International Organization and Community

Interrogating ASEAN's Fictions of Community

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Abstract

Constituent instruments of international organizations constitute fictions of personality and community. With the ratification of the ASEAN Charter, ASEAN as an international organization now acts as an international person and presents itself as a community. This article examines these tropes of international organizations and critiques ASEAN's fictions of community through a reading of the language of community of its three organs—the ASEAN Economic Community, the ASEAN Political-Security Community, and the ASEAN Socio-Cultural Community. The article argues that ASEAN's notions of community reify objects in the economic realm, turn people into *homo sacer* in the political sphere, and marginalize the cultural in what is supposed to be the domains of the socio-cultural. In conclusion, the article proposes a new way of seeing ASEAN and the region. By connecting the trope of "work" to the concept of the "right to the region", the article offers a trope that allows a wider and permanent participation of Southeast Asian peoples in building their regional community.

Introduction

"True Love," the Duc de la Rochefoucauld bitterly wrote, "is like the appari-tion of a ghost; the whole world speaks about it, but few have seen it" (25). The same thing can be said about "community" in Association of Southeast East Asian Nations (ASEAN) discourses and scholarship. Everyone seems to speak the language of community without necessarily seeing its real exis-tence. Regional officials, state functionaries, their conduits in the academe, and even left-wing oppositionists utter the word.[1] Indeed, its usage in offi-cial documents such as the 2007 ASEAN Charter and organ blueprints has been taken seriously as an expression of sincere intent and vision and thus considered as a "significant" utterance (Caballero-Anthony 123).

This paper attempts to break the spell. I aim here to interrogate ASEAN's fictions of community by problematizing the concept of community itself. I therefore bring into ASEAN discourse critical views from without the traditional fields of political science and international relations. I also aim to clarify the relationship between community and international organi-zations by reconnecting this concept to the constitutive power of treaties that forms international institutions. Hence, "community" shall be formu-lated as a trope or representation as much as "the person" is in the law of international organizations.[2] More importantly, I aim to provide an exegesis and critique of ASEAN's fictions of community from the viewpoint of crit-ical theory and the law of international organizations through an analysis of the ASEAN Charter, the three community organs of ASEAN, and their blueprints. Finally, I offer a new (re)presentation of ASEAN through which more people, hopefully, can participate in regional construction.

In this paper, I argue that a treaty that creates an international organiza-tion constitutes not only a fiction of a legal personality, but also a fiction of community. This person is conferred with a will distinct from the Member States, while the community is not just a community of states, but a commu-nity of the peoples of the Member States. ASEAN, I contend, has adopted both fictions. It has been conferred with a separate international legal personality and speaks the language of community. However, based on an examination of ASEAN's three organs—the Political-Security Community, the Economic

Community, and the Socio-Cultural Community—and their visions, I argue that ASEAN's notions of community reify objects in the economic realm, turn people into *homo sacer* in the political sphere, and marginalize the cultural in what is supposed to be the domains of the socio-cultural. In conclusion, I propose the trope of "work" as a new way of seeing ASEAN and the region. By connecting "work" to the concept of the "right to the region," the paper offers a trope that allows a wider and permanent participation of Southeast Asian peoples in building their regional community.

In proving this thesis, I shall use mainly textual and analytical methods. This is only appropriate since "community" is a word embedded in texts. In fact, it has been characterized as a "language" used by scholars, activists, and bureaucrats.[3] It is specifically a trope, a metaphor, a representation. It forms part of the fundamental structure of language that allows us to "know something by seeing it as something" (Culler 71). All these characterizations of the object of study justify the use of a textual or, what one may even call, a literary method. Nonetheless, the basic framework of the paper is institutional law combined with critical theory. ASEAN shall be analyzed as a legal creation, a subject of international law. As Schermers and Blokker pointed out, it shall be viewed as an international person conferred with organs and independent will from its Member States (37). This person is a mask for a group of states that is practicing politics in a stylized manner.[4] For this reason, the person trope may not be a fitting metaphor for the interests of the group. Thus, international organizations law has also created the metaphor of community. Due to its functionalist limitations, however, this international legal view shall be supplemented by critical theory that is sensitive to all forms of exclusionary strategies and searches for alternative world orders.[5] This interpretive strategy of utilizing perspectives in addition to the technical-legal has been described as a useful by-product of the recent wave of legal thought on international organizations (Klabbers 316). Thus, this paper adopts a critical view of international organizations as part of a hegemonic world order.[6] Based on this critical stance, an international organization's fictions of community must go through a hermeneutic of suspicion and an "unveiling" of "illusions" (Harcourt 225, 229). Community, thus, will

be viewed as "divided" and exclusionary of those who have "no qualifications to part-take in arche" [governing] (Rancière 560). In this case, critique must reveal the nexus, the supplementarity, between capital and community.[7] It must show how the trope of community has become part of the language of the state to legitimize itself and transform it into a mode of governing.[8] In sum, this paper uses an interdisciplinary framework, consisting of institutional theory and critical theory, to interrogate ASEAN's fictions of community and propose an emancipatory and egalitarian understanding of regional construction.

The present work is divided into five sections. After this introduction, the second section discusses the legal nature of an international organization and how it is related to the concept of community. The third section offers a review of the pervasiveness of community in international law, international relations, and ASEAN discourses and provides a critique of community from the viewpoint of critical theory. The fourth section focuses on the analysis of community in the ASEAN Charter and the community organs namely the ASEAN Economic Community, the ASEAN Political-Security Community, and the ASEAN Socio-Cultural Community. The last section summarizes the analyses and offers a trope that would invite more people to participate in regional construction.

Fictions of a Constituent Treaty: The Tropes of Personality and Community in International Organizations Law

The field of international relations has recently been defined as an inquiry into the "global organization of political authority" (*International Relations* 119). This definition highlights the idea of international authority which, since the establishment of the United Nations, has been anchored on international organizations (Hooghe et al. 133). Through international organizations, conquest, hierarchy, and exploitation have been delegitimized by the new norms of contractual agreement, equality, and bargaining.

An international organization, for the constructivist John Ruggie, is a bureaucratic entity with "a headquarters and letterhead" that is based on an institution. According to Reus-Smit, an institution in turn is a set of norms

and rules that shapes identity and regulates behaviors of actors (*International Relations* 13). The norms and rules can be formal or informal depending on whether these are codified in legal documents such as treaties and international agreements. Institutions may be in the form of regimes, institutional practices, or a constitution (14-16). Thus, from this viewpoint, ASEAN is a bureaucratic entity with a headquarters in Indonesia shaped and regulated by a formal institution called the ASEAN Charter (a treaty), which may be considered its constitution. Of course, this does not mean that the ASEAN organization necessarily views itself as a cold bureaucracy. On the contrary, as it will be shown below, the organization views itself as a warm community.

Be that as it may, this distinction between organization and institution is not always observed by international lawyers. The word "institution" has been used to describe international organizations as, when one textbook calls the latter, an "international institution."[9] Jan Klabbers' popular work *An Introduction to International Organizations Law* used to be titled *An Introduction to International Institutional Law.*[10] Early writers on the subject also used "international institutional law" to refer to the rules governing international organizations.[11]

For institutional lawyers, what is crucial is the distinction between international organizations and other forms of international cooperation (Schermers and Blokker 30). They try, for instance, to underscore the difference between the informal G20 and the European Union or between the informal BRICS and the post-2007 ASEAN. Legally, no treaty confers personality on the G20 and the BRICS. Hence, unlike international organizations, they do not have separate legal personality and cannot act independently of their Member States.

From this discussion, one may note that what is critical in the formation of an international organization—which has become the ultimate vehicle for region building—is a treaty. Legal definitions of an international organization include the element of a treaty. Thus, Klabbers defines it as an entity created by states on the basis of a treaty, endowed with an organ, and a distinct will [*volonté distincte*] (9). It is a form of cooperation founded on the

basis of an international agreement and provided with at least one organ with a "will of its own" (Schermers and Blokker 37).

This constituent treaty is not an ordinary instrument. Treaties constituting international organizations are of a particular type for they create subjects of international law who are conferred with autonomy ("Nuclear Weapons" 75). By saying this, the International Court of Justice did not mean that these subjects have the same powers, rights, and obligations possessed by states. Rather, it was saying that states are not alone in the international community. International organizations are also subjects with international rights and duties and capacity to pursue certain claims. In short, an international organization is an international person ("Repatriation for Injuries" 9).

