Dispute Settlement; a future challenge for ASEAN

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ABSTRACT

Since its establishment on the 8th of August 1967 with the signing of the Bangkok Declaration, ASEAN has been striving to build a more integrated, cohesive and coherent regional presence despite a range of challenges. However, many studies have revealed that the ASEAN Dispute Settlement Mechanism (ADSM), which is a central pillar of its regional and international socio-economic and political relations, has been a significant issue for ASEAN's organizational development. The purpose of this research was to analyse ADSM through a review of the history and processes of dispute settlement within ASEAN. The central focus of this study is to question how ASEAN can best address the issues relating to internal dispute resolution.

This study employed qualitative method. The issues have been explored and analysed through document review data collection and research. The findings were: 1) ASEAN did not base its foundation on dispute-resolution mechanisms and therefore, was not a collective security agreement which some of its predecessors mistaken. 2) ADSM is relatively new, and as yet, not a well institutionalized mechanism. 3) There is no exclusive and compulsory jurisdiction, and ASEAN States prefer to bring their disputes to third-party dispute settlement mechanism outside of ASEAN such as WTO and ICJ. 4) Consensus rather than confrontation is a preferred approach by many member Nations, ADSM has often played a secondary role.

This study indicates, in a nutshell, that ADSM is designed in consistent with the objectives of the ASEAN and United Nations Charters, to accelerate the economic growth, social progress and cultural development of the region and to promote regional peace and stability. ADSM seeks to uphold and respect justice and the rule of law in the region. However, due to its limitations, ADSM will remain a challenge to ASEAN. Hence, it is recommended that ADSM should be enhanced financially, professionally and institutionally, and that all members should continue working towards the full implementation of existing protocols. Alternative Dispute Resolution (ADR), as an aspect of ADSM, should also be promoted as part and parcel of the overall dispute settlement mechanisms within ASEAN.

Keywords: ASEAN, ASEAN Dispute Settlement Mechanisms, ADSM, Dispute Settlement

INTRODUCTION

Disputes have existed in all cultures, religions, and societies since time immemorial, as long as humans have walked the earth. In fact, they also exist in the animal kingdom. Philosophies and procedures for dealing with disputes have been part of the human heritage, differing between cultures and societies. Disputes can develop in any situation where people interact, in every situation where two or more persons, or groups of people, perceive that their interests are opposing, and that these interests cannot be met to the satisfaction of all the parties involved. Nations, groups, and individuals have tried throughout history to manage disputes in order to minimize the negative and undesirable effects that they may pose. Because disputes are an integral part of human interaction, one must learn to manage them, to deal with them in a way that will prevent escalation and destruction, and come up with innovative and creative ideas to resolve them.

Dispute settlement is the central pillar of the multilateral system. Without a means of settling disputes, the rule-based system would be less effective because the rules could not be enforced. However, the studies have revealed that the ASEAN Dispute Settlement Mechanism (ADSM) has been a challenge and significant issue for ASEAN's organizational development.

The purpose of this study is, therefore, to analyse ADSM through a review of the history and processes of dispute settlement within ASEAN.

BACKGROUND

In order to appreciate how dispute settlement will be a challenge for ASEAN, it is necessary to recall the predecessors of ASEAN and their respective drawbacks in relation to dispute settlement.

The predecessors of ASEAN

"Those who fail to learn from the mistakes of their predecessors are destined to repeat them**"** *George Santayana (1905) Reason in Common Sense*.

After the end of World War II, the international structure had undergone an alteration, whereby the international structure was dominated by superpowers with a system called bipolar. This structural change was the result of power competition between the United States and Soviet Union. This power competition produced the formation of ideology pacts, North Atlantic Treaty Organization (NATO) and Warsaw Pact, Treaty of Friendship, Co-operation and Mutual Assistance at an international level. This development of international system had affected other countries, as well as countries

in Southeast Asia. Superpowers' stratagem and competition in international level have influenced Southeast Asian (SEA) countries to constantly conform to current demands to ensure national security. This is because in the 1950s and 1960s a good number of SEA countries were newly 'born' after achieving independence from colonization. Because the SEA countries were very young, these countries faced tremendous internal political instability, ethnic conflict, unity problem and weak security and defense system. These problems have alerted and motivated SEA to consider a formation of a state or regional organization that can be an alternative for regional peace foundation. And concentrate more on strengthening internal security and economic development. As a result, several attempts have been made to establish regional organizations with different individual and common interests at different period of time. The following are some of unsuccessful regional organizations from which the idea of establishing ASEAN commenced.

