

[Home](#)[Copyright](#)[About IJAS](#)[Editorial Board](#)[Table of Contents](#)[Author Index](#)[Search](#)[Help](#)

# Conference of the International Journal of Arts and Sciences

CD-ROM ISSN: 1943-6114

2015 Volume 08, Number 02

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[Home](#)[Copyright](#)[About IJAS](#)[Editorial Board](#)[Table of Contents](#)[Author Index](#)[Search](#)[Help](#)

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## TRADE BARRIERS IN ASEAN COUNTRIES: WILL ASEAN ECONOMIC COMMUNITY (AEC) BE ACHIEVED?

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This article has two main objectives which are: 1) to investigate the trade obstacles such as Non-Tariff Barriers (NTBs) and Non-Tariff Measures (NTMs) among ASEAN countries by using the approach of neo-realism that is one of international political economy (IPE) theories and 2) to study the impacts of trade obstacles towards the establishment of ASEAN Economic Community (AEC) within the year 2015. This article uses the documentary research and in-depth interviews. The results of the study are: 1) although tariff barriers have been gradually reduced through Agreement on the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area (AFTA), ASEAN member states tend to use NTBs and NTMs to protect their internal industries. Interestingly, Myanmar, Indonesia, and Philippines use maximum NTMs, while Cambodia and Thailand use least NTMs. And 2) the implementation cannot be achieved as set in ASEAN Economic Community (AEC) Blueprint, so AEC has been postponed from January 1, 2015 to December 31, 2015.

Keywords: ASEAN Economic Community (AEC), National Interest, Non-Tariff Barriers (NTBs), Non-Tariff Measures (NTMs).

### **Introduction**

Nowadays, ASEAN has population about 600 million and has Gross Domestic Product (GDP) US\$ 2,311, 315 million (ASEAN Secretariat, 2014, p. 1). The outstanding characteristics of ASEAN are increasing working-age population, including growing wealth which shows purchasing power and expanding demand for high quality of goods and services. Besides, according to current global economic situation, it is necessary to accelerate economic integration in the region to relieve the impacts of global economic recession (Chaisse and Gugler, 2010, p. 1). The acceleration of deeper economic integration in the region will stimulate foreign investors to run their businesses in ASEAN as a global production base. Also, economic integration makes ASEAN countries become one that provides power in negotiation and strengthens ASEAN's geopolitical influence (Soesastro, 2005, p. 22).

With respect to the economic cooperation, during the 4<sup>th</sup> ASEAN Summit in 1992, ASEAN established ASEAN Free Trade Area (AFTA) among trade protectionism from the western countries and China's rapid economic growth as a new competitor. AFTA required that tariff rates levied on all manufactured and processed agricultural products traded within the region were reduced to 0-5% within 2003, and ASEAN members eliminated quantitative restrictions and other non-tariff barriers (NTBs). Next, ASEAN Framework Agreement on Services (AFAS) was set on 15 December 1995 to remove all existing discriminatory measures and market access limitations among ASEAN countries and to forbid

new or more discriminatory measures and market access limitations (ASEAN Secretariat, 1995a). Simultaneously, ASEAN Investment Area (AIA) was established on 15 December 1995, and Framework Agreement on the ASEAN Investment Area was signed by ASEAN leaders in October 1998. It aims to build more liberal and transparent investment environment among ASEAN countries increasing the flow of investment into ASEAN from both ASEAN and non-ASEAN sources and to reduce or eliminate conditions and regulations of investment which are investment barriers (ASEAN Secretariat, 1995b). Unexpectedly, the 1997 Asian financial crisis challenged economic integration in the region (Naya and Plummer, 1997, pp. 117-125). In 2002, Goh Chok Tong, prime minister of Singapore, initiated the idea to establish ASEAN Economic Community (AEC) in the ASEAN Summit in Phnom Penh. Later, during the ASEAN Summit in 2003, ASEAN leaders agreed to establish AEC by 2020<sup>1</sup> embodied in the Declaration of ASEAN Concord II (Hew and Soesastro, 2003, p. 292). Furthermore, during the ASEAN Summit in 2007, the ASEAN leaders signed the Declaration on the ASEAN Economic Community Blueprint. The AEC Blueprint provides the steps towards achieving the AEC by 2015, including its clear strategic schedule is annexed to the Declaration (ASEAN Secretariat, 2008).