Here one confronts the most powerful trope in the field of international organizations—the person. The international institution is a person who exercises its "*volonté distincte*" in the realm of international law (Alvarez i). This means the person has the power to act, that is, enter into contracts and sue, and so forth, independently of its creators. This trope is then extended to the parts of the organization which are now called "organs" (sometimes even including a plenary body). And though organs are subordinate to the person, they may now legitimately give birth to a new judicial body.[12]

The institution as person is undoubtedly a traditional metaphor. But recent scholarly reflections have complicated this trope. Personality, it may be noted, is rooted in the Latin "persona," which literally means "mask." When a group of states form an international organization, they create a fictional persona akin to wearing a mask. In this way, "hiding behind the mask of personality" helps create a theatrical world, where the states "turn public life into a spectacle where raw emotions and primal interests can be channeled and sublimated through the institution of a legal person" (Klabbers 65). In other words, the metaphor of a person protects them as a group from outside interference, allowing them to "conduct politics in a stylized form" (Klabbers 66). It means that the audience can see through this some sort of dragon dance where they can get a glimpse of several men leaping in coordination and in a theatrical manner. The states as actors therefore do not disappear

from sight. They are merely behind a transparent and layered entity that is the international organization (Brölmann 32).

While "person" was the traditional trope in international organizations law, "community" is the new trope that has recently become ubiquitous to the extent of losing its novelty. Writing in the mid-90s in the last century, one legal scholar states the following words in an article lyrically titled "The Souls of International Organizations":

> While international lawyers continue to describe international institutions with the tired, traditional metaphor of "personality," the states that are members of those institutions, the people who staff and serve them, and the empirical and theoretical scholars who study them have come to see them in terms of "communities".… (Bederman 371)

While Bederman admits that the "fictive person" is still around, he recognizes that:

> … organizations see themselves as the legal embodiment of communities, with complex interplays of equal and subordinate relations with states, with other organizations … the image of legal personality has not been the only metaphor used to describe international institutions and the regimes they make. Writers have increasingly embraced the idea of community (371).

What is immediately apparent in the excerpts from Bederman is the source of the new concept: it is the states and those who work for the international organizations who describe the entity as a community. They see the organizations as the "legal embodiment" of communities. Scholars and writers have joined this group by embracing and disseminating the new metaphor.

In the late twentieth century, it seems that "community" was still outside the mainstream. To prove that international organizations do form "communities" and work for "community interests," Bederman returns to the archives of the International Commission for the Cape Spartel Lighthouse that maintained the upkeep of a lighthouse on the coast of Morocco to prevent maritime accidents. Despite Spain's and France's imperial desires to

occupy Morocco, a constituent instrument in 1865 was successfully signed and ratified by ten powers that cooperated to maintain the lighthouse and guarantee its neutrality. The Commission successfully navigated several stormy questions regarding its membership, the management of the lighthouse, and violations of its neutrality by some members, thereby journeying for several decades until the lighthouse was turned over to Morocco in 1958. For Bederman, the characterizations of the institution as servitude, internationalized territory, and as a juridical person are not enough. What was rather at stake in the history of the Commission and missed by the above-mentioned characterizations were the interests of the community that it served. Bederman stated that through the formation of an international institution and providing answers to some difficult questions regarding its existence, "international law made possible a lighthouse on a lonely shore, shining its beacon into a needful night" (377).

Bederman's article is undoubtedly a lyrical celebration of international organizations and communities. He searches for a new of way of seeing international organizations. And he finds it through the lens of the metaphor of community. For Bederman, the trope of community best describes states when they come together to construct regimes that may constrain their acts and other international actors' behavior (372). These "treaty-regimes" create norms and do have a "powerful law-creating effect" (Crawford 29). When an international organization facilitates the creation and ratification of treaties such as the UN Human Rights Conventions, the Geneva Conventions, and the UN Convention on the Law of the Sea—the international legal regimes governing human rights, war, and the sea—it acts less as a person, but more as a community (Bederman 372). In these cases, the international legal regimes could be seen as, to borrow the words of McNair, "the nearest approach to legislation by the whole community of States" (cited in Crawford 29).

Thus, the constituent treaty of an international organization creates fictions of a person and a community. Most recently, the trope of a community has been so normalized that there is an urgent need to question and interrogate it.

Seduced by Community: Toward a Critique of the Language of Community in International Law, International Relations, and ASEAN Discourses

Literary critic and cultural scholar Raymond Williams once wrote that the word "community" seems "never to be used unfavorably." Unlike the words "state," "nation," "society," it has not acquired any "positive opposing or distinguishing term" (*Keywords* 76). While recent critical accounts of community are now available, Williams has no doubt underscored the seductive appeal of community. Critical theorists have pointed out the ubiquity of the term in state, popular, and academic discourses. Politicians, scholars, activists, and ordinary people harp on the same word in their aim to make use of its emotive appeal (Creed 1). They seem to have been seduced by the word and in turn are using its wiles to seduce us.

Practitioners and scholars of international law have not been able to resist this seduction. Bederman's article discussed above is without doubt its most lyrical celebration. Nonetheless, even the first and most important judicial decision in international organizations law already premised its determination of the existence of the United Nation's legal personality, which the treaty failed to expressly grant, on the idea that the nature and rights of legal subjects depend upon "the needs of the community" ("Repatriation for Injuries" 8). The concept of community interests, which "encompass fundamental values shared by a group of states or the international community as a whole," now stands as an important pillar of the international order (Tanaka 10). International law, which governs this international order, has incorporated the "common interests of the international community as a whole, including not only states but all human beings" (Simma 268).

International lawyers, of course, have been vulnerable to this kind of temptation. They have often pushed for normative projects to establish the existence of law in the hard texts of international agreements and in the more elusive customary practices of states. In contrast, international relations scholars would be more immune to the seductions of community. Their traditional skepticism about the idea that there exists at the international level anything that resembles a community has partly obscured the

concept of a "security community" for a long time (Adler and Barnett 31). For Adler and Barnett, the scholars who popularized the idea of "security community," a community has three important characteristics:

1. Members share the same values and meanings;
2. They have direct and many-sided relationships; and
3. [These] "communities exhibit a reciprocity that expresses some degree of self-interest…and…altruism." (31)

They in turn argue that such an entity can exist at the local, the domestic, and the international level (Adler and Barnett 32). At the international level, this may take the form of a security community which is tied to a transnational community.[13]

This recent revival of the idea of community in "security communities" has spawned numerous works, including a full-length book on the construction of an ASEAN security community.[14] Scholars have, in fact, noted a shift from a discourse of "region building" to "community building" in official ASEAN discourses ("Lessons from Asia" 284). This is a discursive shift that certainly utilizes the positive and emotive connotations of "community" which are lacking in the word "region." Unsurprisingly, Southeast Asia's international institution would adopt the language of community by speaking of an "ASEAN Community," an "ASEAN Political-Security Community," an "ASEAN Economic Community," and an "ASEAN Socio-Cultural Community." Following this trend, more scholars have in turn embraced the rhetoric of "community building" or "regional community."[15] In other words, international relations discourse has been ultimately ensnared.

At this moment, I shall not yet delve deeper into ASEAN's notions of community. It should be enough to recognize the irresistible use of the word "community" in the discourses of international law, international relations, ASEAN scholarship, and most importantly, in the constituent treaty of the ASEAN international organization itself. I therefore note an evident sort of enchantment by community in the discourses examined, and that there is an urgent need to break the spell. While this paper does not totally reject the whole discourse of community, it submits that a certain self-reflexivity is

needed to maintain a critical perspective required in scholarship. This may be done through an introduction to the critical literature on community.

The term "community" is said to have become part of our way of understanding the world. This ordinariness, which makes it disarmingly acceptable to the ear, is further complicated by its meaning that may refer either to a *group of people*, a *quality of relationship*, or a *location* (Creed 2). Moreover, the term, in its modern usage, embodies a "difficult interaction" between the sense of "direct common concern" and "the materialization of common organization" which may more often than not fail to "adequately express" the former (*Keywords* 76). This slippery character of the term allows people to evoke the more positive connotations of community such as "harmony, homogeneity, autonomy, immediacy, morality, locality, solidarity, and identity" (Creed 2). But what is even more critical is its being "a warmly persuasive word" to "describe an existing set of relationships or an alternative set of relationships" (*Keywords* 76). In short, the word can either be realistic or utopian.

It is not surprising therefore that the word would see a surge in usage in the aftermath of 1989 or 1991. Just as community's immediacy became an alternative to the 19th century urbanization of industrial societies, it offered something of a collective utopia upon the breakdown of actually-existing socialist or communist societies. It may be noted that for a long time, communism stood as "an emblem of the desire to discover or rediscover a place of community at once beyond social divisions and beyond subordination to technopolitical dominion" (Nancy 1). The breakdown of societies claiming to be communist left a vacuum to which a variety of notions of community came to fill. Community was therefore connected to the triumph of capitalism in the late twentieth century and became the new mode of governance (Creed 3).