In response to communist-led nationalist movements, the United States supported two rather different manifestations of Asian regionalism in the 1950s and 1960s. The signing of the Southeast Asia Collective Defence Treaty in Manila, Philippines on the 8th of September 1954 by the United States, Australia, New Zealand, Britain, France, Pakistan, Thailand, and the Philippines, as part of the American Truman Doctrine of creating anti-communist bilateral and collective defence treaties, led to the establishment of the Southeast Asia Treaty Organization (SEATO) on the 19th of February 1955 at a meeting of treaty partners in Bangkok, Thailand.

The purpose of the organization was to prevent communism from gaining ground in the region. However, SEATO was dissolved on 30 June 1977 after many members lost interest and withdrew because of the following weaknesses. SEATO failed to address the problems attached to the guerrilla movements and local insurrections that plagued the region in the post-colonial years. The SEATO defence treaty called only for consultation, leaving each individual nation to react individually to internal threats. Unlike the North Atlantic Treaty Organization (NATO), SEATO had no independent mechanism for obtaining intelligence or deploying military forces, so the potential for collective action was necessarily limited. Moreover, because it incorporated only three Asian members, SEATO faced charges of being a new form of Western colonialism. Linguistic and cultural difficulties between the member states also compounded its problems, making it difficult for SEATO to accomplish many of its goals. However, SEATO-funded cultural and educational programs left long-standing effects in

Southeast Asia. SEATO would be followed by a more resilient type of Asian regional organization, Association of Southeast Asia (ASA) which was composed solely of Southeast Asian governments.

Association of Southeast Asia (ASA) was established in Bangkok on the 31st of July 1961, by the foreign ministers of the Federation of Malaya, the Philippines, and Thailand. The purpose and objective of founding ASA was to create peace and regional stability. At the same time, ASA aims to cultivate cooperation in the field of economic, social science and culture, as well as to provide training facility and research for the benefit of everybody. ASA was the first of a new type of regional intergovernmental organizations aimed at promoting Asian cohesiveness during the Cold War and generated modest cultural and technical collaboration among its members. ASA too experienced failure due to the conflict and objection between countries, specifically between Malaya and Philippines. Philippine has withdrawal from ASA for objecting Malaya's proposal to include and claiming Sabah into Malaysia. Moreover, ASA economies were not complementary and depended to a great extent on agricultural production, intraregional trade was insignificant. However, the ASA set an important precedent by facilitating communication among foreign ministers of culturally and historically diverse independent states.

After the failure of Association of Southeast Asia (ASA), another regional organization called MAPHILINDO was established on July 1963 in Manila, Philippines, comprising Malaysia, Philippines and Indonesia. The objective of MAPHILINDO's formation was to create cooperation in the field of economy, culture and social science. Moreover, this organization was a solution to end the dispute between Indonesia, Philippines and Malaysia especially concerning territorial issues. During this era, SEA's policies were based on national interest compared to regional interest. SEA provided more attention on the process of strengthening, development and creating internal political stability of each country. The policies have neglected the regional interest. Consequently, it placed SEA in a tense situation, cause the regional interrelationship to break and create conflict between member countries. For example, the confrontation between Malaysia-Indonesia in 1963 where arm forces approach was applied in this conflict. This confrontation between countries produced the elements of uncertainty and suspicion between one another. Consequently, MAPHILINDO failed mainly because of military disputes.

With the meeting in Seoul on June 14-16, 1966, nine non-communist Asian and Pacific nations declared their common determination

to preserve their integrity and sovereignty (anti-communist security) in die face of external threats and invited other free countries in the region to join the newly formed Asian Pacific Council (ASPAC). Participating in the conference were Australia, Japan, South Korea, Malaysia, New Zealand, Philippines, Taiwan, Thailand and South Vietnam. And Laos attended as an observer. It then expanded to include other functions such as the cultural and social center for the Asian and pacific Region in Korea, the economic cooperation center for Asian and pacific Region, the International Water Association Asian and Pacific Group, and the Registry of Scientific and Technical Services for Asian and Pacific Region.

