border spillovers, like the trans-boundary haze

originating from slashing primary forest in Indonesia, the South China Sea issues, the Cambodia-Thailand territorial disputes, and the Rohingya issues, to name a few.

There is also the concept of "ASEAN centrality" which implies that ASEAN is in the driver's seat of the key existing Asian regional institutions and processes like the ASEAN Regional Forum (ARF), the East Asia Summit (EAS), and regional trade negotiations like the Regional Comprehensive Economic Partnership (RCEP). However, adherence to the principles of the ASEAN Way and divergences in political interests are obstacles to ASEAN in assuming leadership or centrality role on such a regional and global issues.

Development gap is another challenge for a strong and coherent ASEAN Community. ASEAN countries are at widely different stages in terms of their social and economic development and unless significant efforts are made to reduce the disparity in competitiveness and productivity between Cambodia, Lao PDR, Myanmar and Viet Nam (the CLMV countries) and the most developed ASEAN-6 countries (Brunei, Indonesia, Malaysia, Philippines, Singapore, Thailand), the sustainability of future growth of the entire region will be at stake.

Institutionally, the ASEAN Secretariat (ASEC) has played a crucial role in the development of ASEAN to this point. However, its authority is limited. Its available human resources are stretched to the limit to cover an ever-increasing number of ASEAN meetings and initiatives.

Moving forward in the post-2015 era, ASEAN Leaders have resolved to consolidate ASEAN Community, building upon and deepening the integration process to realise a rules-based, people-oriented, people-centred ASEAN Community. They envision a peaceful, stable and resilient Community, with enhanced capacity to respond effectively to challenges in an outward-looking region while maintaining ASEAN centrality. They also envision vibrant, sustainable and highly integrated economies, enhanced ASEAN Connectivity as well as strengthened efforts in narrowing the development gap. They further envision ASEAN empowered with capabilities, to seize opportunities and address challenges in the coming decade.

Viewed in the light of the current political evolution, a strong demographic transformation and a thriving economic community, there are high expectations both from within and outside ASEAN about what it can achieve as a region – economically, politically, and socially. The following are some pertinent questions:

- \* What lessons could ASEAN as a shallow integration scheme draw from the deepest form of regional integration like the EU?

- \* Viewed in the light of the current severe challenges to EU integration, i.e. the debt problem, the Brexit, and the influx of refugees and migrants, should ASEAN be convinced not to take the EU as a model for its integration?
- \* In the context of the ASEAN Community 2015, what should follow next?
- \* How can ASEAN hasten economic integration to deliver a strong and equitable regional economy? How can it narrow the development divide ?How can ASEAN strengthen its regional pre-eminence through strengthened internal and external engagement?
- \* How can the ASEAN Secretariat be strengthened to be capable of pursuing processes that deliver the outcomes identified by Leaders?

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