These two aspects of community—its connections to late capitalism and governance—would be critical to the critique of ASEAN's fictions of community. First, Gerald Creed writes that "the success of modern rule owes much to its articulation of an expansive authority…in a language of community." Modern states "traffic in the emotional elements of community to establish

consent" (Creed 6). Thus, we do not resist "community policing" since we are disarmed by the first word in a way that makes the second word more acceptable. Second, Miranda Joseph offers a sobering view of community that uncovers not only its inclusions and exclusions, but also its connections to capital. She argues that community "supplements capital" and "shores it up, and facilitates the flow of capital" (Joseph xxxii). This is quite clear in the relationship between consumption and community. Capital nowadays is producing for targeted communities of race, gender, nationality, and so forth. Thus, the "degree to which consumption practices correlates to the boundaries of communities" is not coincidental (Creed 7).

How did community end up in the hands, if not in the arms, of the state and capital? It may be recalled that community, as early sociologists such as Tönnies, Weber, and Durkheim argued, was displaced by the bureaucratization of societies. Why then would the proximate cause of the displacement—the state—begin to speak the language of community? For Creed, the answer lies in the fact that community becomes more useful to the state as the former's power declines and is displaced. Communities in the hands of the state become "units of consumption and representation"; thus, a community that is promoted by the state may be, in all probability, a problematic idea since the latter subjects community to facilitate the circulation and transformation of capital (Creed 7).

This critical view of community cannot be limited to the confines of a single state. The proliferation of communities in the form of international organizations—the former European Community (now EU), the Andean Community, and now the ASEAN Community—demands a critical examination of this co-optation at the international level. The critique then must be taken to the regional level, where states are involved in a so-called "community building." Thus, one might also pause, step back, and try to analyze how "community" has been used to conjure unity and solidarity in Southeast Asia and how it is actually materialized within an international organization.

A Reading of ASEAN'S Fictions of Community

In the previous section, I have presented a critical view of community as it has been coopted by states as a legitimating discourse even as they transform communities into units of consumption and representation. I have also discussed how international organizations' legal nature creates tropes that include the fiction of being an embodiment of a community. In this section, I bring these institutional and critical perspectives to bear on the task of examining ASEAN's fictions of community.

The ASEAN Charter constituted an international organization that uses both the tropes of person and community. In fact, Article 3, Chapter II states that "ASEAN, as an intergovernmental organization, is hereby conferred legal personality."[16] Article 3 constituted ASEAN as a subject of international law with a distinct will of its own. No wonder this development conjured fantasies of an ASEAN exercising its *volonté distincte* [distinct will] to the extent of entering into treaties on behalf of its Members States, thereby creating obligations to be fulfilled by the latter.[17] Years after 2007, it became clear that ASEAN would not be the Frankenstein's monster who could order its creators to obey. Even more problematic is the finding that in the organization's treaty practice the Member States still remain the parties to the critical agreements and ASEAN is relegated to sign rather minor treaties.[18] The person's *volonté* is not, after all, *distincte* from the Member States. ASEAN is run more by national governments rather than by a regional body (Tay 59). Hence, ASEAN appears to be a *wayang kulit* [the performance of a shadow play in Indonesia] of its Member States.[19]

Although I focus here on the trope of community, it is important not to ignore the fiction of a person in ASEAN. The metaphor of a person is constitutionalized by the Charter and the ideas of a community, as I will later argue, are all materialized in "organs" and given flesh by "bodies." Both organs and bodies are, without doubt, extensions of the person metaphor. That is why one needs to keep this metaphor in mind.

ASEAN first used the language of community in the 1976 Declaration of the ASEAN Concord: "Member states shall vigorously develop an awareness of regional identity and exert all efforts to create a strong ASEAN

Community." (2) But, as one scholar rightly points out, this was "little more than a political slogan." The scholar argues that it was only after the 2003 Declaration of the ASEAN Concord (Bali Concord II) that the creation of an ASEAN community became a concrete plan (Oba 63).

Nonetheless, if seen from the viewpoint of institutional law, the turning point would not be 2003. It would be the ratification of the ASEAN Charter. As already mentioned in the previous section, the constituent treaty creates not only a fiction of personality, but also a fiction of community. The Charter indeed speaks the language of community. The word permeates the Charter from its preamble and purposes to the chapter enumerating its organs. Thus, the preamble, using the fiction of the peoples of Southeast Asia as authors, states that the creators are convinced to "realise an ASEAN Community." One of the purposes of the organization is "to develop human resources … for the empowerment of the peoples of ASEAN and for the strengthening of the ASEAN Community."[20] The organization further intends to "promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, benefit from, the process of ASEAN integration and community building."[21] This language of community moves from the vision of the preamble to the act of building. One may note in these excerpts the conspicuous usage of the peoples in relation to the community. In the preamble, there is the "We, the peoples of Southeast Asia." In Art. 1 (10), the empowerment of the peoples of ASEAN is related to the strengthening of the ASEAN Community. Lastly, in Art. 1 (13), there is the promotion of a people-oriented ASEAN in which all would participate in community building. All these suggest that community is not only a trope to describe the international organization but also its actual object of construction—the region.[22]

The references to the people and to community seem like a kind of music that sounds so dream-like that one might think that the ASEAN Community is indeed "aimed in the direction not of mere attainment of the common interests of the elite" but toward the creation of a region where the common people can participate and have the "sense-of we-feeling" (Oba 76). Before one falls for this rhetoric of community, however, one must ask how the Charter itself materializes this community. By "materialize," what

is meant is how the idea is transformed into an organizational structure. Thus, I turn to Chapter IV of the Charter which creates the "organs" of the person. Article 9 creates the ASEAN Community Councils which include the three pillars: the ASEAN Political-Security Community Council (APSC), ASEAN Economic Community Council (AEC), and ASEAN Socio-Cultural Community Council (ASCC).

It is notable how these organizational structures use both the tropes of person and community in which each council is both "an organ" and "a community." This is only fittingly appropriate since a community is more of an idea. One does not really see a community. One simply sees people together. In the context of ASEAN, one can say that the idea of community is materialized into an organ, which is, in turn, provided some sort of flesh through the ASEAN Sectoral Ministerial "Bodies" as seen in Art. 9 (2).

Legally, an organ is subordinate to the person of the organization. Often, it does not have a personality of its own. The organs of an international organization, however, are important in the same way that an organ is critical to a person. It is through the organs that an international organization performs functions and achieves its objectives.[23] Organs are also given the power to interpret the rules of an organization. Most importantly, through the analysis of its organs, one may understand the organization since the former forms part of the latter's "interior design" (Klabbers 207). Thus, the materialization of an idea of a community into an organ, and how the same organ in turn expresses a vision of community, are worth examining.

A. Reification, Fetishism, and the Supplementary Relations between Capital and Communities in the ASEAN Economic Community

In order to understand a society, one may look into the exchange of commodities within it. It is also in the realm of the economy that one may find a clearer answer to the question of how much integration the countries of Southeast Asia have achieved. Thus, I begin the analysis with the ASEAN Economic Community.

The nomenclature of "economic community" reminds one of the European Economic Community of the '50s and many terms such as "single

market" and "free flow" seem to suggest a repeat of the European model (Pelkmans 18; Inama and Sim 37). But it is common knowledge among scholars that ASEAN is not an imitation of the EU. Although both EU and ASEAN are international organizations, the Member States of the latter institution have not given up certain competencies and thus a treaty signed by ASEAN alone cannot have a direct effect on the domestic law of the Member States. Exclusive competence, limitations of sovereignty of Member States, and direct effects are strictly principles of European law (Schütze 78-79; Weatherill 29-33). Hence, the reader must be very careful since the AEC does not use the terms with the same referents.

The idea of the AEC was first popularized in the Bali Declaration of 2003 which expressed the "end-goal of economic integration." The data now shows that from 2004-2011 intra-trade of goods has risen from 260 billion USD to 598 billion USD, and from 2000-2011 intra-ASEAN foreign direct investment total share from 0.85 billion USD to 26.27 billion USD. Some have considered this the "greatest sign of integration" (Chang 349-350). It is not surprising that another ASEAN scholar has proposed to make the AEC the leading force in community building since it has the "clearest timeline" and "measurable achievements." He believes that such integration may spill over to the other realms, making regional interest become a more predominant force (Tay 57).