ASPAC was impaired by the vagaries of international politics. The admission of the People's Republic of China and the eviction of the Republic of China or Taiwan made it impossible for some of the Council's members to sit at the same conference table. ASPAC consequently folded up in 1975, marking another failure in regional co-operation.

Association of Southeast Asian Nations (ASEAN)

After repeated unsuccessful attempts in the past, and the end of the confrontations and tension between countries, On the 8th of August 1967 the "Bangkok Declaration" gave birth to ASEAN, the Association of Southeast Asian Nations which ends the separation and aloofness of the countries of this region that had resulted from colonial times when they were forced by the colonial masters to live in collisions and shunning contact with the neighbouring countries.

The ASEAN Declaration stated that the purposes of ASEAN are to "accelerate economic growth, social progress, and cultural development in the region" in order to promote peace and stability through abiding respect for justice and adherence to the principles of the United Nations Charter. The original Declaration contained only five articles but is considered possible the most successful inter-governmental organization in the developing world. The Declaration was based on three principles: respect for state sovereignty, nonintervention, and renunciation of the threat or use of force in resolving disputes. ASEAN did not base its foundation on dispute-resolution mechanisms and, therefore, was not a collective security agreement. The founders did not want ASEAN to be mistaken for a military grouping among political allies as some of its unsuccessful predecessors had been.

The ASEAN Dispute Settlement Mechanisms

Promoting regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the

principles of the United Nations Charter is one of the primary aims of ASEAN. However, no mention was made of any mechanism to achieve this aim.

In 1971 ASEAN issued the ZOPFAN Declaration, which was "inspired by the worthy aims and objectives of the United Nations, in particular by the principles of respect for the sovereignty and territorial integrity of all states, abstention from threat or use of force, peaceful settlement of international disputes, equal rights and self-determination and non-interference in affairs of States," according to its Preamble. This represented the first explicit reference to peaceful settlement of international disputes among ASEAN countries. However, there was no mechanism set up for the peaceful settlement of disputes. Troubles within the ASEAN family were settled by diplomacy or quietly allowed to fade into the background.

It was only in 1976 that a dispute settlement mechanism was established. The 1976 Declaration of ASEAN Concord subsequently committed member states to "rely exclusively on peaceful processes in the settlement of intra-regional differences", and included in its program of action the "settlement of intra-regional disputes by peaceful means as soon as possible". On this basis, ASEAN has developed key mechanisms for dispute settlement: the 1976 Treaty of Amity and Cooperation (TAC), the 1996 Protocol on Dispute Settlement Mechanism, the 2004 Protocol for Enhanced Dispute Settlement Mechanism (EDSM) for disputes relating to ASEAN economic agreements, the provisions of the 2007 ASEAN Charter that serve as an overarching framework for dispute settlement in ASEAN, and the 2010 Protocol to the ASEAN Charter on Dispute Settlement Mechanisms. However, Paolo R. Vergano(2009) indicated that to date, ASEAN Member States(AMSs) have not yet use of any the Dispute Settlement Mechanisms provided for within the ASEAN legal framework. And disputes among AMSs have been addressed and solved through political channels only.

As the studies revealed, the fact that the ASEAN dispute settlement mechanisms have never been used does not mean that intra-ASEAN disputes do not exist. However, ASEAN Member States seem to prefer bringing their disputes to third-party dispute settlement mechanism outside of ASEAN such as WTO and ICJ.

Treaty of Amity and Cooperation (TAC)

The TAC was signed in conjunction with the 1976 Declaration of ASEAN Concord. It is a landmark agreement as it sets out peaceful settlement of disputes as a fundamental principle of ASEAN, commits member states to refrain from the threat or use of force and settle any disputes through friendly negotiations. Chapter IV of the TAC covers

the Pacific Settlement of Disputes. The ASEAN Charter now provides that disputes that do not concern the "interpretation or application of any ASEAN instrument" shall be resolved in accordance with the TAC.

To address unresolved disputes in the region, the TAC establishes a High Council comprising ministerial representatives of all contracting parties. Provided that all parties to the dispute agree to apply the TAC to their case, the High Council's role is to recommend appropriate means of dispute settlement to the disputing parties, which could include the High Council offering its good offices, or constituting a committee of mediation, inquiry or conciliation. The TAC does not preclude recourse to modes of dispute settlement contained in Article 33(1) of the United Nations Charter. Rules of procedure for the High Council were agreed upon in 2001. As the TAC has now taken on non-ASEAN signatories, the 2001 rules of procedure for the High Council state that it shall comprise of representatives from all ASEAN member states and one representative from only the non-ASEAN states who are involved in the dispute.

