

Международный суд ООН играет решающее значение в деле поддержания мира и имеет реальные механизмы для обеспечения верховенства права на всей планете.

СПИСОК ИСПОЛЬЗОВАННОЙ ЛИТЕРАТУРЫ

1. Статут Международного суда ООН (Принят в г. Сан-Франциско 26.06.1945)
[//http://www.un.org/ru/icj/statut.shtml](http://www.un.org/ru/icj/statut.shtml).

2. Устав Организации Объединенных Наций (Принят в г. Сан-Франциско 26.06.1945)"/"Сборник действующих договоров, соглашений и конвенций, заключенных СССР с

иностранными государствами", Вып. XII, — М., 1956, с. 14 - 47.

3. Декларация о принципах международного права, касающихся дружественных отношений и сотрудничества между государствами в соответствии с Уставом Организации Объединенных Наций. Принята резолюцией 2625 (XXV) Генеральной Ассамблеи ООН от 24 октября 1970 года //

http://www.un.org/ru/documents/decl_conv/declarations/intlaw_principles

4. Манильская декларация о мирном разрешении международных споров Принята резолюцией 37/10 Генеральной Ассамблеи от 15 ноября 1982 года
http://www.un.org/ru/documents/decl_conv/declarations/manila_declaration.shtml

УДК 341.162

INSTITUTIONAL BASIS OF ECONOMIC INTERACTION WITHIN ASEAN

Keldiev Ibrokhimjon Mahmadvafarovich

tajbox.tj@gmail.com

Master student of the 1st year of the Faculty of Law of the L.N. Gumilyov ENU,
Nur-Sultan, Kazakhstan

Scientific adviser – A.A. Oinarova

The common market and the closely related economy integration, which is a process of systematic removal of obstacles to the movement of economic resources between the states of one regional association, is a guideline for the development of economic cooperation between ASEAN member states.

The success of this undertaking depends not only on the availability of the necessary number of means of regulatory support for the processes of interstate economic cooperation, which together form a contractual mechanism for the economic integration of states within the ASEAN framework but also on the availability of institutional frameworks (bodies), designed to serve the purpose of effective implementation of the provisions of the relevant agreements. These bodies, which are an institutional mechanism for the functioning of contractual mechanisms for economic integration, in their totality, constitute a single interstate mechanism for economic integration. It should be noted,

however, that the indicated institutional mechanism by no means “carries out the management of economic integration (this is the sovereign right of states), but they organize the cooperation of states, promote this cooperation, and therefore play a significant role in the overall system of integration management.

In this context, one of the cornerstone sources of legal support for the institutional formation and functioning of ASEAN bodies is the ASEAN Charter [1], although the belated signing of which was a natural link in the history of the institutional development of this organization.

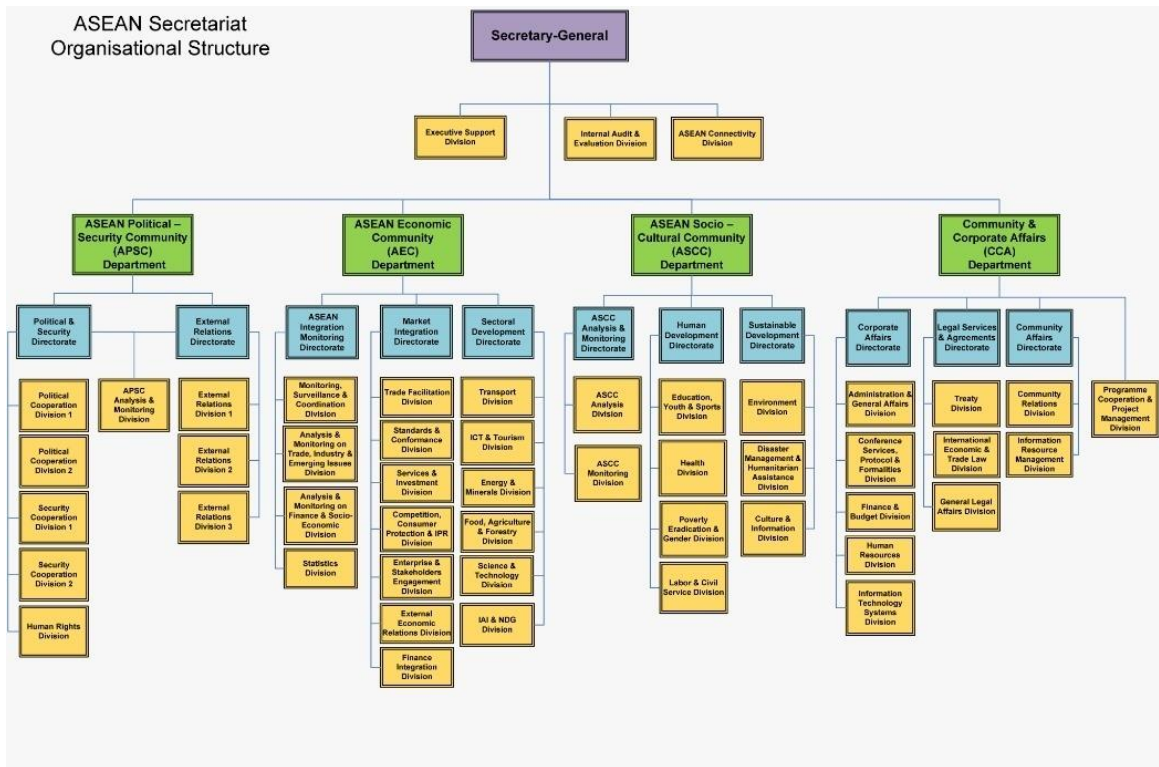
And although, as noted earlier, the key to the establishment of ASEAN was the founding document, which was not entirely characteristic of international law-making practice - the Bangkok Declaration of 1967, it was the ASEAN Charter that had to not only eliminate the existing disputes about the international legal status of the Association and the international legal significance of its adopted decisions but also to strengthen the institutional and organizational foundations for the functioning of this organization by defining a clear organizational structure at a time when member states came to a consensus on the transformation of ASEAN into an even more closely connected regional community of states.