On the other hand, ASEAN is the fragmented organization because of ideological and political conflicts, including narrow nationalistic objectives (Marn-Heong Wong, Shankar, and Toh, 2011, p. 2). Each ASEAN member country makes a decision by itself that presents national resilience, and mainly bases on their national interests. Normally, ASEAN members use the non binding pattern and guideline more than contracts and binding agreements so these characteristics reflect minimal institution that impedes economic integration (Tay, 2004, p. 247).

## Literature Review

Realism tends to see that economics is the tool of politics and the base of political power. It assumes that the relationship between the global economy and politics is not complex so it can be understood that "politics determines economics" (Tooze, 1992, p. 234). Later, neo-realist views that international system is anarchy and there is no any power to protect a state from other states' violence or aggression within anarchy. Therefore, states feel worried about their power and development of capabilities to protect themselves from other states. From these reasons, each state must be self-help for its survival and security (Waltz, 1990, p. 287). Besides, anarchy of international system causes conflicts and competitions among states without concerning common interests. International economic relationship is a zero-sum game that when one state gets benefits, another state will lose ones (Jackson and Sorensen, 2003, p. 179).

It can be said that power is the most important means for a state to achieve its security so a state will seek power and try to protect itself by blocking other states to become more powerful. Furthermore, relative gain will convince a state to increase its powerful capability when it has to be connected with other states. States will defend themselves by making more interests from their economic and military capabilities. Wealth and rising economy will make a state have sufficient power and influence to threaten other states' existence and benefits (Waltz, 1990, p. 287). States emphasize relative economic gain because the more states accumulate economic wealth, the more they have political and military power. The economic strength, including political and military power mutually support each other. While building economic strength will promote the development of states' political and military capabilities, political and military power will support and make states' economic power stronger. Besides, states which protect and advance their national interests will control private economic interests. States should avoid depending on other states' economies as much as possible. When the economic and security interests are in conflict, states will give priority to the security interests (Jackson and Sorensen, 2003, pp. 179-181).

States have a lot of capabilities to establish the structure of economic relationship in the international stage (Cohn, 2000, p. 62). From the assumption that the global economy is the area of competition among

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<sup>1</sup>AEC is one of the three pillars. The other pillars are ASEAN Political-Security Community (APSC) and ASEAN Socio-Cultural Community (ASCC)

states to seek the most relative strength and power, each state must manage everything to survive in the international system and each state aims to increase its wealth and freedom as much as possible. In fact, each state's economic policies aim to create its national interests. States will promote the growth of internal industries, support more exports than imports, and create innovation of education and technology to compete more in international stage. Moreover, states still use economic policies to protect trades by setting various measures i.e. increase in import tariffs, the restriction of import quotas and export quotas by voluntary export restraints, export subsidies, currency devaluations, non-tariff barriers (NTBs), strategic trade practices, dumping, countervailing trade practices, safeguards, and selective investments (Balaam and Veseth, 2001, p. 115; Prapat, 2006, pp. 4-27 to 4-28). Even states, in the liberal market, perceive the economic efficiency and take the advantage from liberal trade to increase their power; liberal trade may affect their internal businesses. States play an important role in promoting the development of some industries by subsidizing and protecting those industries from foreign competitions (Kegley and Blanton, 2012, pp. 369-370).

Besides, a state will decide to participate in a new trade agreement or support an international institution's decision due to relative gains from that agreement (Mingst, 2008, p. 257). In fact, since states always feel worried with respect to less gaining than other states, they hesitate to give their power to any international institutions (Cohn, 2000, p. 76). Worrying about relative gains usually impedes cooperation. Realism views that if a state signs in an international agreement, it, especially a powerful state, will withdraw from the agreement because it loses benefits or other states gain more. (Woods, 2008, p. 257)

### **Methodology**

This research uses the documentary research method by collecting data from ASEAN website, books, journals, newspapers, and other websites related to ASEAN. Also, it uses in-depth interviews with some key informants i.e. a civil servant in the Department of Trade Negotiations (DTN), The Ministry of Commerce, a businessman who is Vice Chairman of The Federation of Thai Industries and Chairman of ASEAN Business Advisory Council, and a businessman who is Vice Chairman of the Thai Chamber of Commerce.

### **Results**

After the establishment of ASEAN in 1967, the outstanding economic cooperation occurred during the 4<sup>th</sup> ASEAN Summit. ASEAN leaders agreed to set AFTA and signed Framework Agreement on Enhancing ASEAN Economic Cooperation. AFTA mainly focuses on reducing tariffs to no higher than 5% for goods traded among ASEAN members. Simultaneously, the agreement on the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area (CEPT AFTA agreement), starting from 1 January 1993 to 1 January 2003, set the deadline for the six original ASEAN member countries (Brunei Darussalam, Indonesia, the Philippines, Singapore, and Thailand) to reduce CEPT AFTA tariffs on trade to 0-5 %, with an ultimate goal of zero tariffs. With respect to ASEAN's newer Member States or Cambodia, Laos, Myanmar, and Vietnam: CLMV, Vietnam has to bring down the tariffs on products on the CEPT Inclusion list to 5% or less until 2006, and Laos, Myanmar and Cambodia proceed until 2008, 2008, and 2010, respectively (Severino, 2006, p. 226). Furthermore, ASEAN member countries shall eliminate all quantitative restrictions with respect of products under the CEPT Scheme, and they shall remove other non-tariff barriers (NTBs) on a gradual basis within a period of 5 years (ASEAN Secretariat, 1992). Although ASEAN member countries have progressively reduced their tariffs on intra-ASEAN trade, there have been various non-tariff issues which show that ASEAN countries still use NTBs to protect their internal industries (see Table 1)

**Table 1.** Non-Tariff Issues in ASEAN

Country	Non-Tariff Issues Under Discussion
Brunei Darussalam	<ul style="list-style-type: none"> <li>• Differing product specifications for vehicles</li> <li>• Inconsistent and non-automatic licensing for telecommunications equipment</li> <li>• Lengthy procedures for licensing approvals</li> <li>• Inconsistent customs classification</li> <li>• Difficulties with temporary importation</li> <li>• Differing office hours at common customs borders</li> </ul>
Indonesia	<ul style="list-style-type: none"> <li>• Privileges provided to selected companies (e.g. oil)</li> <li>• Non-automatic licensing</li> <li>• Facilitation fees at customs</li> <li>• Import restrictions</li> </ul>
Lao PDR	<ul style="list-style-type: none"> <li>• Inconsistent customs classification</li> <li>• Inconsistent customs valuation</li> </ul>
Malaysia	<ul style="list-style-type: none"> <li>• Local sourcing policy</li> <li>• Non-automatic licensing</li> <li>• Lengthy procedures for approvals for pharmaceutical products</li> <li>• Quota restrictions</li> <li>• Problematic and Inconsistent customs classification</li> <li>• Facilitation fees at customs</li> <li>• Problematic labeling requirements</li> <li>• High uplifts on customs valuation</li> </ul>
Philippines	<ul style="list-style-type: none"> <li>• Cumbersome procedures for import licences</li> <li>• Problematic testing and inspection requirements</li> <li>• Slow customs classification process and lack of classification expertise</li> <li>• Non-transparent customs valuation uplifts</li> <li>• Problems with PSI</li> <li>• Import quotas and bans</li> </ul>
Singapore	<ul style="list-style-type: none"> <li>• Problematic requirements on standards</li> </ul>
Thailand	<ul style="list-style-type: none"> <li>• Lengthy procedures for import licences</li> <li>• Inconsistent and non-transparent customs classification</li> <li>• Customs valuation uplifts</li> <li>• Facilitation fees at customs</li> <li>• Problematic quota restrictions</li> <li>• Problematic labeling requirements</li> <li>• Stringent inspection requirements</li> </ul>
Vietnam	<ul style="list-style-type: none"> <li>• Cumbersome application for quotas</li> <li>• Non-transparent licensing procedures</li> <li>• Non-publicized frequent regulatory changes</li> <li>• Inconsistent and problematic customs classification</li> <li>• Import restrictions</li> <li>• Additional surcharges</li> </ul>

