

ASEAN-CHINA RELATIONS AFTER THE COLD WAR

By Dr. Pham Quoc Tru

Never before have relations between ASEAN and China been so close and comprehensive. Relations have unfolded in all fields.

During the Cold War, ASEAN countries were afraid of China's threat and sought to rely on the West. New architecture was established when the Cold War was over. Politically, bilateral relations with ASEAN countries have improved. China joined the ARF and held the first Summit with ASEAN in 1997. In security and defence cooperation, ASEAN and China signed the Declaration of Conduct and the "Joint Declaration on Cooperation in Non-Traditional Issues" in 2002. China has also taken an active role in ARF. Economic cooperation between the two sides has been significantly improved. The two sides have negotiated and concluded many legal frameworks for their cooperation. Priority areas have been identified and meetings held to push up their cooperation. Two-way trade hit US\$ 231.1 billion in 2008 and China's FDI into ASEAN has gone up from almost nil in 2003 to US\$ 11.8 billion in 2008. Relations between the two sides have gained in depth and breadth though there has not been complete trust between them and they share export similarity. Differences among ASEAN countries and big-power rivalry in the region have also impacted their bilateral relations.

Mutual security needs, a good international environment and shared views have helped them improve relations both bilaterally and multilaterally. These factors will continue to play an important role in their future relations.

INSTITUTION BUILDING AND THE ROLE OF ASEAN

By Nguyen Truong An

Institution building in Asia and the Pacific comes later than that in Europe. It is also open and flexible, examples of the process can be found in ARF, the East Asia Summit and the many more which are in the making. The author reviews different institutional theories, examines factors affecting the shape and sustainability of these institutions and their possible development. He clarifies the hegemon stability model based on realism, theory of rational choice, theory of historical and normative theory. He also points out that the efficiency of an organization should be judged by the compliance by its members of its standards and rules, or the assistance the organization can extend to members to achieve the goals set and its sustainability by the members' ability to withstand outside impact and changes. According to these theories, in the first 25 years of existence, ASEAN was not an institution, neither was it a regime. However, as time went by, member countries are more comfortable and care more about members' common interests though members still guard their sovereignty more carefully. The Asia-Pacific region has long wanted to build a regional institution of its own and APEC has been an effort along this line. However, APEC members' different interest and value are still big impediments to building an effective institution. Also needed is power or a group of power to impose its will on others. For the moment, APEC still is a regional institution that should be cultivated. And ASEAN with its 40 year experience of institution building and accommodating interests of countries inside and outside the region would be in a good position to forge ahead in its institution building and play a role building other regional organizations.

THE ASEAN CHARTER AND THE BUILDING OF THE ASEAN COMMUNITY

Nguyen Hung Son

The ASEAN Charter was a historical, people-centered and legally binding document with special significance and influence on ASEAN community building. It governs all relations among and actions by ASEAN member states. The Charter contains new purposes and principles. It also establishes juridical personality for the Association and functions of its various bodies. Also defined are the decision making process and the dispute settlement mechanism etc. The Charter serves three main purposes of giving the Organization a juridical personality, defining responsibility and establishing enforcement mechanism and reaffirming that ASEAN commands prestige in Asia and the Pacific. However, the Charter has also been criticized, among others, for being insufficiently bold in areas of democracy, human rights would not work. However, member countries and non-member countries have welcomed and appreciated the Charter. It lays the legal foundation for intergovernmental cooperation. Its binding character will help implement seriously agreements reached.

Nonetheless, the Charter contains compromises and this would lead to different interpretations. New value added to the Charter might give rise to contradictions between these values and national interests.... Yet only year has elapsed since the Charter came into effect, there remain a lot to be implemented in the Charter.