Walter Woon(2012) identified three glaring weaknesses in the scheme set up in Chapter IV of the TAC. Firstly and most significantly, articles 14 and 15 do not apply unless the parties to the dispute agree. This means that one of the disputants can block the use of the dispute settlement mechanism.

The second weakness as far as ASEAN member states are concerned is that the TAC procedure allows countries other than ASEAN member states to get involved in the dispute settlement process. There is a view among some ASEAN members, ventilated during the negotiations on the ASEAN Charter, that "outsiders" should not be part of any dispute settlement mechanism. This is probably the underlying motive for the amendment of the TAC in 2010 to provide that a non-ASEAN High Contracting Party will not form part of the High Council unless that party is directly involved in a dispute to which the TAC applies.

The third weakness is that there is no explicit provision for arbitration or adjudication by a court or tribunal. Good offices, mediation, inquiry and conciliation essentially are non-legal modes of dispute settlement. They supplement direct political negotiations.

In a nutshell, the TAC mechanism is not likely to be used to settle disputes between ASEAN member states. The process is too public, involving the convening of a High Council at which non-ASEAN High Contracting Parties may be represented as observers. Rather, the TAC is likely be used as an inspirational document, committing the High Contracting Parties to peaceful

settlement of their disputes. If a legally-binding result is desired, the TAC does allow other international dispute settlement mechanisms to be invoked. This might even mean recourse to the ICJ. It is also possible that the TAC route will lead indirectly to the arbitration procedure now provided in the 2010 Protocol to the ASEAN Charter on Dispute Settlement Mechanisms.

Protocol for Enhanced Dispute Settlement Mechanism

With fast-growing cooperation in the economic sector, ASEAN saw the need to provide specifically for disputes relating to the interpretation and application of ASEAN agreements. An early reference to the requirement for amicable settlement of economic disputes can be found in the 1987 Agreement for the Promotion and Protection of Investments (1987 Agreement for the Promotion and Protection of Investments, article IX), which further specifies that disputes that cannot be settled "shall be submitted to the [ASEAN Economic Ministers] for resolution". The 1987 agreement was superseded by the 1996 Protocol on Dispute Settlement Mechanism and subsequently the 2004 Protocol for Enhanced Dispute Settlement Mechanism (EDSM).

The Preamble of the 1996 Protocol states that it was created in recognition of "the need to expand Article 9 of the Framework Agreement on Enhancing Economic Cooperation (1992) to strengthen the mechanism for the settlement of dispute in the area of ASEAN economic cooperation". However, because of its excessive bureaucratic nature, the 1996 protocol was perceived to be ineffective, and thus it had never been invoked until the ASEAN Protocol on Enhanced Dispute Mechanism (EDSM) was established in 2004, which replaced the 1996 protocol.

The Protocol on Enhanced Dispute Mechanism (EDSM) made significant improvements compared with the 1996 Protocol, though the new DSM of 2004 Protocol also lacks necessary implementing regulation. The EDSM applies to disputes relating to all subsequent economic commitments in ASEAN as well as retroactively to earlier key economic agreements. At the heart of the EDSM is a mandatory dispute settlement process involving panels and an appellate body to assess disputes that cannot be settled through good offices, mediation or conciliation that aims to achieve an amicable settlement of dispute and to prevent neither party loses face. Based on the findings of the panel or appellate body, a member state may be requested to take measures to bring itself into conformity with an ASEAN economic agreement. Where the findings or recommendations are not implemented within

a specified time, a complaining party may negotiate for compensation or suspend concessions towards the other party.

The Vientiane Protocol has clear similarities to the dispute settlement procedure of the WTO, especially with its strict timelines and provisions to ensure that the panel and appellate reports are adopted unless there is a consensus against it. Such a mechanism is vital if the ASEAN Free Trade Area is to function properly. However, it should be noted that this mechanism has never been invoked, thus no assessment of its effectiveness can be made.

ASEAN Charter

The ASEAN Charter is meant to provide a proper legal framework for the organization. The original Bangkok Declaration made no provision for institutions of any sort beyond a regular meeting of the foreign ministers. In the forty years after the Bangkok Declaration ASEAN functioned on an informal basis as far as law was concerned. The Charter was designed to create the legal framework for ASEAN as a rules-based organization. Central to this ambition were the dispute settlement mechanisms in Chapter VIII.