**Source:** ASEAN Secretariat, Report of the Thirteenth Meeting of the ASEAN Free Trade Area (AFTA) Council, 29 September 1999, quoted in Nattapong Thongpakde, "ASEAN Free Trade Area: Progress and Challenges," in Mya Than, ed., *ASEAN beyond the Regional Crisis: Challenges and Initiatives*, (Singapore: Institute of Southeast Asian Studies, 2001), p. 75.

At the beginning of the 21<sup>st</sup> century, during the Bali Summit in October 2003, ASEAN leaders declared that AEC should be the goal of regional economic integration by 2020. About three years later, during the 12<sup>th</sup> ASEAN Summit in January 2007, ASEAN leaders signed the Cebu Declaration on the Acceleration of the Establishment of an ASEAN Community by 2015 (ASEAN, 2007). Shortly, during the 13<sup>th</sup> ASEAN Summit on 20 November 2007 at Singapore, ASEAN leaders signed the Declaration on the ASEAN Economic Community Blueprint or “AEC Blueprint” as a master plan that confirmed the agreement to accelerate the establishment of AEC within 2015 (ASEAN Secretariat, 2008).

ASEAN has achieved significant progress in tariff liberalization. Next, ASEAN emphasizes the full elimination of NTBs towards AEC in 2015. According to AEC Blueprint, there are five measures to eliminate NTBs that are 1) promote transparency through the Protocol on Notification Procedures and establish an effective surveillance mechanism; 2) comply with the commitment of a standstill and rollback on NTBs; 3) Brunei, Indonesia, Malaysia, Singapore, and Thailand get rid of all NTBs by 2010, for the Philippines by 2012, and for Cambodia, Laos, Myanmar, and Vietnam with flexibilities to 2018; 4) improve transparency of Non-Tariff Measures (NTMs); and 5) operate towards where possible having regional rules and regulations in conformity with international practices (ASEAN Secretariat, 2008, p. 5).

Obviously, ASEAN has tried to advance its economic cooperation through a new agreement. CEPT AFTA was replaced by ASEAN Trade in Goods (ATIGA) which has more extensive contents than CEPT AFTA and has entered into force on 17 May 2010. ATIGA strengthens commitments related to trade in goods, emphasizes the elimination of import duties and NTMs, and makes Rules of Origin (ROO) easier to implement. Then, when ASEAN has gradually integrated and reduced tariffs to 0%, GDP of ASEAN will increase 10% and can decrease operational costs about 20% (McKinsey and Company as cited in Chia Siow Yue, 2011, 43-63). On the other hand, although the tariff reduction is successful through several multilateral trade negotiations, NTMs take place as an alternative to protect internal industries (Ando and Obashi, 2010, p. 27). Evidently, ASEAN member states have to protect their domestic industries to survive from competitions with imported goods, so NTMs have become main restrictions within ASEAN trades (Balboa, Lourdes E., Fatima, Prado, and Yap, 2012, p. 11; Dios, 2007, p. 101).

According to the United Nations Conference on Trade and Development (UNCTAD), there are two types of NTMs. The first one is core NTMs consisting of financial control measures such as multiple exchange rates, and quantity control measures such as non-automatic licensing, quotas, prohibitions, and enterprise-specific restrictions, and it can be definitely identified as trade barriers. The other is non-core NTMs consisting of para-tariff measures, automatic licensing measures, monopolistic measures, and technical measures such as labeling requirements, testing, inspection, safety and industrial standards, and they are potentially import-distorting measures in the sense that a government can implement them to intentionally and indirectly protect domestic industries (Ando and Obashi, 2010, p. 29).