CHINA'S "NINE - DOTTED - LINE" CLAIM: AN INTERNATIONAL PESPCTIVE

By Nguyen Hong Thao

Recently, China's irrational and incomprehensible acts in the South China Sea have attracted public attention. Deep concern has been expressed at China's claim over the sea area expressed by the 9-stroke line. China has not been able to give a clear explanation of the U-shaped line which many Chinese scholars believe appeared for the first time in 1947 though the line claim 80% of the sea area. China's note of 7 May 2009 appeared to demand that the international community recognize the historical features of the line, however, according to international law, a gulf or a sea area can only be considered historical when two conditions are met: effective, peaceful and long-lasting exercise of sovereignty and public recognition or acquiescence by other nations. China has presented no evidence in support of their sovereignty and the lines are not stable and definite. The claim also contradicts other Chinese statements on its sovereignty. Neither are they in conformity with the UN Convention on the Law of the Sea.

The South China Sea should be the common house of regional countries. It does not belong to any countries and therefore we should be forward-looking in resolving issues of sovereignty in the area through the respect for sovereignty and interest.

CHINA'S RISE AND THE BALANCE OF FORCE WITH THE US AND JAPAN IN EAST ASIA

By Ass. Prof and Dr. Tran Khanh

China's emergence as a political and economic power in the last decade has wrought changes in Asia's geopolitical environment and order. In the next 2 or 3 years, China would become the second biggest economy after the US. China has also become a trading power with a total foreign trade value of US\$ 2,600 billion. This, among others, has helped China to build a reserve of US\$ 2,000 billion. All these took place against the background of relative decline in economic power of the US and Japan. The same can be said of foreign investment in the country. In addition to investment in mining, China has also acquired high technology companies overseas and diversified its portfolio of investment.

Militarily, the country's military potential has improved significantly. China has achieved great advances in placing man in the earth orbit, testing interceptor missiles, launching spacecraft etc. However, in relative terms, China's potential is modest. The political-diplomatic and cultural balance is being tipped in favour of China. China's policy of non-interference has won friends and allies worldwide. Its influence has been felt not only in the ASEAN region but also in far-flung corners of Africa. The US, however, saw a lowering of its prestige and power because of the war in Afghanistan and Iraq and the decline of the US dollars. Japan has made no headway, to say the least, in its political and cultural influence, except for Southeast Asia.

China has now moved to replace Japan as the first power in Northeast Asia and would possibly become the first one in the future. In the meantime, the geographical environment and the cooperation of the region would be affected greatly.

US, CHINA AND NATIONAL REUNIFICATION OF KOREAN PENINSULAR

By Tran Thi Tam

The Korean Peninsular lies in a region bordering on China, Japan and Russia, potential US competitors. Both China and the US resorted to force to reunify the Peninsula. Now that the Cold War has ended, the reunification of the two Koreas has become more urgent.

The US has always thought of the Peninsular as its "last frontier", though its official statements support the reunification. DPRK's nuclear problem has proven an impediment to the process as the DPRK would like to use the nuclear card in exchange for a formal treaty with the US. However, the US finds ways to maintain some sort of military presence here. Here the US faces challenges from China. China has always thought that it has the responsibility to participate in talks on Korea. With increasing trade with both North and South Korea, it has recently chosen to be the mediator rather than the "decision maker". It also has interest in maintaining the status quo so that the buffer zone is preserved. Moreover, China would like Korea's nuclear card to be the bargaining chip in the recovery of Taiwan. Many people believe that the reunification of the Korean Peninsular will proceed at the same pace with the return of Taiwan to China. However, the most important factors in all this is the DPRK and the ROK.

RELATIONS BETWEEN FINLAND AND RUSSIA: SMALL COUNTRY NEXT TO BIG COUNTRY

Nguyen Thi Binh

In 1808, Finland was given to the Russian Czar, putting an end to 7 centuries of Swedish rule over the country. The Czar granted Finland political, economic, cultural and religious autonomy, enabling the country to start building its own institutions after independence. In 1917, Finland declared itself an independent state and this was recognized by the Soviet. While focusing on economic development, Finland tried to maintain good relations with the Soviet Union through the signing the Peace Treaty in 1920 and the Non-Aggression Pact in 1932. At the end of 1930, the Soviet Union tried to create a buffer zone around itself and attacked Finland in 1939. Finland then sought German support and became close to Germany. It did not succeed in preserving its territory but was able to withstand pressure from Russia and maintain its independence. After the war, Finland had to maintain its neutrality. This suited well the aspiration of the Soviet Union. This Paasikivi-Kakkonen neutrality created a new political culture called “Finlandization” based on the recognition of Soviet minimum interests in the country, the non recourse of outside allies to neutralize Soviet pressure, the refrain from acts and words considered hostile to Russia. The core of this neutrality was meeting Soviet demand voluntarily. When the Cold War was over, the Fins followed the principle of refraining from any acts that would make the Russians feel threatened. Although an EU member, it still maintain good trading relations with Russia.