The idea of the AEC is now partly materialized in an organ whose function is to facilitate the work of economic integration in the real world. The materialization of the idea therefore goes through the organ of the organization which in turn works on the construction of the economic community. The AEC organ is, for obvious reasons, peopled by the ASEAN Economic Ministers Meeting (Woon 98). This latter ministerial body earlier took a "life of its own" from the Foreign Ministers Meeting which for many years was the leading force in the region (Woon 104). This departure was a sign that the economic may become the central and determining factor in regional integration in the last instance.

But what kind of economic community does this organ construct? The vision is constitutionalized in the ASEAN Charter, Art. 1 (5), Chapter 1:

> …To create a *single market* and *production base* which is stable, prosperous, highly competitive and economically integrated *with* effective facilitation for trade and investment in which there is a *free* flow of *goods*, services and investment; *facilitated* movement of business persons, professionals, talents and *labour*; *freer* flow of *capital* (emphases added) (4).

This vision of a community is conceptually rich if the glittering generalities of "stable," "prosperous," and "highly competitive" are dropped. It is, however, a vision torn between aspiration and conservatism, between free market imaginaries and statist control, between the future and the present. In the final analysis, it is a vision of a community where things are more powerful than people and freedom belongs to things.

Jacques Pelkmans has written a full-length book on economic concepts in the ASEAN Charter and has evaluated ASEAN's idea of integration from the viewpoint of a "modern stages approach" to economic integration (Pelkmans 20-25). I adopt here his conceptualizations and add the critical lenses of reification and fetishism. He notes that a "single market" is more of an aspiration than a regulatory concept. Not even the European Union has achieved a single market (Pelkmans 36). Moreover, the concept of a single market could not accommodate a distinction between a "free flow of goods" and a "freer" flow of capital. Freer flow of capital, in fact, contradicts a single market (Pelkmans 92). More importantly, for the people of the region, the vision is "selective" for focusing on "skilled labour," which was changed to "professionals" in the Charter (Woon 43; Pelkmans 92). Unlike the flow of "goods" (which has now a treaty to govern it), unskilled laborers have been left out in the cold as there is no treaty covering them (Inama and Sim 36, 62). But whether skilled or not, there are no rights for people to access labor markets in the ASEAN Community. Only the states retain the right to facilitate the movement of business persons (who, as the human embodiment of capital, seem to always come first) followed by professionals, talents, and (last and perhaps, the least) labor. The words "free" and "freer" are conferred not on human beings but on things such as goods and capital. In the final analysis, the freest of them all are only the creations of human beings—the reified "goods."

Thus, the picture of the ASEAN Economic Community becomes clear. It is a community supplemented by the freer flow of capital and whose human embodiment, the business person, always comes first ("ASEAN Economic Community Blueprint" 5). It is a community where ordinary workers, abstractly called "labor," do not have the freedom and right to work in other parts of the region. It is a community where states have the power over the movement of people, and yet would allow the free flow of goods by eliminating tariffs and other barriers.[24] In other words, this is a community dominated by reification where objects have more rights of movement than their creators.

Additionally, things shall be free and pervasive in this community envisioned as a single "production base" and as such it would appear as one with "immense collections of commodities" (Marx 125). This may not necessarily be a bad development. To become a single production base and thus increase the production of goods requires the free movement of goods needed for production within the region. This is the only way the region could possibly compete with India and China as a production hub. And in the Post-Covid era and intense US-China competition, this ASEAN production base may be a logical economic alternative. Nonetheless, in a regional community where things have more freedom of movement than men, relations between people would be mediated by things and the social relations between men in one national community that produce the goods would assume the "fantastic form of a relation between things" (Marx 165). The national producers would be embodied by the things they produce and would be known not as men but as things. In other words, there would be a fetishized form of community relations.

Moreover, the lack of rights of movement for people in this transnational community would maintain the archipelagic divisions of the smaller communities within Southeast Asia. In this context, the freer flow of capital and free flow of goods would be the only predominant link connecting the communities rather than a strong bond between and among peoples. In the absence of social relations between the peoples of Southeast Asia, capital and goods would supplement the void just as the communities—whose people

are without rights—would supplement and enable capital's transformation from labor value into commodities, from commodities into money, and finally, from money into capital.

The reproduction of this supplementary relation between capital and communities would continue at the cost of peoples' rights (Joseph 13-21). Capital would be able to harness communities' supplements of labor without the producers gaining the same rights of movement of their own creations. Capital would be able to reproduce itself through community consumption and exchange. Indeed, capital would be able to assume several fantastic transformations in the single market while producers and consumers of value would have limited people-to-people exchanges.

Thus, reification of goods, the fetishism of community relations, the predominance of the human embodiment of capital, the affirmation of state rights to control peoples' movements, the supplementarity of community and capital—all these characterize the vision of the ASEAN Economic Community as constitutionalized in the Charter and the plans of the ASEAN's community organ. And after everything is summed up, the people are left only with the freedoms to produce and to consume.

B. Homo Sacer and the ASEAN Political-Security Community

The nomenclature of the ASEAN Political-Security Community (APSA) is obviously taken from the concept of security community coined by Deutsch and popularized by Adler and Barnett. Adler and Barnett state that the original sense of this concept refers to a group of states that have become integrated so that they expect to settle their differences by peaceful means (3). Scholars have tried to answer the question whether ASEAN can be considered a security community. Acharya two decades ago described it as a nascent security community. More recently, Chang argues that it is neither a security community in the Deutschian sense nor in the "critical security community" sense (356).

In this section, I shall analyze the organ and its vision of community from the same critical viewpoint already used in the previous section. I shall also use the critical security community defined by Chang as a group of people

that has a sense of community and has built institutions and practices strong enough to "ensure common, comprehensive, and dependable expectations of peaceful change among its population." It is comprehensive enough in the sense that it does not only include other sectors of security such as the economic, but also focuses on the individual's emancipation as the ultimate aim of security (Chang 356). As Ken Booth writes:

> Security means the absence of threats. Emancipation is the freeing of people (as *individuals* and *groups*) from physical and human constraints which stop them carrying out what they would freely choose to do. War and the threat of war is one of those constraints, together with poverty, poor education, political oppression, and so on. Security and Emancipation are two sides of the same coin. Emancipation, not power or order, produces true security. Emancipation, theoretically, is security (qtd. in Chang 355).

Here, freedom of individuals and groups become the telos of security rather than the security of the state and its political and military elite. War, poverty, poor education, and political oppression are the demons. This expanded notion of security not only includes education and the economy, but also political oppression which, without doubt, refers to both state and non-state violence. This notion of security is distinguishable from other concepts of security that continue to be state-centric. Critical security is centered on the individual and the "overlapping emancipatory communities" (Chang 355).

Against this concept, I shall turn to examine ASEAN's political-security organ. Several bodies come under the APSC such as the ASEAN Foreign Ministers Meeting, Defense Ministers Meeting, Law Ministers Meeting, the ASEAN Regional Forum, Commission on the Southeast-Asia Nuclear Weapons-Free Zone, Ministerial Meeting on Transnational Crime (Woon 242).[25] Of the three organs, the APSC is the most homogenous. Woon, for instance, describes the membership of the AEC as a "mixed bag" and the ASEAN Socio-Cultural Community as the most "miscellaneous" (98). This membership already tells us something about the limits of the concept of secu-

rity in the Charter which is legal-military centric. Hence, ministers of law, defense, police (transnational crimes), and foreign relations predominate.

Writing ten years after the signing of the Charter, a scholar pointed out that the major shortcomings of the organ were in "the promotion of human rights and cooperation for good governance" (Baviera 17). This is already expected from the state-centric concept of security in ASEAN as materialized in the APSC organ and the ministerial bodies under it. The organ's composition may be considered the materialization of the ideas of security in ASEAN. It may be noted that the predominant formulations of security in ASEAN have been the concepts of "comprehensive security" and "regional resilience." "Comprehensive security" refers to a formulation of security that goes beyond military threats and covers political, economic, and socio-cultural dimensions. "Regional resilience" underscores economic development and neutrality in great power competitions. Both of them have already been criticized as state-centric and rather limited ("From Comprehensive Security" 125-26). This state-centricity in *ideas* and in their *materialization* in the APSC may be the reason why multilateral cooperation in this area has been reduced to an exclusive soiree of regional officials and bureaucrats ("From Comprehensive Security" 125). Non-state actors and other representatives of peoples and communities threatened by climate change, forced migration, and state violence are not invited to and do not partake in the usual regional banquets organized by ASEAN. In fact, even the APSC Blueprint 2025, which includes "non-traditional security issues," remains police-centric. Under "non-traditional security," the Blueprint lists transnational crimes, terrorism, drugs, human trafficking, arms smuggling, cyber-crime, border management, disaster management ("ASEAN Political-Security Community Blueprint" 15-22). All these issues are certainly important. But they remain police-related work, except perhaps, disaster management. Under this arrangement, the legal becomes the tool of the state to support its heavily militarized conception of security and operations. Measured against the concept of critical security formulated above, the non-traditional security issues almost look old hat.[26]