From collective information of NTMs in 2007, overall prevalent usage of NTMs in ASEAN has about 49% or it means that almost half of all tariff lines in ASEAN were linked to at least one NTM, but NTMs used in ASEAN are not all core NTMs. This suggests that various direct and indirect trade barriers do exist in ASEAN. In ASEAN, core NTMs were exercised more than a quarter of all tariff lines. Among the ASEAN countries, Myanmar, Indonesia, and the Philippines used NTMs the most. Interestingly, all the NTMs which were used by Myanmar might be classified as core NTMs. Indonesia was the second country that used a lot of NTMs after Myanmar. Nearly half of Indonesia’s tariff lines were core NTMs, but Indonesia, on the whole, used more non-core NTMs than core ones. On the contrary, even though tariff lines of the Philippines were related to NTMs, only 5 % of its tariff lines were related to core NTMs. On the other side, Cambodia and Thailand used the least NTMs in ASEAN. Cambodia used core NTMs to merely 4 % of its tariff lines and overall NTMs to 6 % of its tariff lines. Similarly, Thailand used core NTMs to 4 % of its tariff lines and whole NTMs to 11 % of its tariff lines (Kartika and Atje, 2013, p. 33) (see Table 2).



**Table 2.** Frequency Ratio of NTMs, 2007

	overall NTMs	core NTMs	non-core NTMs
<b>ASEAN-10</b>	<b>49</b>	<b>27</b>	<b>32</b>
Brunei	46	29	32
Cambodia	6	4	4
Indonesia	100	45	100
Laos	20	-	20
Malaysia	43	36	21
Myanmar	100	100	8
Philippines	100	5	100
Singapore	27	21	14
Thailand	11	4	9
Vietnam	34	22	14

**Source:** Mitsuyo Ando and Ayako Obashi, "The Pervasiveness of Non-tariff Measures in ASEAN - Evidences from the Inventory Approach," in Mia Mikic and Martin Wermelinger, eds., *Rising Non-Tariff Protectionism and Crisis Recovery: A Study by Asia-Pacific Research and Training Network on Trade (ARTNeT)*, (Bangkok: United Nations, 2010), p. 34, <<http://www.unescap.org/tid/publication/tipub2587.pdf>> [Retrieved April 1, 2015].

The above collective data accords with views of key informants from the in-depth interviews. NTMs are very serious obstacles for the global trade and ASEAN economic integration. Besides, they are more trouble than tariff measures.<sup>2</sup> Though ASEAN has tried to eliminate NTBs, ASEAN, in practice, cannot completely remove NTBs. Furthermore, the implementation is slower than the strategic plan set in the AEC Blueprint.<sup>3</sup> Furthermore, businessmen think that ASEAN member countries tend to increase or decrease the usage of NTBs or NTMs depend on the capabilities of their economic development. Though ASEAN countries still use NTBs or NTMs, a solution for relieving the trade protection in ASEAN is the effort to adjust the trade protection measures through negotiations.<sup>4</sup>

## Conclusion

Trade protectionism is the important barrier against achieving AEC because ASEAN member states operate their economic policies based on national interests and want to maintain their sovereignty. These NTBs and NTMs will impede ASEAN economic integration inevitably. ASEAN countries use both trade protectionism, especially tariff barriers and NTMs. Obviously, customs measures are gradually decreased with the operations under CEPT AFTA and ATIGA, but ASEAN economic integration toward AEC is obstructed by NTBs and NTMs. All member states use NTMs to protect their national interests. According to current international political economy, competitions in trade and investment tend to be more serious. Therefore, ASEAN member states use NTMs instead of tariff barriers to block imported goods from other member states. Apparently, the implementation cannot be achieved as set in AEC Blueprint, so AEC has been postponed from January 1, 2015 to December 31, 2015.

<sup>2</sup> Mr. Arin Jira, Vice Chairman of the Federation of Thai Industries and Chairman of ASEAN Business Advisory Council. Interview 13 March 2014.

<sup>3</sup> Ms. Arunee Poolkaew, the Deputy Director-General of the Department of Trade Negotiations (DTN), the Ministry of Commerce. Interview 4 February 2014.

<sup>4</sup> Mr. Pomsil Patchrintanakul, Vice Chairman of the Thai Chamber of Commerce. Interview 14 March 2014.

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31. Pornsil Patchrintanakul. (Vice Chairman of the Thai Chamber of Commerce.) Interview 14 March 2014.