Thus, Chapter VIII of the 2007 ASEAN Charter on Dispute Settlement provides a comprehensive framework for existing and future dispute settlement mechanisms in ASEAN. The Charter reinforces the TAC's principle of the resolution of disputes between ASEAN members in a peaceful and timely manner through dialogue, consultation and negotiation. The Charter adds that the Chairman of ASEAN or the Secretary-General may be called upon to offer their good offices, conciliation or mediation. The Charter further mandates dispute settlement mechanisms for all fields of ASEAN cooperation. Disputes not concerning the application or interpretation of ASEAN agreements are to be resolved in accordance with the TAC, while the disputes relating to ASEAN economic agreements are covered by the 2004 EDSM, and ASEAN agreements with their own built-in dispute settlement measures shall continue to apply. Where not otherwise specifically provided, all other disputes are covered by the 2010 Protocol to the ASEAN Charter on Dispute Settlement Mechanisms, which provides for consultations within a fixed timeframe, and the possibility to convene an arbitral tribunal. Unresolved disputes and non-compliance with the findings of dispute settlement mechanisms are to be referred to the ASEAN Summit. The Charter maintains member states' right of recourse to the modes of dispute settlement listed in the United Nations Charter.

2010 Protocol to the ASEAN Charter on Dispute Settlement Mechanisms.

ASEAN has shifted its dispute settlement mechanism from a diplomatic to a legal mechanism. Before 2004, ASEAN dispute settlement mechanism was only an agreement to engage in consensus as its member states avoided formalized dispute resolution mechanism for over a decade. Even after 2004, ASEAN dispute settlement mechanism allows members to engage in conciliation or mediation. Therefore, it remains as an option rather than a mandate.

ASEAN is also a rules-based organization like WTO. The existence of the ASEAN Charter was designed to create the legal framework for ASEAN as a rules-based organization, and dispute settlement mechanism stands as a fundamental tool in preserving the rights and obligations of members under any agreements signed by ASEAN members as well as to resolve any dispute between the members.

The scheme of Chapter VIII can be classified to some main stages: firstly, Article 23 states that the parties may agree to resort to good offices, conciliation or mediation. The parties may request the Chairman of ASEAN or the Secretary-General to provide such good offices, conciliation and mediation. This is the same mechanism to the scheme under the TAC and the Vientiane Protocol. Unlike in the Vientiane Protocol, however, the Secretary-General cannot of his own accord offer to assist; it was felt by some that an activist Secretary-General might prove to be too ready to intervene. However, one suspects that in practice the Secretary-General would make clear to the disputing parties his readiness to offer good offices, conciliation or mediation if requested. The inclusion of the Chairman of ASEAN gives a greater significance to the role of the ASEAN Chair. This rotates among the member states in alphabetical order. The effectiveness of the Chair depends largely on the personality of the foreign minister and head of government of the country that holds it, effectiveness is not a function of size alone.

Article 1.3 of the DSM protocol clearly shows that the jurisdiction of the DSM Protocol is not exclusive and Members are allowed to take their dispute to another forum other than the ASEAN DSM until the time that a request for the establishment of an ASEAN panel is filed. This flexibility might undermine ASEAN DSM because it does not impose any obligation for exclusivity. ASEAN Member has access to the ASEAN DSM whenever it considers that a benefit accruing under any of the ASEAN covered agreement is being nullified or impaired or if the attainment of an objective of an ASEAN covered agreement is being impeded, which may be the result of the failure of an ASEAN Member to carry out its obligations under a covered agreement or the existence of any other situation.

MATERIALS AND METHODS

This study employed a qualitative method. For the purpose of collecting data required for this relevant ASEAN documents, research, papers, journals, and reports were reviewed. Moreover, the question how ASEAN can best address the issues relating to internal dispute resolution was used as guideline to determine the history and processes of dispute settlement within ASEAN.

RESULTS AND DISCUSSION

The issues have been explored and analysed through document review data collection method and research. The result from the review of background of ASEAN and its predecessors, and dispute settlement mechanisms show that; 1) ASEAN did not base its foundation on dispute-resolution mechanisms and therefore, was not a collective security agreement which some of its predecessors mistaken. 2) ADSM is relatively new, and as yet, not a well institutionalized mechanism. 3) There is no exclusive and compulsory jurisdiction, and ASEAN states have the option of WTO Dispute Settlement Mechanisms, and prefer to bring their case before WTO. 4) Consensus rather than confrontation is a preferred approach by many member Nations, ADSM has often played a secondary role.

