



Senator Edgardo J. Angara, the longest serving senator in the post-EDSA Senate, began his political career when he was elected as one of the youngest delegates to the 1971 Constitutional Convention.

A year later he founded what would become one of the country's top law firms known by the acronym ACCRA. Honing his skills while practicing, Angara was eventually elected as president of the Integrated Bar of the Philippines (IBP) in 1979, an indication of his rise to prominence in the legal profession.

In recognition of his internationalist views and pragmatism, he was chosen in 1981 as founding president of the ASEAN Law Association, an organization that seeks to harmonize laws in the ASEAN and promote a common focus on key issues and policies.

The same reputation enabled him as Senate President (1993-1995) and as senator (1987-1998, 2001-present) to get through the legislative gridlock that stood between the Legislative and Executive branches of government. He made a difference in the lives of millions of Filipinos by pushing for the passage of laws on arts & culture, agriculture, education, good governance, health and social welfare.

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The ASEAN Way to Integration

ALA Governing Council Meeting
February 20, 2010

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Republic of the Philippines

WHEN WE FOUNDED the ASEAN Law Association 30 years ago, our primary object was to promote closer relations, cooperation, and mutual understanding among lawyers in the *five* founding ASEAN countries.

By studying the laws of the ASEAN countries through the ALA mechanism, we sought to provide the organizational framework for *legal* cooperation in Southeast Asia.

Our goal was to *harmonize national* laws and so facilitate social and economic development among the ASEAN states. Our hope was that ALA would also become the instrument in disseminating information on the laws, legal systems, and legal development in the ASEAN countries.

A REGION—AND A WORLD—TRANSFORMED

Thirty years later, we find ourselves in a world that has been transformed into *one global village*. ASEAN-5 has become ASEAN-10. And *regionalism* has become a necessary adjunct of *globalism*.

If we are to integrate successfully into the global economy, we must *first* complement *globalization* with strong regional integration.

Integration is the way to advance common interests within a given region. Integration is the mechanism through which we can achieve our collective goals through coordination and international cooperation.

Admittedly, Asia is a latecomer in regional integration, compared with Europe or even with Latin America and Africa.

Not only are Asia's peoples and cultures *vastly* heterogeneous. Our home continent also experienced a long period of rule by European colonialists—and these historical artifacts have stood in the way of a common Asian identity.

Over the last ten years, however, economic integration has speeded up. Over that period, the ASEAN states have concluded 24 trade agreements, and they're negotiating another 34.

This burst of activity has raised optimism for the rebirth of regionalism—in both our home region and in the larger East Asia—after decades of *discord*, and the ravages of the 1997 financial crisis, which turned many Asian countries inward.

Today there seems much larger scope for boosting *intra*-regional trade and investment. Already trade flows *within* Southeast Asia have risen to 42% of the region's total trade in 2008, up from 32% two decades ago.

At their October 2009 Summit, the ASEAN leaders expressed a desire to build an EU-style single market of over 500 million people. The first phase of a free-trade zone is due to become a reality this year with the AFTA—the ASEAN Free-Trade Area—becoming *fully effective* on New Year's Day.

Already ASEAN's six older members have removed all tariffs on manufactured goods—though *not* on agricultural produce. ASEAN has also signed free-trade pacts with Asian powerhouses such as China and India. These wider linkages could make Southeast Asia the dynamic core of a pan-Asian bloc.

ASEAN CHARTER RATIFIED

Forty years after ASEAN's establishment, the Parliaments of all its 10 member states have all ratified the ASEAN *Charter*. The Charter calls for closer cooperation to achieve full ASEAN integration.

The target date it has set is 2015: by then, ASEAN will have realized its vision of one Southeast Asian '*community*' with a *legal* and *institutional* identity. Note, however, the key word: ASEAN is *inter-governmental*, *not* supra-national; a *community*, and *not* a *union*, as is the European model. This crucial difference is stressed by the Eminent Persons Group that *drafted* the Charter.