Published in 2016, the APSC Blueprint 2025 proclaimed "a rules-based, people-oriented, and people-centered community," where peoples enjoy human rights and fundamental freedoms as its vision ("ASEAN Political-Security Community Blueprint" 2). To implement this vision, the Philippine state marched ahead and launched its drug-war titled *Operation Tokhang* (meaning "to knock" [toktok] and "to plead" [hangyo]) that victimized thousands of so-called "drug pushers" and addicts. Philippine President Rodrigo Duterte cussed his way through and unleashed the police like furies, leaving the dead literally in the streets like garbage. Some scholars aptly called it "governing through killing" (Johnson and Fernquest 370). Not to be outdone, the Myanmar military also continued its genocidal war against the Rohingya people, pushing the latter to neighboring Bangladesh or to the sea, and, if they are lucky enough, to the shores of other ASEAN countries. In response, the International Court of Justice issued provisional measures in the case of *Gambia v. Myanmar*, ordering The Republic of the Union of Myanmar to take all measures to prevent the commission of acts enumerated in Article II of the Genocide Convention ("Gambia v. Myanmar" 25). It took a non-ASEAN state to plead before the international courts to stop Myanmar from faithfully executing its version of a "rules-based, people-oriented, and people-centered" community. And while the Blueprint 2025 was being enthusiastically implemented by the Member States, the ASEAN Intergovernmental Commission on Human Rights, whose membership is also composed of government representatives, was working hard in a workshop on Transition between AICHR Representatives 2016-2018 to AICHR Representatives 2019-2021 in March 2019. A few months later, the AICHR would hold the most urgent interregional dialogue on the sharing of good practices on *business* and human rights ("ASEAN Intergovernmental Commission on Human Rights, Report 2018-2019" 12). Nero might finally have met his match.

If in the economic sphere people have less power than the reified objects, in the realm of ASEAN's political-security community they become *homo sacer,* bodies without rights and whose elimination does not even amount to a crime.[27] In the cases cited above, particularly in the Philippines and Myanmar

(of course, Indonesia, Cambodia, and Vietnam have been on the honor roll in the past), it is as if the Member States have declared their acts as exceptions to international legal obligations, thereby creating what amounts to a state of exception from international law. In the ASEAN community, people find themselves rightless when Member States deem them to be outside the national law. Member States cannot guarantee the human rights of peoples living within the region. Thus, the moment a people of a Southeast Asian state lose the protection of their government, "no authority," to borrow Hannah Arendt's words, "(is) left to protect them and no institution (is) willing to guarantee them" within the region (Arendt 381).

The vision of a "rules-based, people-oriented, people-centered" community therefore flies in the face of massive and systematic violations of international human rights. This problem is not only limited to Member States skewing rules to settle intra-organizational conflict such as border disputes (Tan 67). The problem is not simply that they were willing to shoot it out in Preah Vihear before the ink on the ASEAN Charter had dried up. The main problem is that these states are willing to shoot their own people and sacrifice them on the altar of national security just as the Romans did with their *homo sacer.*

C. The ASEAN Socio-Cultural Community: The Spectral Presence of Capital and the Marginalization of Culture in the ASEAN Community

The ASCC appears to the imagination as a crowded house. The bodies under this organ are both numerous and miscellaneous. They include ministers and officials of education, culture, information, environment, health, labor, rural development, social welfare, youth, civil service, disaster, meteorology, and the university network (Woon 244-45). The ASCC carves a domain that includes human development, social welfare and protection, social justice and rights, environmental sustainability, ASEAN identity, the narrowing of the development gap ("ASEAN Socio-Cultural Community Blueprint 2015" 1).

One ASEAN consultant describes the ideas behind it:

[The ASCC is]. . . the soft side of development or sectoral cooperation, conflated with technical cooperation among developing countries . . . socio-cultural cooperation grew out of ideas of functionalism, neo-functionalism . . . This dimension of regionalism was given the official name "functional cooperation" in 1987. On the wave of the sustainable development movement, its scope of work was expanded and then labeled 'socio-cultural cooperation' in 2004. (Maramis 179)

This characterization of the organ as a "soft side" of development cooperation reveals the present nature of the ASCC. It attempts to cover what was sidelined by the elitist and exclusionary APSC and AEC. Moreover, as shown above, the AEC privileges the "business persons" and the APSC, the governing class, the lawyers, and the generals. As such, both leave out the people—that is, in its Rancierian sense or "those who do not count, those who have no qualifications to part-take in *arche*" (the power to begin anew, to govern) (Rancière 558). This is the reason why the ASCC has practically gathered those ministers concerned with the laborers and their education, the doctors, and the social welfare workers into one big organ. Arguably, the idea behind the organ is remedial in nature. To remedy was its *function*.

This function is still very much clear in its objective of providing livelihood to people, though this is now couched in the language of human development which combines the insights of the basic needs approach and Sen's concept of capability building ("ASEAN Socio-Cultural Community Blueprint 2015" 2). Nonetheless, by adopting the language of development studies, the organ also assumes the function of capital's social worker, that is, tending the beggars produced by the international economic system without questioning the whole logic and infrastructure of such system. This is the logic of the division between the economic community and the socio-cultural community: the former establishes an unquestionable economic arrangement; the latter serves as its social welfare subordinate, if not its utility man. Otherwise, why would the livelihood of the people be a problem if economic development is inclusive? The ASCC arguably aims to take care of those who were (or will be) left behind by the market economy even as it retains an instrumentalist view of education as an extension and conduit

of the labor market ("ASEAN Socio-Cultural Community Blueprint 2015" 3). While it tries to move beyond the economic growth-centered notion of development, its main problem remains the economic welfare of the losers within the system. However, through a new "socio-cultural" nomenclature, the economic—the proximate cause of the problem—disappears and becomes an absent cause as it assumes a spectral presence in the concerns of the organ. In this way, the mode of production that produces unemployment, underemployment, illiteracy, high mortality, inequality, and environmental damage is nowhere to be seen and yet very much remains a palpable presence within the "socio-cultural" sphere. Capital, it seems, has wrapped itself with a veil, haunting the "socio-cultural" community.

If the economic is absent with a spectral presence, the cultural is marginally present with a spectral absence. This is ASCC's style of exclusion by inclusion. When ASEAN started wearing the cloth of "socio-cultural" cooperation, one may think that the "cultural" would become predominant. This new attire certainly has attracted some confused stares from bystanders. One of the sources of the confusion is the prominence of "culture" in its attire. Of course, the word "culture" is one of the most complex words in the English language.[28] But one of its more common associations is to literature, art, and other civilizational artifacts. International relations theorists who accommodate the concept define it as "values, customs, beliefs and symbolic practices by which men and women live" (*International Relations* 104). It refers to a people's way of life that includes poetry, music, and dance, including the kind of transport network they have built.

To reiterate, the confusion lies in thinking that the "cultural" would be prominent in the programs of the organ. One study, for example, finds that young people in ASEAN think of integration in terms of "networking" and "culture." The study's authors therefore recommend that the ASCC focus on networking and culture (Leopairote 194). The first ASCC Blueprint, however, relegated "culture," which includes the preservation of cultural heritage and creative production, to letter "E" of the plan ("ASEAN Socio-Cultural Community Blueprint" 21). It was preceded by numerous development goals and then followed by projects resolving the development gap in

ASEAN. This poor and marginal positioning is matched by its substantive insignificance. Woon rightly comments that the ASCC Blueprint lists some measures to build an ASEAN identity but "none of really great potential impact" (55).