This study intended to analyse ADSM through a review of the history and processes of dispute settlement within ASEAN. The central focus of this study is to question how ASEAN can best address the issues relating to internal dispute resolution.

After the review of ASEAN Dispute Settlement Mechanisms to determine how ASEAN address the issues relating to internal disputes, the study indicates that the foundation of ASEAN based on three basic principles: respect for state sovereignty, non-intervention, and renunciation of the threat or use of force in resolving disputes not on dispute-resolution mechanism. This shows that there is lack of political will as well as the lack of trust and sincerity towards one another. Thus, ASEAN plays less in resolving disputes as it prioritized the interest of the states rather than regional interests. This will results in ineffective dispute settlement mechanism, and disputes settlement will remains to be issue for ASEAN. Moreover, the result from the review of ASEAN Dispute Settlement Mechanisms, it is found that ADSM is relatively new, and as yet, not a well institutionalized mechanisms, and not yet invoked not because there is no dispute, but because of the absence of well-established, exclusive and compulsory mechanisms, and thus, ASEAN states lack confidence with the ADSM, but have a lot more confidence with the WTO DSM because it has existed for a much longer period than the ADSM.

In nutshell, the findings clearly indicate that ADSM is not strong enough to address the

issues relating the internal disputes, and ASEAN States are not ready to use its dispute settlement mechanisms. Recently, at the workshop held in SIEM REAP, Cambodia on the 5th of November 2014 – ASEAN is strongly committed to establishing dispute settlement mechanisms in all fields of cooperation, said the Deputy Secretary-General of ASEAN for Community and Corporate Affairs, H.E. AKP Mochtan, in his opening remarks at a workshop to familiarize stakeholders with ASEAN Dispute Settlement Mechanisms (DSM). "DSM is a key component in the realization of a rules-based community, where the rule of law is strengthened and disputes are resolved through peaceful means with legal certainty and predictability," DSG Mochtan told the participants.

Beside the limitations mentioned above, the creation of a single ASEAN Market and Production Base, and the arrival of the ASEAN Community in 2015, which is only one year ahead, will intensify the issues relating to the ASEAN dispute settlement mechanism.

These findings confirm that if strong, reliable and trustworthy dispute settlement mechanisms not established, the ADSM will be a challenge, and the existence of the organization will be questioned as strong dispute settlement mechanism is the central pillar of the rule-based organizations.

CONCLUSION

This research indicates, in a nutshell, that ADSM is designed in consistent with the objectives of the ASEAN and United Nations Charters, to accelerate the economic growth, social progress and cultural development of the region and to promote regional peace and stability. And ADSM seeks to uphold and respect justice and the rule of law in the region. However, due to its limitations, and culture of ASEAN States, ADSM will remain a challenge to ASEAN.

Hence, it is recommended that ADSM should be enhanced financially, professionally and institutionally, and that all members should continue working towards the use and full implementation of existing ADSMs. Alternative Dispute Resolution (ADR), as an aspect of ADSM, should also be promoted as part and parcel of the overall dispute settlement mechanisms within ASEAN.

REFERENCES

1976 Treaty of Amity and Cooperation
1996 Protocol on Enhanced Disput Settlement Mechanism
2004 Protocol on Enhanced Disput Settlement Mechanism
2007 ASEAN Charter, Chapter VIII
2010 Protocol to the ASEAN Charter on Dispute Settlement Mechanism.
Ed, T, K., Rosario, M., & Walter W. (2008). The Making of the ASEAN Charter.

Davidson, P. J. (2002). The Evolving Legal Framework for Economic Cooperation.

Lee, S. M. (2006). ASEAN: Brief History and Its Problems.

Rajaratnam. S.(1992). ASEAN: The Way Ahead, in The ASEAN Reader, Institute of Southeast Asian Studies, Singapore.

Weidong, Z. (2008). The Dispute Mechanism of ASEAN Free Trade Area (AFTA) and Its Implications for SADC.

Woon, W. (2012). Dispute Settlement the ASEAN Way.

Woon, W. The ASEAN Charter Dispute Settlement Mechanisms.