A PROBLEM OF COHESION AND CREDIBILITY

An even deeper problem for ASEAN are its *cohesion* and its *credibility*. Though the Association finally has a *legal* charter, it still is bound by a *strict* policy of *non-interference* in each national unit's internal affairs. This limitation prevents ASEAN from *replicating* Europe's *pooled* sovereignty.

National sovereignty is, in fact, the foundation on which ASEAN is built: sovereignty enjoys the highest *rank* in ASEAN's "*hierarchy*" of norms. Not only are ASEAN member-states protective of their individual sovereignty. They're also careful *not* to act against the perceived sovereign interests of other member-states.

Integration in ASEAN takes the form of *socialization* and *informality*—and *not* of strict, binding institutions. This has caused many observers to conclude that *full* integration will never take place in Southeast Asia—because full integration would entail giving up aspects of state sovereignty.

ORGANIZATIONS FOUNDED ON KINSHIP

Our own regional organization—ALA—is founded on professional kinship and *not* on institutions. But I myself believe that socialization and fellowship—instead of being obstacles to integration—are actually what makes ALA successful.

ALA's strength lies in its *uniqueness* as an organization. It has built bridges of friendship and promotes legal cooperation where there has been *none*. Its professional and social networks encompass judiciaries, bar societies, and legal academies.

ALA promotes camaraderie through its multifarious activities. It engages its members in scholarly pursuits—such as its law journal— as avidly as it does in its highly successful golf tournaments, or in amateur musical extravaganzas—such as those that will enliven tonight's 'Farewell Dinner'—that always draw enthusiastic participation from performers and audiences alike.

These spill-over effects from the formal Conference rooms bridge whatever cultural divide may separate us; and promote a unique fellowship that embraces all ALA members as organic parts of one *extended* ALA family.

ALA A MODEL FOR ASEAN INTEGRATION

In this way, ALA is a model—and a leader—in the ASEAN way toward integration. ALA exemplifies the kind of coherence and cooperation we strive for. ALA shows us how consensus works— notwithstanding differences in culture.

The relationships that ALA forms are *genuine*—they are *unforced* and *sustained*. We do *not* come together to attend a *sterile* conference of *pettifoggers* and *legalists*. We come together for an honest and lively exchange of ideas.

THE ASEAN VEHICLE FOR DISPUTE SETTLEMENT

To give substance to its accords, ASEAN aims to “develop a culture of commitment to honor and implement decisions, agreements and timelines.” For this purpose, the Charter establishes mechanisms for settling disputes and for monitoring compliance with agreements—referring serious breaches and non-compliance to the ASEAN Summit for decision.

We envision ALA as helping realize these specific objectives of the ASEAN Charter—by serving as ASEAN’s consultative arm on legal matters. ALA can certainly help ASEAN find legal means within each country to facilitate regional integration.

At the ALA General Assembly last November, ASEAN Secretary General Surin Pitsuwan encouraged ALA to do just that—help ASEAN establish its legal mechanisms for settling disputes between member states and for monitoring compliance with regional agreements. And ALA has responded by creating a high-level Task Force for the purpose.

The “Distinguished Lecture” we heard at the Supreme Court yesterday is a *good* first step. And the General Council’s work this morning—which centered on resolutions appropriate to its principal agenda, which is the Charter—will do just that: it will help the ASEAN Secretariat to implement the Charter.

CONCLUSION AND CLOSING MESSAGE

In closing, I call on ALA to *strengthen* and *solidify* its role as the ASEAN organization that advocates legal coordination, in the spirit of integration in the ASEAN way.

And this we can do through activities that *promote* legal development; legal and judicial reforms; supervision of law implementation; legal training and education; consultancy, and legal aid. We must raise the social consciousness and expertise of all ASEAN lawyers and teach them, *first*, to think *regionally* — and, then, to think *globally*.

Cooperation, interdependence, and mutual assistance—these are the principal aims of the ASEAN Charter. I believe that ASEAN lawyers, in the spirit of friendship and openness, can become instrumental in our home region—Southeast Asia—achieving this goal.

Thank you.