## CONTENTS

*General editors’ preface*  page xi  
*Acknowledgements*  xvii  
*List of abbreviations*  xviii

1  Introduction and parameters of inquiry  1  

2  Contextualising ASEAN  7  
2.1 ASEAN Charter: continuity or rupture?  8  
2.2 The consensus rule  12  
2.3 Towards legalisation  17  
2.4 Institutional set-up by comparison  23  
2.5 An ‘ASEAN legal order’ or an ‘ASEAN legal regime’?  25

3  Types of external agreements  28  
3.1 Agreements by ASEAN as an International Organization  31  
3.2 Plurilateral agreements  33  
3.3 Joint ASEAN agreements  34

4  Agreements of ASEAN as an International Organization  36  
4.1 Introductory note on the Secretariat  36  
4.2 Other ASEAN actors in external relations  38  
4.3 Contours of external powers  40  
4.4 Implied external powers?  47  
4.5 Who is bound? The effect on Member States  50  
4.6 Members’ concurrent and subsidiary responsibility or indirect liability  55

5  Plurilateral agreements  71  
5.1 Terminology: monism, dualism and (in)direct effects  74  
5.2 Views from general international law  79
CONTENTS

5.3 Requirements of specific legal instruments and regimes 91
5.4 The view from European law 97
5.5 The view from domestic law 103
5.5.1 Dualism 105
5.5.2 Monism 113
5.6 Usual mixtures 121
5.6.1 Effects on interpretation 122
5.6.2 Kinds of agreements 130
5.7 Law and policy considerations 131

6 Case study on the Convention to Eliminate All Forms of Discrimination Against Women 136
6.1 Status of treaty law within domestic legal orders 139
6.2 Constitutional amendments and judicial enforcement 143
6.2.1 Embodying treaty obligations in basic law 143
6.2.2 Use of treaty norms to inform the formulation of fundamental laws 146
6.2.3 Specific clauses 151
6.3 Conforming statutes to CEDAW 153
6.4 National mechanisms 163
6.5 Promotional activities and non-legal approaches 169

7 Joint ASEAN agreements 174
7.1 An (ill-)fitting comparison: mixed agreements 178
7.2 ASEAN centrality and obligations of membership 180
7.3 Consequences for Member State institutions: ASEAN centrality 185
7.4 Functions of the Secretariat 188
7.4.1 Channeling information, coordination 189
7.4.2 Implementation and facilitating compliance 192
7.4.3 Monitoring 193
7.5 Dispute settlement mechanisms 195
Table of Contents

8 Conclusions: assessing the internal effects of ASEAN external relations 201

Executive summary 205

Bibliography 209
Index 223