It should be noted that in Chapter 4 of the ASEAN Charter, the organizational structure of ASEAN consists of **9 bodies** located mainly in a horizontal hierarchy, which can be regarded as an indirect confirmation of the trend noted by some researchers "horizontal" complication of the world legal order [2].

The ASEAN institutional body, which occupies the highest point in the organizational structure of ASEAN, is the ASEAN Summit [3] (Article 7 of the ASEAN Charter), which operates in the form of annual meetings of the heads of ASEAN member states. The functional purpose of this body is to make decisions on key issues related to the implementation of the goals of the existence of ASEAN, as well as other issues related to the interests of member states [4].

The ASEAN Coordinating Council [5], consisting of the foreign ministers of the member states, meets at least twice a year and prepares the upcoming summits and coordinates the implementation in practice of the provisions of the agreements reached and decisions of the ASEAN Summit (Article 8 of the ASEAN Charter). This body also works with the ASEAN Communities to promote the organization's policy coherence, overall effectiveness, and cooperation among its structural bodies.

Next, come the ASEAN Community Councils [6], (Article 9 of the ASEAN Charter), which are the three supporting pillars of the structural component of the organization on which the efforts of the member states of the Association for further integration within the framework of ASEAN should rest: the ASEAN Community for Policy and Security Community (ASEAN Political-Security Community), ASEAN Economic Community and ASEAN Socio-Cultural Community. These so-called "pillars" in their totality are called upon to form a single ASEAN Community (see scheme below) [7]. The task of each of the communities is to coordinate the work in their sector of ASEAN activities, to ensure the implementation of the decisions made, and the presentation of reports and recommendations for discussion at the upcoming summits of the organization.



Sectoral Ministerial Bodies (ASEAN Sectoral Ministerial Bodies) (Article 10 of the ASEAN Charter) are called upon to ensure the implementation of the provisions reached within the framework of the agreements and decisions adopted by the ASEAN Summit, to maintain cooperation in their area of competence and to submit conclusions and recommendations to the ASEAN Communities.

The ASEAN Secretary-General and the ASEAN Secretariat (Article 11 of the ASEAN Charter) together form the central administrative body of the organization. They work only in the interests of ASEAN and cannot act on behalf of any individual government representing one of the member states of the organization or a state that is not a member of ASEAN.

The Committee of Permanent Representatives of the ASEAN Member States (Article 12 of the ASEAN Charter) is an updated version of the former ASEAN Standing Committee. It consists of permanent representatives of member states to ASEAN, acting as ambassadors of their states to the secretariat of the organization. This body supports the work of the ASEAN Communities, Sector Ministerial Bodies, as well as the work of the Secretary-General of the organization and the ASEAN Secretariat in all matters relating to the activities of the organization and the development of cooperation with external partners.

ASEAN National Secretariats (Article 13 of the ASEAN Charter) serve as focal points in their host states and ASEAN National Information Centers, facilitating the implementation of ASEAN decisions at the national level [8].

Designated in Art. 14 of the ASEAN Charter The ASEAN Human Rights Body was established in 2009 under the name of the ASEAN Intergovernmental Commission on Human Rights to stimulate the unification of the protection of human rights and fundamental freedoms in the space.