Most importantly, Finland has adopted confidence-building measures to wipe off past suspicion. Fro such a policy to be successful,

special mention must be made of the role of the country’s leaders who considered national interests permanent and over and above everything else. The choice of neutrality has helped Finland to “survive”.

DISPUTE BETWEEN THE EU AND BRAZIL OVER RETREADED TYRES: ENVIRONMENTAL PROBLEM, REGIONALISM AND DEVELOPING COUNTRIES IN THE WTO-AFTA RELATED ISSUES (PART II)

Ly Van Anh

Article XXIV of GATT allows member countries to join customs unions or free-trade arrangements and the Enabling Clause also allows forms of regional trade liberalization. These are two exceptions in favour of developing countries. So the question is whether the Mercosur is a customs union in accordance with Article XXIV of GATT? Brazil maintains that Mercosur meets all the terms of Article XXIV while the EU does not share the view. This brings us to ambiguous points in the Article such as substantially all the trade or other regulations of commerce. Another question is whether we can invoke the exception for another exception. The case of Brazil versus retreaded tyres is the first one in which regional trading arrangement set up in accordance with the Enabling Clause is examined by the Appellate Body. AFTA also has a provision similar to Article XX of the GATT and it also has a dispute mechanism of its own. This would reduce significantly chances of conflict between ASEAN and other multilateral forums. Trading arrangements should be reported to the WTO for exceptions to be applied.

**DIALECTICAL RELATIONS BETWEEN BORDER TASK
AND SOCIO-ECONOMIC DEVELOPMENT:
SOME THEORETICAL ISSUES**

By Ton Sinh Thanh

Vietnam's relations with neighbouring countries have seen two processes of resolving the border issues and improvement of economic relations. These processes are dual in nature and related to each other dialectically. In a sense, national border is the basis for national development and the border areas can be rich in natural resources, forestry products and water resources and, therefore, should be developed in combination with border task. The identification of the borderline usually go through 4 stages and each of these stages is closely connected with socio-economic development of the country. The border ensure security and development can only be achieved when the country is secured. The 8th Party Congress pointed out that economic development should be combined closely with defence and security, effective use of resources in the interest of economic development should also serve the defence and security task. For Vietnam, along with the resolution of the border issues, cross-border trade between Vietnam and its neighbours has increased vastly reaching US\$ 8 billion in 2008. However, as the border is more open, one should avoid national parochialism, closing the border with neighbours and avoid opening widely the border for profit in disregard of national interests.

**CONTRIBUTION TO ASSESSING FOREIGN POLICY AND
DIPLOMACY UNDER NGUYEN DYNASTY**

Vu Duong Huan

Consul General to the Far East, the Russian Federation

The Nguyen Dynasty lasted from 1558 to 1945. This is a complicated period in the history of Vietnam and therefore it is difficult to assess properly the period. As a matter of fact, the Nguyen Kings made significant contribution to shaping the country's foreign policy and diplomatic activities They are credited with expanding Vietnamese territory over an area of 136,131 square kilometers, accounting for 40% of our country's current area. They are also credited with asserting our sovereignty over the current territory (including the Parcel and Spratly archipelagoes). They also entertained good relations with Cambodia and Laos while conducting properly with China to the North. Their trade policy has also been judicious with trading relations with not only close neighbours but also China, Japan. However, they also made some mistakes in their foreign policy and this has to be said of Nguyen Anh asking for support from Siam to fight against the Tay Son and they also allowed the nation fall into the hands of the French. The division of the country has also weakened the position vis-a vis the world.

In any case as this is a complex period in history, we need to examine the matter with greater care and a historical look.