This official marginalization spills over into semi-official works. Symptomatic of this marginalization of "culture" in the ASCC is the representativeness of the book on the ASCC that included the study of Leopairote and his colleagues. Volume 4 of *ASEAN at 50* (i.e., *Building the ASEAN Community*) which was published by the Economic Research Institute for ASEAN and East Asia, compiled articles on the ASCC. The contributors included 3 economists, 3 think-tank associates, 1 social scientist from a university, 1 ambassador, 1 law professor, 2 natural scientists, and 3 social entrepreneurs from C ASEAN[29] (Baviera 47 and Maramis 43). One gets the impression from reading the book that the "socio-cultural" really meant socio-economic which fits the domains of livelihood, social welfare, and development gaps in the ASCC Blueprint. While admittedly "culture" has wide meanings, the absence of cultural producers (artists, writers, literary and cultural theorists) in this book is symptomatic of the malaise. One may think that this is merely a scholarly aberration in ASEAN studies. But the same exclusion of the cultural can be seen on the pages of the anthology, *The 3rd ASEAN Reader*. This reader which includes a wide range of topics and authors also failed to give ASEAN arts and literature even a token presence. Even articles focused on the ASCC tend to talk more on areas such as environment, migration, and disaster management.[30] While these instances may be interpreted as editorial and authorial prerogatives and idiosyncrasies, they altogether create a discursive formation that excludes the cultural. Indeed, one could argue at this point that those who speak for ASEAN continue to talk about the "cultural" without seriously including voices from the field of cultural production itself. It must be noted that the "cultural" is a "home turf" of cultural theorists, literary theorists, anthropologists, and art theorists. Excluding these voices would surely be a loss to the cause of a deeper understanding of diversity in Southeast Asia.

Thus, marginalization in the ASCC comes in two ways. One is conceptual; the other is representational. The organ calls itself "socio-cultural" when most of its domains actually focus on the socio-economic such as livelihood, development gaps, social welfare, and environment. Moreover, the discourse of the socio-cultural is predominantly economistic, if not social scientific; in this sense, the economic returns like a specter. This conceptualization of socio-cultural, which marginalizes culture, is also somewhat dated. It reflects the marginal position of the cultural in the *UN Convention on Economic, Social, and Cultural Rights* (1976). However, with the coming of the *UN Declarations on the Rights of Persons belonging to National, Ethnic, Religious, or Linguistic Minorities* (1992) and the *UN Declaration on the Rights of Indigenous Peoples* (2007), the trajectory of international politics is clearly a movement towards greater sensitivity to cultural rights and greater appreciation of cultures. The second mode, which is representational marginalization, logically follows from the above-mentioned discursive narrowness. Because of the discursive limitation of the "socio-cultural," people from the cultural field are logically not included and their views are thus excluded as a matter of course.

This marginalization of culture is shortsighted at the very least. It runs counter to the emphasis on identity construction in the Charter. The preamble, Article 1 (14) of Chapter 1, and a Chapter titled "Identity and Symbols" devote space to identity construction. The development of a consciousness of belonging to a single region (or identity) could ultimately be achieved by the circulation of shared cultural forms and artifacts. If one is seriously looking for the "soft" side of integration, it exists in the cultural products that can be shared with one another. This was already persuasively argued by Anderson in his study of Southeast Asia's novels. The world of fiction allows people living in various parts of a territory to recognize and imagine a community even without meeting each other (Anderson, 1991). Arguably, narratives are stronger bonds among human beings. Thus, ASEAN must recognize not only the right to life, but also the right to narrate and represent.

Even from the viewpoint of governance, the importance of this complex word "culture" cannot be ignored in ASEAN. The international organization is constructing a region out of a vast and diverse cultural wilderness. To construct also means to organize. Regional governance must therefore deal with this complexity. It cannot simply hide in slogans like "unity in diversity" then relegate to the nation-state the problem arising from ethnic differences. Historically, ASEAN countries have troubled relations with their ethnic minorities (such as the Moro in the Philippines, the Chinese in Malaysia, the Rohingya in Myanmar, Aceh and the Chinese in Indonesia among others) due to conflicts rooted in culture and history. One may recall the Tausug attack on Sabah or the Rohingyas' arrival on the shores of other ASEAN countries. To understand the importance of culture in international relations, scholars have recently dealt with the problem of organizing diversity. They argue that builders of an international order often construct a "diversity regime" —"system-wide norms that configure authority and organize diversity" (Reus-Smit 189).

This paper does not propose anything like a diversity regime. The intention is simply to reveal how the ASEAN Socio-Cultural Community has veiled the economic only to be haunted by it, including the cultural only to marginalize it. A development model that aims to uplift peoples' lives cannot simply accept an economic order without questioning its very logic. Culture cannot be and should not be marginalized in regional construction. The cultural is integral to the organization of an international order. Thus, a serious consideration and study of the region's cultural diversity is needed. If ASEAN really intends to construct a unified region, it must draw lessons from scholars of culture who have shown that the nation-state became legible in the world of the novel. Indeed, communities are unified by their Homer and Shakespeare. The peoples of Southeast Asia will not gather and listen to the songs of the think tanks. My bet is that they will ultimately prefer the *wayang kulit.* This shared taste might, in the long run, unite them.

Conclusion: Community as "Work" and the Right to the Region

In this paper, I have related how international organizations use the trope of community to solve the limitations of the trope of personality. I have also shown how the trope of community pervades scholarly discourses of international law, international relations, and ASEAN. I have provided a critique of the trope as advanced by critical theorists. I have examined how ASEAN—the international organization—describes itself and the region that it is building as a community. And I have found that this is a community that reifies objects, devalues people by limiting their rights in both the economic and the political realms, and marginalizes culture in the visions of its organs. Given these observations, one may understand why ASEAN has been described as a "distant and aloof entity" (Woon 55). The fictions of community that I have examined could not radically change this characterization. Thus, it is, perhaps, about time that new ways of seeing the international organization and the region are explored.

ASEAN was recently described as a work in progress (Wang 23). This description appears to the reader merely as an ordinary and factual statement. Behind its apparent ordinariness and facticity, however, is a literary figuration that has become familiar—the unfinished work. The metaphor used here is "work," an object or artifact which is shaped and transformed by human labor. This is one of those instances where the figurative has become part of ordinary language and thus no longer appears metaphorical. Here, I shall try to recover *work*'s earlier figurative sense of being an object of our creative powers and use it as a new description for the international organization and the region it is trying to construct.

If ASEAN's fiction of community is inadequate, then maybe, as a community, we could find other metaphors for it to widen our visions. I shall not suggest that we drop the community trope. What we might do is to add another metaphorical dimension. Thus, we could re-imagine community-building also as a "work" unto which we could lay our rough working hands. Perhaps, it may help if we imagine this community as a *collective work* of peoples living in a particular space.

Critical to this conceptual strategy is Henri Lefebvre's idea of the "right to the city" in which he envisioned the city as a *collective work* (oeuvre) of its inhabitants (Lefebvre 100). There are two critical concepts here: Right and City. Right, for Lefebvre, is not a juridical right that is enumerated in constitutions and treaties; rather, it is one that is rooted in the constituent power of the people who built the city. In this sense, right is prefigurative of future juridical rights (Purcell 141). City, for Lefebvre, is conceptualized as a space. It is both inhabited and constructed. Thus, the right to the city means that "interested persons" (i.e., the inhabitants of the city or the peoples as constituted by the ASEAN Charter's preamble), have a "permanent participation" in the collective ownership and management of the space they inhabit (Lefebvre qtd. in Purcell 148). This participation is operationalized in the appropriation of space in the city by its inhabitants.

Thus, applying Lefebvre's concept to regional construction, the inhabitants of the regional space must reclaim a radical *right to the region*. They cannot stand as a passive object of construction by state functionaries and their think tanks. In claiming a right to the region, the inhabitants or the peoples—those who are uninvited to govern—acquire a permanent participation in shaping this work that is the community or region. They therefore appropriate the project as their own, wresting it from the elite, becoming active subjects in the production, appropriation, and management of the region. Through this permanent participation of the interested parties, the regional community, including the international organization, is transformed into a "collective work."

Thus, the re-conceptualization of community as a work entails a conceptualization of the right to the region to be exercised by the inhabitants. Rights thus play a critical role in the formation of both the subjects and the object. This interplay between subject, right, and object is constitutive of a more democratic community—the real community. As Raymond Williams once argued, "Community only became a reality when economic and political rights were fought for and partially gained . . . there is more community in the modern village, as a result of this process of new legal and democratic rights" (*The Country and the City* 131). In other words, we make

communities in the process of claiming the right to permanently participate in the construction of a space that we inhabit. Perhaps, it would not look too ambitious and presumptuous to begin the exercise of this right by interrogating ASEAN's fictions of community.

Notes

1. See critique of ASEAN and academic think tanks in ASEAN Civil Society Conference/ASEAN's People's Forum, "2019 Resolution on Alternative Regional Integration for Southeast Asian Peoples" in *Workshop Proceedings: Alternative Practices of Peoples in Southeast Asia Towards Alternative Regionalism*, The University of the Philippines Center for Integrative and Development Studies (2020). ASEAN was first established in 1967 by Indonesia, the Philippines, Malaysia, Thailand, and Singapore. In 2008, the ASEAN Charter transformed the group into a regional international organization. ASEAN member states now include, together with the five founding countries, Cambodia, Vietnam, Myanmar, Laos, and Brunei. It aims to build a Southeast Asian Region with a single market.

2. For a detailed discussion, see Bederman's "The Souls of International Organizations: Legal Personality and the Lighthouse at Cape Spartel" 1995-1996.

3. Please refer to Acharya's "Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order."

4. See Klabbers' "The Concept of Legal Personality," which was published in 2005.

5. See Linklater's *Critical Theory and World Politics: Citizenship, Sovereignty, and Humanity* published in 2007.

6. For a detailed discussion, kindly see Cox's "Gramsci, Hegemony, and International Relations: An Essay in Method."

7. For more information, see Joseph's *Against the Romance of Community*, published in 2002.

8. More information is provided in Creed's "The Seductions of Community: Reconsidering Community" published in 2006.

9. For more information, see Sands and Klein, 2001.

10. For further information, see Klabbers, 2015.

11. For a detailed discussion, see Schermers and Blokker, 2011.

12. In the *Tadic case*, the defense raised the issue of the legality of the Security Council's creation of the International Criminal Tribunal for the Former Yugoslavia. The Appellate Chamber affirmed the legality of its own creation. For further information, see Dekker and Wessel's "Prosecutor v. Dusko Tadic, Decision on the defense motion for interlocutory appeal on jurisdiction, Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia, October 2, 1995."

13. See also the concept of "epistemic communities." "Interpretive communities," which group readers together, have been used in the humanities and law. Haas, "Introduction: Epistemic Communities and International Policy Coordination"

(1992) 46 *International Organization* 1; S. Fish, *Is There a Text in this Class: The Authority of Interpretive Communities* (1982).

14. For more information, see Acharya's *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order* published in 2001.
15. For instance, Morada, 2008; Amador, 2013; Oba, 2014. The use of the word "community" in these articles certainly goes beyond mimicking official labels. There is at the very least an unconscious appeal to the emotive connotations of the word.
16. More details are found in ASEAN Charter, 2007.
17. More information is found in Chen's "ASEAN and its Problematic Treaty-Making Practice: Can International Organizations Conclude Treaties 'on behalf' of their Member States" which was published in 2014.
18. For more information, see Venzke and Thio, 2016.
19. Wayang kulit is an Indonesian puppet theatre.
20. Art. 1 (10), Chapter 1, ASEAN Charter.
21. Art. 1 (13) Chapter 1, ASEAN Charter.
22. For more information, see Kühnhardt, 2010.
23. For more information, see Amerasinghe, 2005.
24. This is stipulated in the ASEAN Trade in Goods Agreement which has taken into effect since 2010.
25. For more information, see Annex 1 of the ASEAN Charter.
26. For a detailed survey of the "broadening" of the concept of security, see Krause and Williams, 2018. A recent survey of critical security studies is Hendershot and Mutimer, 2018.
27. Agamben, 1995. The application of *homo sacer* has ranged from terrorists to drug addicts. See Gulli, 2017; Centerlaw's "Writ Contra Homo Sacer" as cited in Buan.
28. For a discussion on this topic, see Williams, 1983.
29. C ASEAN is an ASEAN organization that aims to reinforce connections within ASEAN, which aims to reinforce connections within the region in areas such as business, sustainability, art, and culture. For more about C ASEAN, see www.c-asean.org/?op=home-aboutus.
30. See, for instance, Quayle 2013.

Works Cited

Acharya, Amitav. *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order.* Routledge, 2001.

---. "The Evolution and Limitations of ASEAN Identity." *Building ASEAN Community: Political-Security and Socio-Cultural Reflections*, edited by Aileen Baveria and Larry Maramis, Economic Research Institute for ASEAN and East Asia, 2017, pp. 25-47.

Adler, Emanuel and Michael Barnett. "Security Communities in Theoretical Perspective." *Security Communities*, edited by Emanuel Adler and Michael Barnette. Cambridge: Cambridge UP, 1998, pp. 29-65.

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life.* Stanford UP, 1998.

Alvarez, José. *International Organizations as Law-makers.* Oxford UP, 2005.

Amador, Julio III. "Community Building at the Time of Nargis: The ASEAN Response." *Journal of Current Southeast Asian Affairs*, vol. 28, no. 4, 2009, pp. 3-22.

Amerasinghe, Chittaranjan Felix. *Principles of the Institutional Law of International Organizations.* Cambridge UP, 2005.

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism.* Verso, 1991.

Arendt, Hannah. *The Origins of Totalitarianism.* Penguin, 2017.

Association of Southeast Asian Nations. *The ASEAN Charter*, 2007, asean.org/storage/2012/05/The-ASEAN-Charter-14042020-final.pdf.

---. *ASEAN Economic Community Blueprint*, 2008, asean.org/wp-content/uploads/archive/5187-10.pdf.

---. *The ASEAN Intergovernmental Commission on Human Rights (AICHR) Annual Report.* 2019, aichr.org/wp-content/uploads/2019/08/AICHR-Annual-Report-2019.pdf.

---. *ASEAN Political-Security Community Blueprint 2025.* ASEAN Secretariat, 2016, asean.org/wp-content/uploads/2012/05/ASEAN-APSC-Blueprint-2025.pdf.

---. *ASEAN Socio-Cultural Community Blueprint 2015.* ASEAN Secretariat, 2009, asean.org/wp-content/uploads/archive/5187-19.pdf.

Bagulaya, José Duke. "ASEAN as Wayang Kulit: A Critique of the Constitutional, Extra-constitutional, and Practical Fetters of ASEAN." *Asian Journal of International Law*, vol. 9, no. 2, 2019, pp. 275-297.

Baviera, Aileen. "Preventing War, Building a Rules-based Order: Challenges Facing the ASEAN Political-Security Community." *Building ASEAN Community: Political-Security and Socio-Cultural Reflections*, edited by Aileen Baveria and Larry Maramis, Economic Research Institute for ASEAN and East Asia, 2017, pp. 3-18.

Bederman, David. "The Souls of International Organizations: Legal Personality and the Lighthouse at Cape Spartel." *Virginia Journal of International Law*, vol. 36, 1995-1996, pp. 275-377.

Brölmann, Catherine. *The Institutional Veil in Public International Law: International Organisations and the Law of Treaties.* Hart Publishing, 2007.

Buan, Lian. "Lawyers Group asks SC to issue New Rules for EJKs." *Rappler.* 27 Apr. 2017. www.rappler.com/nation/sc-centerlaw-writ-sc-extrajudicial-killings.

Caballero-Anthony, Mely. "From Comprehensive Security to Regional Resilience: Coping with Nontraditional Security Challenges." *Building ASEAN Community: Political-Security and Socio-Cultural Reflections*, edited by Aileen Baveria and Larry Maramis, Economic Research Institute for ASEAN and East Asia, 2017, pp. 123-145.

---. "Lessons from Asia: The Association of Southeast Asian Nations." *Region Building in Africa,* edited by Daniel H. Levine and Dawn Nagar, Palgrave Macmillan, 2016, pp. 283-296.

Chan, Jeffrey Wah Teck. "ASEAN Legal Personality Under its New Charter—its Nature, Meaning, and Implications: Status of the Work and Issues Involved." *ASEAN: Life after the Charter*, edited by Sivakant Tiwari, Institute of Southeast Asian Studies, 2010, pp. 1-17.

Chang, Jun Yan. "Essence of Security Communities: Explaining ASEAN." *International Relations of the Asia Pacific*, vol. 16, 2016, pp. 335-369.

Chen, Zhida. "ASEAN and its Problematic Treaty-Making Practice: Can International Organizations Conclude Treaties 'on behalf of' their Member States?" *Asian Journal of International Law*, vol. 4, 2014, pp. 391-419.

Chesterman, Simon. "Does ASEAN Exist? The Association of Southeast Asian Nations as an International Legal Person." *ASEAN: Life after the Charter*, edited by Sivakant Tiwari, Institute of Southeast Asian Studies, 2010, pp. 18-42.

Cox, Robert. "Gramsci, Hegemony, and International Relations: An Essay in Method." *Gramsci, Historical Materialism, and International Relations*, edited by Stephen Gill, Cambridge UP, 1993, pp. 49-66.

Crawford, James. *Brownlie's Principles of Public Internatioal Law.* Oxford UP, 2019.

Creed, Gerald W. "The Seductions of Community: Reconsidering Community." *The Seductions of Community: Emancipations, Oppressions, Quandaries.* edited by Gerald Creed, School for Advanced Research Press, 2006, pp.1-20.

Culler, Jonathan. *Literary Theory: A Very Short Introduction.* Oxford UP, 2000.

Dekker, Ige F. and Ramses Wessel. "Prosecutor v. Dusko Tadic, Decision on the defense motion for interlocutory appeal on jurisdiction, Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia, October 2, 1995." *Judicial Decisions on the Law of International Organizations*, edited by Cedric Ryngaert, Ige F. Dekker, Ramses Wessel, and Jan Wouters, Oxford UP, 2016, pp. 127-137.

De la Rochefoucauld, François. *La Rochefoucauld Collected Maxims and Other Reflections*. Translated by: E.H. and A.M. Blackmore and Francine Giguere, Oxford UP, 2007.

Fish, Stanley. *Is There a Text in this Class: The Authority of Interpretive Communities*. Harvard UP, 1980.

Goldin, Ian. *Development: A Very Short Introduction*. Oxford UP, 2017.

Gulli, Brunno. "The Ontology and Politics of Exception: Reflections on the Work of Giorgio Agamben." *Giorgio Agamben: Sovereignty and Life*, edited by Matthew Calarco and Steven DeCaroli, Stanford UP, 2007.

Haas, Peter. "Introduction: Epistemic Communities and International Policy Coordination," *International Organization*, vol. 46, no. 1, 1992, pp. 1-35.

Harcourt, Bernard. *Critique and Praxis*. Columbia UP, 2020.

Hau, Caroline. *Necessary Fictions: Philippine Literature and the Nation, 1946-1980*. Ateneo UP, 2000.

He, Baogang. *Contested Ideas of Regionalism in Asia*. Routledge, 2017.

Hendershot, Chris and David Mutimer. "Critical Security Studies." *The Oxford Handbook of International Security*, edited by Alexandra Gheciu and William Wohlforth, Oxford UP, 2018.

Hooghe, Liesbet, Tobias Lenz, and Gary Marks. *A Theory of International Organization: A Postfunctionalist Theory of Governance*. Oxford UP, 2019.

International Court of Justice. 2020. Gambia v. Myanmar (Application of the Convention on the Prevention and Punishment of the Crime of Genocide). Order. 23 Jan. 2020, www.icj-cij.org/files/case-related/178/178-20200123-ORD-01-00-EN.pdf.

---. *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*. Advisory Opinion, 8 July 1996, www.icj-cij.org/files/case-related/93/093-19960708-ADV-01-00-EN.pdf.

---. Reparation for Injuries Suffered in the Service of the United Nations. Advisory Opinion. 11 Apr. 1949, www.icj-cij.org/files/case-related/4/004-19490411-ADV-01-00-EN.pdf.

Inama, Stefano and Edmund Sim. *The Foundation of the ASEAN Economic Community: An Institutional and Legal Profile.* Cambridge UP, 2015.

Johnson, David and Jon Fernquest. "Governing through Killing: The War on Drugs in the Philippines." *Asian Journal of Law and Society*, vol. 5, no. 2, 2018, pp. 359-390.

Joseph, Miranda. *Against the Romance of Community*. The U of Minnesota P, 2002.

Klabbers, Jan. *An Introduction to International Organizations Law*. Cambridge UP, 2015.

---. "The Life and Times of the Law of International Organizations." *Nordic Journal of International Law*, vol. 70, 2001, pp. 287-317.

---. "The Concept of Legal Personality." *Ius Gentium*, vol. 11, 2005, pp. 35-66.

Krause, Keith and Michael Williams. "Security and 'Security Studies': Conceptual Evolution and Historical Transformation." *The Oxford Handbook of International Security*, edited by Alexandra Gheciu and William Wohlforth, Oxford UP, 2018.

Kühnhardt, Ludger. *Region-Building: The Global Proliferation of Regional Integration*, vol. 1, Berghan Books, 2010.

Lefebvre, Henri. *Key Writings*, edited by Stuart Elden, Elizabeth Lebas, and Eleonore Kofman, Bloomsbury, 2017.

Leopairote, Karndee, Marisara Promyotin, and Spencer Giorgio. "Leveraging on Business, Art/Culture, Technology, and Networking in Building ASEAN's Young Generation in an Integrated ASEAN." *Building ASEAN Community: Political-Security and Socio-Cultural Reflections*, edited by Aileen Baveria and Larry Maramis, Economic Research Institute for ASEAN and East Asia, 2017, pp. 194-207.

Linklater, Andrew. "The Achievements of Critical Theory." *Critical Theory and World Politics: Citizenship, Sovereignty, and Humanity,* Routledge, 2007, pp. 45-59.

---. "The Problems of Community in International Relations." *Critical Theory and World Politics: Citizenship, Sovereignty, and Humanity*, Routledge, 2007, pp. 30-44.

Maramis, Larry. "ASEAN's Socio-cultural Community." *Building ASEAN Community: Political-Security and Socio-Cultural Reflections*, edited by Aileen Baveria and Larry Maramis, Economic Research Institute for ASEAN and East Asia, 2017, pp. 179-193.

Morada, Noel. "ASEAN at 40: Prospects for Community Building in Southeast Asia." *Asia-Pacific Review*, vol. 15, no. 1, 2008, pp. 36-55.

Marx, Karl. *Capital: A Critique of Political Economy*. Penguin, 1990.

Nancy, Jean Luc. *The Inoperative Community*. The U of Minnesota P, 1991.

Oba, Mie. "ASEAN and the Creation of a Regional Community". *Asia-Pacific Review*, vol. 21, no. 1, 2014, pp. 63-78.

Ooi, Kee Beng, et al. *The 3rd ASEAN Reader*. Institute of Southeast Asian Studies, 2015.

Pelkmans, Jacques. *The ASEAN Economic Community: A Conceptual Approach*. Cambridge UP, 2016.

Purcell, Mark. "Possible Worlds: Henri Lefebvre and the Right to the City." *Journal of Urban Affairs*, vol. 36, no. 1, 2013, pp. 141-154.

Quayle, Linda. "National and Regional Obligations: The Metaphor of Two-level Games and the ASEAN Socio-Cultural Community." *Asian Politics and Policy,* vol. 5, no. 4, 2013, pp. 499-521.

Rancière, Jacques. "Ten Theses on Politics." *Contemporary Marxist Theory: A Reader*, edited by Andrew Pendakis, Jeff Diamanti, Nicholas Brown, Josh Robinson, Imre Szeman, Bloomsbury, 2014, pp. 555-572.

Reus-Smit, Christian. *International Relations: A Very Short Introduction.* Oxford UP, 2020.

---. *On Cultural Diversity*. Cambridge UP, 2018.

Sands, Philippe and Pierre Klein. *Bowett's Law of International Institutions*. Sweet and Maxwell, 2001.

Schermers, Henry and Niels Blokker. *International Institutional Law: Unity within Diversity*. Brill, 2011.

Schütze, Robert. *European Constitutional Law*. Cambridge UP, 2012.

Simma, Bruno. "Universality of International Law from the Perspective of a Practitioner." *European Journal of International Law*, vol. 20, no. 2, 2009, pp. 265-297.

Tan, See Seng. "Not Quite Beyond the 'ASEAN Way'? Southeast Asia's Evolution to Rules-based Management of Intra-ASEAN Differences." *Building ASEAN Community: Political-Security and Socio-Cultural Reflections*, edited by Aileen Baveria and Larry Maramis, Economic Research Institute for ASEAN and East Asia, 2017, pp. 67-87.

Tanaka, Yoshifumi. *The South China Sea Arbitration: Toward an International Legal Order in the Oceans*. Hart, 2019.

Tay, Simon. "Imperatives for a New ASEAN Leadership: Integration, Community, and Balance." *Building ASEAN Community: Political-Security and Socio-Cultural Reflections*, edited by Aileen Baveria and Larry Maramis, Economic Research Institute for ASEAN and East Asia, 2017, pp. 48-66.

Venzke, Ingo and Li-Ann Thio. *The Internal Effects of ASEAN External Relations.* Cambridge UP, 2016.

Wall, Illian rua. *Human Rights and Constituent Power: Without Model or Warranty*. Routledge, 2012.

Wang, Gungwu. "Southeast Asia and Continental and Maritime Powers in a Globalized World." *Building ASEAN Community: Political-Security and Socio-Cultural Reflections*, edited by Aileen Baveria and Larry Maramis, Economic Research Institute for ASEAN and East Asia, 2017, pp. 19-24.

Weatherill, Stephen. *Cases and Materials on EU Law*. Oxford UP, 2012.

Williams, Raymond. *Keywords: A Vocabulary of Culture and Society*, Oxford UP, 1983.

---. *The City and the Country*. Oxford UP, 1997.

Woon, Walter. *The ASEAN Charter: A Commentary*. National U of Singapore P, 2016.