The last in the list of ASEAN bodies, the ASEAN Foundation (Article 15 of the ASEAN Charter), is designed to spread awareness of the unified identity of ASEAN in the space of association and beyond and to promote cooperation among representatives of the public of ASEAN states, the private sector, academia, and other interested individuals to create a unified ASEAN community.

The charter gave ASEAN a more complex organizational structure than it had originally. As amended in 1967, the organizational structure of ASEAN consisted of only 4 bodies:– ASEAN Ministerial Meeting as the supreme governing body of the organization;– The ASEAN Standing Committee, consisting of foreign ministers or ambassadors from each member state of the organization and responsible for preparing the upcoming meetings of the supreme body of the organization;– An Ad Hoc and Fixed Committee was appointed to confirm the accuracy of the content prepared by the person acting as secretary of the organization, reports, and proposals. - The person acting as ASEAN Secretary (ASEAN Secretary member), is responsible for submitting reports and proposals [8].

Let us continue the analysis of the development of ASEAN institutional bodies, with the progress that has been made in strengthening the functional role of the main administrative body of the organization - the ASEAN Secretariat.

Due to the predominance in the states of the association of historically determined tendencies to maximize the preservation of their sovereign rights and powers, and the modest powers of the ASEAN secretariat associated with this phenomenon, the latter served mainly as a single information center of the organization and could not determine the development agenda of the organization or participate in any way in the management of the general activities of the states of the association [9].

With the adoption of the Charter, there is a strengthening of the role of the ASEAN Secretary-General, who was empowered not only to promote but also to monitor the implementation of the treaties and decisions of the organization, the results of which he must present at the meetings of the Summit of the heads of state of the association. Also, the strengthening of the role of the Secretary-General of the organization is envisaged by the appointment of two additional Deputy Secretaries-General and the obligation of Member States to provide the Secretariat with the financial resources necessary for the effective performance of its tasks. Among the bodies called upon to carry out the economic development of the states of the association, the Council of the ASEAN Economic Community, another key body responsible for the development of the ASEAN economic agenda, is of interest.

Article 9 of the ASEAN Charter defines the following main tasks of the ASEAN Economic Community Council:

- “ensure the implementation of the decisions taken at the ASEAN Summits,
- coordinate the work of various sectors that are within the competence of this community, as well as on issues that may simultaneously fall within the competence of the ASEAN Political and Security Council and the ASEAN Socio-Cultural Community Council,
- present reports and recommendations to the ASEAN summit on the economic agenda”.

Among the three tasks listed, in our opinion, the function of ensuring the actual implementation of decisions made in the economic sphere is of particular importance in strengthening the institutional bodies of ASEAN, as well as the effective implementation of economic development goals. This conclusion is because the previous practice of ASEAN has placed the issues of actual implementation of unrealized decisions in the sphere of negotiations, which do not involve any ASEAN bodies.

Another part of the Charter that should be noted is the provisions that define the structure of the ASEAN Economic Community Council:

- ASEAN Economic Ministers Meeting (AEM),
- ASEAN Free Trade Area (AFTA) Council,
- ASEAN Investment Area (AIA) Council,
- ASEAN Finance Ministers Meeting (AFMM),
- ASEAN Ministers Meeting on Agriculture and Forestry (AMAF),
- ASEAN Ministers on Energy Meeting (AMEM),
- ASEAN Ministerial Meeting on Minerals (AMMin),

- ASEAN Ministerial Meeting on Science and Technology (AMMST),
- ASEAN Telecommunications and Information Technology Ministers Meeting (TELMIN),
- ASEAN Transport Ministers Meeting (ATM),
- Meeting of the ASEAN Tourism Ministers (M-ATM),
- ASEAN Mekong Basin Development Cooperation (AMBDC),
- ASEAN Center for Energy,
- ASEAN-Japan Center in Tokyo.

Among the bodies listed above, the importance of the ASEAN Senior Officials' Assembly for Economic Development, the ASEAN Free Trade Area Council, and the ASEAN Common Investment Area Council as the main platforms for advancing the ASEAN economic development agenda should be emphasized.

Thus, "the international economic obligations of states are also related both to their relations with other countries and to the jurisdictional impact on economic entities within the country" [10].

The process of transforming an association into an international organization with a full set of characteristics inherent in derivative subjects of international law is still devoid of the necessary parameters for the effective implementation of its tasks. The governing structure of the organization consists of the ASEAN Summit, which is a meeting of the heads of ASEAN states and is the highest body that determines the development policy of ASEAN, supplemented by the Coordinating Council, consisting of foreign ministers of the ASEAN member states and the Councils of the three ASEAN Communities. The last two bodies are significantly limited in their powers by the previously mentioned principles of the general policy of the organization, aimed at protecting absolute sovereignty and ignoring issues that are within the internal competence of the member states of the organization. There are 37 Sectoral Ministerial Bodies assigned to the three ASEAN communities. The position of the Commission in ASEAN is performed by the Secretary-General of ASEAN, who, however, is deprived of the decision-making rights assigned to him by the design of the organizational structure and is limited only by the tasks of facilitating and monitoring the implementation processes of decisions and agreements adopted within ASEAN. The structure is completed by the Committee of Permanent Representatives and the Commission on Human Rights, completely devoid of any serious powers [11].

