



Contesting Sovereignty

Sovereignty is a foundational idea upon which regional organisation of nations is built, yet its demise has often been predicted. Regionalism, which commits states to common frameworks such as rules and norms, tests sovereignty as states relinquish some sovereign power to achieve other goals such as security, growth, or liberalisation. This book examines the practice of normative contestation over sovereignty in two regional organisations of Africa and Asia – the AU and ASEAN. A structured comparison of three case studies from each organisation determines whether a norm challenging sovereignty was accepted, rejected, or qualified. Joel Ng has carried out interviews about, and detailed analysis of, these six cases that occurred at formative moments of norm-setting and that each had very different outcomes. This study contributes to the understanding of norms contestation in the field of international relations and offers new insights on how the AU and ASEAN are constituted.

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Power and Practice in Africa and
Southeast Asia

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*In memory of my father,
Dr Andrew Ng,
who set me on this journey of two continents*

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Contents

<i>List of Figures</i>	<i>page</i> ix
<i>List of Tables</i>	x
<i>Preface</i>	xi
<i>Acknowledgements</i>	xii
<i>List of Abbreviations</i>	xiv

Part I Normative Contestation in Regional Organisations

1 Introduction	9
2 Theoretical Framework	30

Part II The African Union

3 The ‘United States of Africa’ Proposal	79
4 The Conference on Security, Stability, Development, and Cooperation in Africa	103
5 The Pan-African Parliament	133

Part III The Association of Southeast Asian Nations

6 Human Rights ‘Protection’ in the ASEAN Charter	169
7 The ASEAN Human Rights Mechanism	194
8 Extending the ‘ASEAN Minus X’ Formula	224

	Part IV Comparative Findings	
9	Assessing the Model	255
10	Conclusion	265
	Appendix: List of Officials Interviewed	275
	Bibliography	278
	Index	296

Figures

1.1 Model of contestation	<i>page</i> 14
2.1 RO norm contestation: simple process flow	51
5.1 Consultants' proposed organisation chart of the African Union	143
5.2 The position of the PAP in present AU organisational structure	153

Tables

2.1 Comparison of realist and constructivist theories of norms	<i>page 36</i>
2.2 Sources of uneven structural power in regional organisations	45
2.3 Case studies	66
II.1 Timeline of the transition from the OAU to the AU	75
3.1 Contestation over the ‘United States of Africa’	98
4.1 The rejection and acceptance of the CSSDCA	130
5.1 The contestation over the Pan-African Parliament	158
III.1 Timeline of ASEAN charter processes	166
6.1 Members of the Eminent Persons Group on the ASEAN Charter	174
6.2 Members of the High Level Task Force for the Drafting of the ASEAN Charter	178
6.3 Human rights ‘protection’ in the ASEAN Charter	191
7.1 Members of the High Level Panel for the Terms of Reference of the ASEAN human rights body	200
7.2 Inaugural representatives of the ASEAN Intergovernmental Commission on Human Rights	204
7.3 Representatives of the ASEAN Human Rights Declaration drafting group	206
7.4 Contestation over the ASEAN human rights mechanism	218
8.1 Recommendations on ASEAN decision-making compared with the result	239
8.2 Rejection of ‘ASEAN minus X’ as a procedural norm in ASEAN	250

Preface

Two seminal periods in the history of two of the most significant regional organisations in the Global South occurred at the beginning of the twenty-first century. The African Union (AU) and the Association of Southeast Asian Nations (ASEAN), together representing more than a quarter of the world's population, established their norms through new charters (and physical reorganisation). The AU's and ASEAN's processes of norm-setting were by no means pre-ordained from the outset. The norms held by these organisations' members, and the roles they implied for each region, were sharply contested as the political diversity of their member states brought differences to the fore during negotiations. The result is a story of the most fundamental political-normative debate of the two regions: the status of sovereignty of its member states. How are sovereignty norms contested, and what determines the outcomes? To answer this, I examine the negotiation of normative standards in regional organisations of the Global South.

The case studies cover the formative charter-drafting periods of 1999–2003 in the AU and 2005–12 in ASEAN, following cases where the institutional norms were contested and established. For the AU this involved the Conference on Security, Stability, Development, and Cooperation in Africa (CSSDCA), the Pan-African Parliament, and the proposal for the 'United States of Africa'. In ASEAN, the cases follow the ASEAN charter-drafting process on two normative questions – the inclusion of human rights and the use of the 'ASEAN minus X' formula – and look separately at the later establishment of an ASEAN human rights mechanism (comprising its declaration and commission). In studying this contest at a regional level, the book hopes to offer insights into comparative regionalism, institutionalisation, and theories of normative contestation.

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This book has its origins nearly a decade ago when I began working on a project on global governance and regional interventions. The importance of comparative study across global regions became apparent then, and set me on a path over the next decade to more extensively treat these questions of sovereignty and its limitations. As a result, however, I am indebted to numerous people, far too many, indeed, to be able to recall all of them.

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xiii

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Abbreviations

ABA-ROLI	American Bar Association Rule of Law Initiative
Abuja Treaty	Abuja Treaty Establishing the AEC (1991)
AEC	African Economic Community (Chapters 3–5) <i>or</i> ASEAN Economic Community (Chapters 6–8)
AEM	ASEAN Economic Ministers (Meeting)
AFTA	ASEAN Free Trade Area
AHRB	ASEAN human rights body
AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIPO	ASEAN Interparliamentary Organisation
ALF	Africa Leadership Forum
AMM	ASEAN (Foreign) Ministers Meeting
ANC	African National Congress (South Africa)
APSC	ASEAN Political-Security Community
ASCC	ASEAN Socio-Cultural Community
ASEAN	Association of Southeast Asian Nations
AU	African Union
AUC	African Union Commission (Secretariat)

List of Abbreviations

xv

Bali Concord I & II	Declaration of ASEAN Concord (I – 1976; II – 2003)
Bangkok Declaration	Final Declaration of the Regional Meeting for Asia of the World Conference on Human Rights (1993)
Banjul Charter	African Charter on Human and Peoples' Rights (1981)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women (1981)
CEPT	Common Effective Preferential Tariff scheme (ASEAN, 1992)
CFTA	Continental Free Trade Area
Cha-Am Hua Hin Declaration	Cha-Am Hua Hin Declaration on the Intergovernmental Commission on Human Rights
CIDO	Citizens and Diaspora Directorate
CLMV	Cambodia, Laos, Myanmar, Vietnam
CPR	Committee of Permanent Representatives
CPTPP	Comprehensive and Progressive Agreement for a TPP
CRC	Convention on the Rights of the Child (1989)
CSCE	Conference on Security and Cooperation in Europe
CSO	civil society organisation
CSSDCA	Conference on Security, Stability, Development, and Cooperation in Africa
DSM	dispute settlement mechanisms
E10	Elected non-permanent 10 members of the UNSC
EAC	East African Community
ECOMOG	ECOWAS Monitoring Group
ECOSOCC	Economic, Social, and Cultural Council (AU)

ECOWAS	Economic Community of West African States
EDSM	Enhanced Dispute Settlement Mechanism (ASEAN)
EPG	Eminent Persons Group on the ASEAN Charter
EU	European Union
FAN	Forces Armées du Nord (Northern Armed Forces, Chad)
FAO	Forces Armées d'Ouest (Western Armed Forces, Chad)
Frolinat	Front de Libération National du Tchad (National Liberation Front of Chad)
FTA	free trade agreement
GUNT	Gouvernement d'Union Nationale de Transition (Transitional National Union Government, Chad)
HLP	High Level Panel (ASEAN)
HLTF	High Level Task Force (ASEAN)
ICC	International Criminal Court
IMF	International Monetary Fund
ISEAS	Institute for Southeast Asian Studies (now ISEAS-Yusof Ishak Institute), Singapore
Komnas-HAM	Komisi Nasional Hak Asasi Manusia (National Commission for Human Rights) (Indonesia)
MAP	Millennium Africa Recovery Plan
Maputo Protocol	Protocol on Amendments to the Constitutive Act of the African Union (2003)
MCPMR	Mechanism on Conflict Prevention, Management, and Resolution (OAU)
MPs	Members of Parliament
NAFTA	North American Free Trade Area
NAI	New Africa Initiative
NATO	North Atlantic Treaty Organisation

List of Abbreviations

xvii

NEPAD	New Partnership for African Development
NGOs	non-governmental organisations
OAS	Organisation of American States
OAU	Organisation of African Unity
OSCE	Organisation for Security and Cooperation in Europe
P2	Permanent 2 members (China and Russia) of the UNSC
P3	Permanent 3 members (Britain, France, and USA) of the UNSC
P5	Permanent 5 members of the UNSC
PAP	Pan-African Parliament (AU)
PTA	preferential trade arrangement
R2P	responsibility to protect
RCEP	Regional Comprehensive Economic Partnership
REC	regional economic community
RO	regional organisation
SAARC	South Asian Association for Regional Cooperation
SADC	Southern African Development Community
SAPA TFAHR	Solidarity for Asian People's Advocacy – Task Force on ASEAN and Human Rights
SCO	Shanghai Cooperation Organisation
SEOM	Senior Economic Officials Meeting (ASEAN)
SOM	Senior Officials Meeting (ASEAN)
SUHAKAM	Suruhanjaya Hak Asasi Manusia Malaysia (Human Rights Commission of Malaysia)
TAC	Treaty of Amity and Cooperation (ASEAN, 1976)
TFTA	Tripartite Free Trade Agreement
ToR	terms of reference
TPP	Trans-Pacific Partnership

UDHR	Universal Declaration of Human Rights
UMNO	United Malays National Organisation (Malaysia)
UN	United Nations
UNECA	UN Economic Commission for Africa
UNOCI	UN Operation in Côte d'Ivoire
UNSC	UN Security Council
UNSG	UN Secretary-General
VAP	Vientiane Action Programme
WTO	World Trade Organisation
ZOPFAN	Zone of Peace, Freedom, and Neutrality (ASEAN, 1971)