As a conclusion on this part of the study, it seems possible to positively assess the efforts of the states of the association to ensure their constant dynamics in the development of the contractual and institutional foundations for the functioning of ASEAN. These foundations, as noted above, in their totality constitute a single interstate mechanism for economic integration. From the point of view of the further functioning of the designated mechanism, the ASEAN states need to continue the previously achieved level of dynamics in the development of its contractual and institutional parts.

References:

1. ASEAN Charter, Singapore, 20 November 2007. Access mode: URL: <https://asean.org/about-asean/asean-charter/> (date of access: 25.02.2022)
2. Smbatyan A.S. Anti-formalism v. traditionalism as a new challenge to international law // Russian Foreign Economic Bulletin. № 6, 2020. P. 45.
3. ASEAN Summit. Access mode: URL: <https://asean.org/about-us/asean-summit/> (date of access: 25.02.2022)
4. Melkin M.S. "International legal status of the Association of Southeast Asian Nations": dis. ... cand. legal sciences: 12.00.10 - M., 2012. – P. 72.
5. ASEAN Coordinating Council. Access mode: URL: <https://asean.org/about-us/asean-coordinating-council/> (date of access: 25.02.2022)
6. ASEAN Community Council. Access mode: URL: <https://asean.org/asean/asean-structure/asean-community-councils/> (date of access: 25.02.2022)

7. ASEAN Secretariat Organisation Structure. Access mode: URL: <https://asean.org/the-asean-secretariat-basic-mandate-functions-and-composition/organizational-structure-of-the-asean-secretariat-2/> (date of access: 24.02.2022)
8. Saidmukhtorov A.A. Economic cooperation of states within ASEAN: international legal aspects: author. dis. cand. legal sciences: 12.00.10 - M., 2021. – P. 67-68.
9. Kostyunina G.M. Association of Southeast Asian Nations (ASEAN) // International economic integration: textbook/ed. N.N. Liventsev. M.: Economist, 2006. – P. 228 -229.
10. Vertlieb F.O. Types of international economic obligations of states // Bulletin of the Moscow University of the Ministry of Internal Affairs of Russia. №12, 2008. P. 18-20 // Access mode: URL: <https://cyberleninka.ru/article/n/vidy-mezhdunarodnyh-ekonomicheskikh-obyazatelstv-gosudarstv/viewer/> (date of access: 26.02.2022)
11. Abdul Majid. ASEAN's Institutional Structure and Economic Cooperation // South Asian Studies A Research Journal of South Asian Studies. Vol. 32, №2, July – December 2017. P. 325– 332.

УДК 341.161

**"PROSPECTS FOR THE DEVELOPMENT OF COOPERATION BETWEEN
THE EAEU AND THE SCO WITHIN THE FRAMEWORK OF
THE SILK ROAD ECONOMIC BELT"**

Kulmukhanova Dana Bolatovna

dana.kulmukhanova@gmail.com

4th year International Law student of Faculty of Law of

L.N.Gumilyov Eurasian National University, Nur-Sultan, Kazakhstan

Research advisor – Assem Oinarova, PhD, Senior Lecturer at Department of International
Law of L.N.Gumilyov Eurasian National University, Nur-Sultan, Kazakhstan

The Silk Road Economic Belt (the “Belt”) represents a free and still developing model of international economic cooperation that can catalyze development and integration in Eurasia and contribute to reducing the security threat. For the first time this idea was put forward by the General Secretary of the Communist Party of China Xi Jinping in September 2013 during a state visit to Kazakhstan [1]. In October 2013, during his visit to Southeast Asia, China's political leader invited members of the Association of Southeast Asian Nations (ASEAN) together to build the "Maritime Silk Road of the 21st century" [2]. Both initiatives were combined into a single political and economic strategy of China, which was called "One Belt, One Road". In March 2015, China published the document "Excellent Prospects and practical actions for the joint creation of the Silk Road Economic Belt and the Maritime Silk Road of the XXI Century", which noted that the main routes of the Silk Road Economic Belt will be:

- 1) from China via Central Asia and Russia to Europe (to the Baltic Sea);
- 2) from China via Central Asia and West Asia to the Persian Gulf and the Mediterranean Sea;
- 3) from China to Southeast Asia, South Asia, to the Indian Ocean.

The directions of the Silk Road Economic Belt include the two a ways: