

REGIONAL ORGANISATION INVOLVING SOUTH EAST ASIA AND THE WESTERN PACIFIC: ECAFE, THE COLOMBO PLAN AND THE ASIAN DEVELOPMENT BANK

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A move in emphasis by states from universalist to regional organization is a phenomenon noted by most students of international organization. Obvious examples exist in Europe, where the trend has been particularly evident since the Second World War,¹ and concurrent developments have occurred among Latin American countries.² More recently similar institutions have been set up in Africa.³ In South East Asia and the Western Pacific developments have been less significant, although an increasing regional awareness by some of the states indicates future changes. Proposals have been made for the formation of an organization in Asia similar to the Organization of American States or the Council of Europe⁴ and the development of political associations such as the Asian and Pacific Council (ASPAC)⁵ may in fact be the beginning of this process.

At present, however, for most regional groupings in international organizations South East Asia and the Pacific forms part of a broader geographical area extending from Iran in the east to Japan in the west and to New Zealand in the south. This is the area of "Asia and the Far East" established initially by the United Nations as the area of competence of one of its regional economic commissions. Though these organizations are concerned with a wider area they do include within their spheres of interest the relations of states in South East Asia and particularly the economic development of these states.⁶ If newer regional organizations do emerge within the more restricted area attention will have to be given to the type of structure considered desirable and the functions which are to be ascribed to them. It is the purpose of this article to give an outline of the origins and functions of three of the existing institutions and to compare their structures.

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1 Among the institutions created since the War are included the Organization for Economic Co-operation and Development (OECD), the Council of Europe and the European Economic Communities.

2 The Organization of American States, established in 1945, has been followed by a number of economic institutions, including the Latin American Free Trade Agreement (LAFTA) and the Central American Common Market (CACM).

3 The Organization of African Unity was established in 1963 and the East African Community (Tanzania, Kenya and Uganda) in 1967.

4 Subba Rao, "Law and Economic Development in Asia and the Western Pacific", in *Proceedings of Lawasia Kuala Lumpur Conference*, (1969) 28.

5 For a report on the 5th Ministerial Meeting of ASPAC see *New Zealand Foreign Affairs Review*, June, 1970, p. 3.

6 The Yearbook of International Organizations for 1968-69, lists no less than 21 regional inter-governmental organizations within the area. Seven of these are Commonwealth commissions or secretariats, see *Yearbook of International Organizations*, 12th (1968-69) ed. (1969).

The organizations chosen, the Economic Commission for Asia and the Far East (ECAFE), the Colombo Plan and the Asian Development Bank each have the characteristic of being not wholly regional organizations as their membership includes both non-regional and regional states. Yet in each case the area of competence includes South East Asia and the Pacific and they are primarily concerned with Asian countries; in this respect they are "Asian organizations." The latter two institutions also differ from ECAFE in that they are constitutionally autonomous whereas ECAFE is simply an organ of the Economic and Social Council of the United Nations. This, of course, has certain legal consequences in that ECAFE is ultimately responsible to an organization which comprises states from throughout the world and, probably, has no legal personality separate from that of its parent organization, the United Nations.⁷ Nevertheless, for the purposes of this article these consequences are irrelevant,⁸ as the principal task is the investigation of the types of organs existing among the organizations and the way they operate.

Origins

The Economic Commission for Asia and the Far East resulted from the United Nations' concern for the economic reconstruction of countries affected by the war.⁹ In June, 1946, the Economic and Social Council (ECOSOC) established a temporary Sub-Committee on Economic Reconstruction of Devastated Areas,¹⁰ which set up two working parties, one for Europe and Africa and one for Asia and the Far East. The working party on Europe made quick progress and in an early report recommended the creation of an economic commission for Europe. Though the group for Asia and the Far East had barely commenced any detailed study the Second Committee of the General Assembly, when discussing a preliminary report of the Economic and Social Council's Temporary Sub-Committee, in November 1946, supported the claims of some Asian countries¹¹ for the establishment of an economic commission for Asia and the Far East. This view was endorsed by the General Assembly the following month¹² and the Economic and Social Council was, in effect, presented with a *fait accompli*.

Thus at its Fourth Session, in March 1947, ECOSOC as well as establishing an Economic Commission for Europe (ECE) also created an Economic Commission for Asia and the Far East (ECAFE).¹³ The Commission was set up for a five year experimental period, and a decision as to its continuation was to be made in 1951. That decision

7 A comprehensive treatment of the legal personality of the United Nations is found in Weissberg, *The International Status of the United Nations* (1961).

8 A further issue, although beyond the scope of this article, is whether the Colombo Plan has legal personality or whether it amounts to an international institution at all. For the present purposes, however, it is sufficient that it is composed of a number of states, has identifiable organs and pursues a purpose involving the external relations of states.

9 For an excellent summary of the background to the creation of ECAFE, see Wightman, *Toward Economic Co-operation in Asia, The ECAFE* (1963), ch. 2.

10 ECOSOC Res. 2/6, 21 June 1946.

11 Notably China and India, however strong support was received from Latin American countries.

12 G.A. Res. 46(1), 11 December 1946.

13 ECOSOC Res. 37 (IV), 28 March 1947.

was taken at the Nineteenth Session of the Council in September 1951,¹⁴ and ECAFE's permanency was assured.

The Colombo Plan was created independently of the United Nations and owes its origin to a meeting of Commonwealth Foreign Ministers at Colombo in January 1950 at which the special needs of the developing countries of South and South East Asia were considered.¹⁵ It was there decided to establish a Consultative Committee to survey needs, assess resources and provide the framework for an international co-operative effort of aid and assistance. This body, known in its early period as the Commonwealth Consultative Committee and composed of representatives from Australia, Canada, Ceylon, India, New Zealand, Pakistan and the United Kingdom, including her dependent territories of Malaya and Borneo, first met in May of that year in Sydney. There the developing countries were invited to draw up development programmes for a period of 6 years for consideration and discussion by the Committee. It was also proposed to establish a Technical Co-operation Scheme to provide technical assistance to developing countries as a necessary supplement to the proposed capital aid programmes. In September 1950 the Consultative Committee, after discussing the development programmes submitted by various states, issued a report which in substance provided the framework for the operation of the Colombo Plan.¹⁶ The result was not so much a structured plan, but rather a scheme to promote means of assisting developing countries in South East Asia and the Pacific.

The Asian Development Bank was again the result of a United Nations initiative and arose from a recommendation in 1963 of an ECAFE Expert Group on Regional Economic Co-operation which was considered by a Ministerial Conference on Asian Economic Co-operation later in the same year.¹⁷ The Conference adopted unanimously a resolution supporting the establishment of a regional development bank and, acting upon their recommendation, the Executive Secretary of ECAFE convened a "Working Group of Experts" to "recommend the institutional arrangements that would have to be made in order to implement . . . the establishment of an Asian Development Bank."¹⁸ The Working Group considered the principal advantages of a bank to be the attraction of additional funds to the region, the financing of projects and facilities for the economic and social development of the region which were not adequately provided for by existing sources, and to act as a focal point and stimulus for other measures of regional economic co-operation. With these objectives in mind the Working Group made proposals for the structure and functions of the Bank.¹⁹

The 21st Session of ECAFE, held in Wellington in March 1965 endorsed the moves toward the creation of a development bank and approved the setting up of a committee of experts which would be

14 ECOSOC Res. 414(XIII), (Resolution of 18, 19, and 20 September 1951 on "Organization and Operation of the Council and its Commissions").

15 An outline of the origins of the Colombo Plan is found in Singh, *The Colombo Plan; Some Political Aspects* (1964), 5.

16 "The Colombo Plan for Co-operative Economic Development in South and South-East Asia", Report by the Commonwealth Consultative Committee, London (1950), Cmd. 8080.

17 For a report of the Conference see U.N. Doc. E/CN 11/461.

18 The background to the creation of this Working Group is discussed in its report, see (1965) 4 *Philippines International Law Journal* 308.

19 *Ibid.*, 311.

responsible for the preparation of a draft charter.²⁰ The resulting draft was revised by the Preparatory Committee on the Asian Development Bank²¹ and the agreement establishing the Bank was eventually signed at Manila on 4 December 1965.²² By 22 August 1966 the agreement had been ratified by fifteen signatories (including ten regional countries) whose initial subscription comprised more than sixty-five percent of the authorized capital of the Bank, and thus the agreement entered into force in accordance with Article 65.²³

Functions

The three organizations, although each is concerned generally with economic development, differ with respect to the precision with which their functions are defined and in the scope of those functions.

The initial terms of reference drawn up for ECAFE in 1947 emphasized economic reconstruction. The Commission's powers with respect to member governments were not defined precisely and it was to act "within the framework of the policies of the United Nations and subject to the general supervision of the Council." Moreover it could take "no action in respect of any country without the agreement of the government of that country." The Commission was, therefore, little more than a research organization.²⁴ In 1951, however, when the decision was taken to continue the Commission some alterations were made which had the effect of changing the emphasis of ECAFE. Whereas the earlier terms of reference had required the Commission to promote measures facilitating "economic reconstruction", the new terms added the words "and development" thus broadening the scope of ECAFE's functions. Furthermore the Commission was empowered to provide advisory services and to assist the Economic and Social Council in the technical assistance field.

In fact ECAFE's competence generally has been worked out pragmatically, without too much insistence being placed on a rigid adherence to the terms of reference. Thus, when in 1959 ECOSOC resolved²⁵ that in carrying out its functions ECAFE could, "deal as appropriate with the social aspects of economic development and the interrelationship of the social and economic factors," it merely endorsed an existing practice.²⁶ In recent years ECAFE has undertaken activity in the field of public administration and has established a regional adviser on public administration.

The functions of the Colombo Plan, on the other hand were never precisely defined in a constitutional document as the "Plan" for economic development in South and South East Asia was not established by multilateral treaty but was provided for in outline in the Report of the Commonwealth Consultative Committee in October 1950.²⁷ The

20 Res. 62 (XXI), E/4005, Part III.

21 For the report of the Committee see (1965) 4 *Philippines International Law Journal* 223.

22 The Agreement is deposited with the Secretary-General of the United Nations and published in 571 UNTS 123.

23 For a discussion of the establishment and operations of the Bank, see Nielsen (1970) 9 *Columbia Journal of Transnational Law* 81.

24 Wightman, *op. cit.*, 18.

25 ECOSOC Res. 723(XXVIII), 17 July, 1959, now para. 1(f) of the terms of reference.

26 The Social Affairs Division of the Secretariat had been created in 1956.

27 Cmd. 8080.

report saw the functions of the Plan in broad terms to be the development of the economies of the countries within the region and the general improvement of the welfare of their peoples.²⁸ This was not only to be an end in itself but also a means towards "political stability of the countries of the area."²⁹ The purposes were to be achieved in two ways: capital aid and technical assistance, the former to be arranged on a bilateral basis and the latter under a more centralised scheme.

The purposes of the Asian Development Bank are also expressed in general terms and are described by the articles of agreement³⁰ as to "further economic growth and co-operation" within the region and to "contribute to the acceleration of the process of economic development of the developing member countries" However, the functions of the Bank designed to achieve these objectives are more precise and include³¹ the promotion of investment, the financing of development which will lead to "harmonious economic growth of the region", the co-ordination of development policies, the provision of technical assistance for development projects and co-operation with other organizations and institutions concerned with the investment of development funds in the region. It carries these out through direct lending of funds from its ordinary capital resources to member states at normal rates of interest and in the provision of loans from "special fund" resources on "soft" terms.³² In this respect the Asian Development Bank is an institution of an altogether different type from the other two organizations. The latter are concerned with discussing and developing programmes and policies which the member states may adopt if they consider them desirable. The Bank, on the other hand, has funds available for loan to states and is to this extent able to dictate the terms and even policies to those states.

Membership

The most significant aspect of the membership of these organizations is the mixed composition of regional and non-regional states. Initially the terms of reference of ECAFE prescribed the territories which were included within "Asia and the Far East"³³ and listed the members of the Commission, regional and non-regional.³⁴ It was also provided, that any regional state which subsequently became a member of the United Nations would also be admitted as a member of the Commission. In August 1947 a category of associate membership was created which carried with it the right to vote in subsidiary bodies, but no right to vote in plenary sessions of the Commission, although an associate

28 *Ibid.*, 1-3.

29 *Ibid.*, 3.

30 Art. 1.

31 Art. 2.

32 Art. 19 provides that the Bank may set aside ten percent of its paid in capital in Special Funds which may be used to "guarantee or make loans of high developmental priority, with longer maturities, longer deferred commencement of repayment and lower interest rates than those established by the Bank for its ordinary operations."

33 British North Borneo, Brunei and Sarawak, Burma, Ceylon, China, India, Indo-Chinese Federation, Hong Kong, Malayan Union and Singapore, Netherlands Indies, Philippines Republic and Siam.

34 Australia, China, France, India, Netherlands, Philippine Republic, Siam, U.S.S.R., U.K., and U.S.A. New Zealand was admitted to membership of the Commission in 1948, ECOSOC Res. 105 (VI) 8 Mar. 1948.

member could participate in such sessions. It was provided that the member state responsible for the administration of any of the non self-governing territories included in the area of Asia and the Far East could make an application to the Commission for the admission of that territory to associate membership.

The membership of ECAFE was to give rise to two major problems. First, there was the imbalance between regional and non-regional members. At first there were six non-regional members (Australia, France, Netherlands, U.S.S.R., U.K., U.S.A.) and only four regional members (China, India, Philippines, Siam). By 1951, the balance had improved and stood at seven members each,³⁵ but this was not sufficient for many of the Asian members in view of the negative attitude taken by some non-regional states towards proposals for regional economic development. Matters came to a head in 1951 when to avoid a request being made for a change of the terms of reference of the Commission in order to exclude non-regional members from voting in its sessions, the Executive Secretary presented a memorandum to the Commission³⁶ suggesting that when a matter before it concerned predominantly those states within the region, then primary importance should be attached to the views of those states. This resulted in a statement of principle being included in the Commission's report to the Council for that year³⁷ as follows:

Member governments feel that the time has come when clearer recognition should be given to the principle that member countries belonging to the region should take their own decisions in the Commission on their own economic problems; and that in doing so they should take full account of the views of the associate members. In pursuance of this principle the member countries of the Commission not in the region would be willing, as a general rule, to refrain from using their votes in opposition to economic proposals predominantly concerning the region which had the support of a majority of governments of the region.

The second issue concerning membership was one relating to those non self-governing territories which had subsequently become independent. In the case of those which were admitted to the United Nations no difficulty arose, for such admission gave them a right to full membership of the Commission.³⁸ On the other hand, those associate members which were independent but not members of the United Nations could not automatically be placed in the category of full members. In 1953, being faced with requests for membership by a number of independent associate members which had not been admitted as members of the United Nations, the Commission recommended to ECOSOC that those associate members of ECAFE responsible for their international relations be admitted to full membership.³⁹ ECOSOC took no action that year, but following a repeated request from the Commission in 1954, the Council found it was able to comply on the ground that the General Assembly had already determined that all of the states concerned were eligible for United Nations' membership.⁴⁰ The only condition imposed

35 New Zealand having been added to the list of non-regional and Burma, Indonesia and Pakistan to the regional members.

36 Doc. E/CN. 11/278.

37 Report of ECAFE to ECOSOC for 1951 (E/1981), para. 341.

38 This occurred with the Federation of Malaya (G.A. Res. 1134 (XIII) 17 September 1957) and Singapore (G.A. Res. 2010 (XX), 21 September 1965).

39 Cambodia, Ceylon, Republic of Korea, Japan, Laos, Nepal, Viet-Nam. Many of these states were subsequently admitted to the United Nations in 1955.

40 ECOSOC Res. 517(XVII), 22 April 1954.

was that each state would specifically apply for admission as a full member, in order that satisfactory arrangements could be made with respect to that state's contribution to the finances of the United Nations.

Since its inception, the membership of ECAFE has steadily increased so that it now numbers twenty-eight,⁴¹ of which twenty-three are regional and five are non-regional. There are also two associate members.⁴² Not only has the membership increased but so also has the geographical area of Asia and the Far East broadened; to the west of the region, Afghanistan (1954) and the Mongolian Peoples Republic (1961), and to the south, Australia, New Zealand and Western Samoa (all 1963).

Membership in the Colombo Plan has also undergone some changes over its period of operation. Though the organization was Commonwealth inspired and initially included among its members only states of the Commonwealth, it was always intended that other countries in the region would join and that developed states from outside the region would provide assistance. This did, in fact, eventuate and the Plan has now lost its Commonwealth character. The usual pattern has been for states to attend the Consultative Committee for at least one year as an observer and follow this by full membership, although such a procedure is not inevitable. Membership of the Consultative Committee does not entail automatic membership of the Council for Technical Co-operation and some states have been, for a period, members of the former but not of the latter. Thus Laos became a member of the Consultative Committee in 1951 but did not join the Council for Technical Co-operation until 1955; the United States which also joined the Consultative Committee in 1951 did not become a member of the Council until 1959.⁴³ After 1951 the name of the Committee ceased to be prefixed by the word "Commonwealth" and became simply the Consultative Committee.

The Asian Development Bank, being ECAFE-sponsored, maintained that institution's regional scope: Article 1 of the agreement setting up the Bank provides that the "region of Asia and the Far East" comprises the territories of Asia and the Far East included in the terms of reference of ECAFE. The members are also divided into regional and non-regional members, there being nineteen of the former⁴⁴ and thirteen of the latter⁴⁵ and membership is open to members and associate members of ECAFE and other regional and non-regional developed coun-

41 Afghanistan, Australia, Burma, Cambodia, Ceylon, China, Fiji, France, India, Indonesia, Iran, Japan, Republic of Korea, Laos, Malaysia, Mongolian Peoples Republic, Nepal, Netherlands, New Zealand, Pakistan, Philippines, Singapore, Thailand, U.S.S.R., U.K., U.S.A., Republic of Viet-Nam, Western Samoa. The admission of Fiji to membership in the United Nations in October 1970 automatically entitled it to full membership in the Commission.

42 Brunei, Hong Kong.

43 The present members of both the Consultative Committee and the Council, in addition to the original members are, Afghanistan, Bhutan, Burma, Cambodia, Indonesia, Iran, Japan, Republic of Korea, Laos, Malaysia, Maldive Islands, Nepal, Philippines, Singapore, Thailand, United States of America, Republic of Viet-Nam.

44 Afghanistan, Australia, Cambodia, Ceylon, Republic of China, India, Indonesia, Japan, Republic of Korea, Laos, Malaysia, Nepal, New Zealand, Pakistan, Philippines, Republic of Viet-Nam, Singapore, Thailand, Western Samoa.

45 Austria, Belgium, Canada, Denmark, Finland, Federal Republic of Germany, Italy, Netherlands, Norway, Sweden, Switzerland, United Kingdom, United States.

tries which are members of the United Nations or any of the Specialized Agencies.⁴⁶ Admission to membership depends on an affirmative vote of two-thirds of the total number of governments amounting to not less than three-quarters of the voting power of the member states.⁴⁷ Dependent territories which are associate members of ECAFE can become members through their parent country if it is a member of the Bank, that country being responsible for the obligations of its dependency.

Organs

ECAFE consists of a plenary organ the Commission, on which each member state has a representative,⁴⁸ and an administrative body, the Secretariat. Initially the Commission was unable to deal directly with member governments; recommendations had to be directed to states through the Economic and Social Council of the United Nations. In 1947, following the recommendations of the first session of ECAFE, the Council empowered the Commission to "make recommendations on any matters within its competence directly to the Governments of members or associate members concerned, Governments admitted in a consultative capacity⁴⁹ and the specialized agencies concerned."⁵⁰ It was also granted the power to, "establish such subsidiary bodies as it deems appropriate for facilitating the carrying out of its responsibilities," after "discussion with any specialized agency functioning in the same general field, and with the approval of the Council."⁵¹ Thus the Commission's powers were broadened and scope of activity made more flexible. Whilst it is subordinate to ECOSOC, and submits an annual report to that body, the Commission is largely autonomous. The Economic and Social Council seeks to give guidance rather than to direct, and after considering the Annual Report of ECAFE the Council generally goes no further than approving the work and priorities of ECAFE as established by the Commission.

The Commission meets annually in the territory of one of its member states, the Chairman of the meeting generally being the representative of the host state and decisions are reached by a simple majority. The task of the Commission at each session is to make policy decisions necessary for the work of ECAFE and to undertake a general economic review of the region.⁵² On the basis of this review the Commission prepares its programme of work and priorities for the ensuing year which goes before ECOSOC for approval.

46 Art. 3(1).

47 Art. 3(2).

48 Associate members may send a non-voting representative to the Commission.

49 Para. 9 of the Terms of Reference of ECAFE, see Report of ECAFE to ECOSOC for 1969-1970 (E/4823), p. 191, entitles the Commission to invite Governments of member states of the U.N. which are not members of ECAFE to "participate in a consultative capacity" in the Commission's consideration of matters of particular concern to that state. A similar provision exists with respect to the Specialized Agencies or other inter-governmental organizations.

50 Now para. 8 of the Terms of Reference; it further states that the Commission "shall submit for the Council's prior consideration any of its proposals of activities that would have important effects on the economy of the world as a whole."

51 Now para. 13 of the Terms of Reference.

52 This review is based on an economic survey prepared by the Secretariat.

The work of the Commission is carried out substantially through subsidiary bodies and subcommittees. In 1949 the first permanent Committee, the Industry and Trade Committee, was established, comprising representatives from all member and associate member states, and this was followed in 1951 by the creation of an Inland Transport Committee. The former was concerned with such a vast area of ECAFE's activity that sub-committees were established to enable it to operate more effectively.⁵³ The Inland Transport Committee also established sub-committees on railways, highways and waterways. In 1957, the Industry and Trade Committee was divided into two committees, the Industry and Natural Resources Committee and the International Trade Committee. These two bodies together with the Inland Transport and Communications Committee⁵⁴ constitute the three principal committees of ECAFE.⁵⁵ In 1957 a Committee for the Co-ordination of Investigations of the Lower Mekong was created. Though this was the result of ECAFE-inspired activity the Committee comprises only representatives of the lower Mekong states, Thailand, Laos, Cambodia and Vietnam. The Committee does, however, deliver an annual report to the Commission and it utilizes the administrative facilities of the ECAFE Secretariat.

The second major organ of ECAFE is the Secretariat which technically forms part of the Secretariat of the United Nations. The ECAFE Secretariat which is situated at Bangkok is headed by the Executive Secretary⁵⁶ and is divided into a number of divisions. These comprise the office of the Secretary-General, the Research and Planning Division, the Division of Administration and various Technical Divisions. The Research and Planning Division is involved in research activities covering the whole area of ECAFE's competence and produces an annual economic survey of Asia and the Far East which is discussed at each session of the Commission. The Technical Divisions correspond to the main fields in which ECAFE has responsibility. Thus there exist an Industry and Natural Resources Division, an International Trade Division and a Transport and Communications Division to administer the three principal committees. There are also a Statistics Division, Social Affairs Division, a Water Resources Development Division and an Agricultural Division, the latter two of which are of some interest.

In 1949 there was established, by the Commission, a Bureau of Flood Control⁵⁷ to collect information on flood control, advise governments and promote the training of specialists in flood control. The ambit of the Bureau was extended to include the development of water resources generally and in 1953 it was renamed the Bureau of Flood Control and Water Resources Development. In 1964, however, the Bureau was listed in the Annual Report of ECAFE to the 37th session of ECOSOC simply as the Water Resources Division of the Secretariat. It still, however, deals with the problem of flood control although this takes second place to the central issue of water resources development.

53 Thus there are sub-committees for iron and steel, electric power and minerals.

54 The Committee was renamed in 1958 after the inclusion of telecommunications within its scope.

55 As well as the Committees and Sub-committees the Commission establishes ad hoc working parties for the discussion and consideration of particular issues.

56 The three Executive Secretaries so far have been P. S. Lokanathan (India) 1947-1956, C. V. Narasimhan (India) 1950-1959, U Nynn (Burma) 1959-.

57 E/CN. 11/110.

The Division co-operates closely with the Committee for the Co-ordination of Investigations of the Lower Mekong.

The Agriculture Division, which was established in 1952, is a joint ECAFE/FAO venture. In the field of agriculture there was obviously a conflict in competence between ECAFE and the Food and Agriculture Organization (FAO) and the formation of the joint division was the resulting compromise.⁵⁸ Under the arrangement FAO was to provide an agricultural economist to head the division and the remaining staff were to be appointed from both organizations. The Division prepares its plan of work each year for the approval of the Director of FAO and the Executive Secretary of ECAFE. It does not, however, work in conjunction with any complementary inter-governmental committee.⁵⁹

The Colombo Plan consists of three organs, the Consultative Committee, the Council for Technical Co-operation and the Colombo Plan Bureau. None of these organs possesses any real power and, the bilateral nature of the aid transactions results in their being somewhat bypassed. The Consultative Committee consists of a representative from each participating state and meets annually at ministerial level.⁶⁰ Its main task is, as its name suggests, one of discussion and consultation on economic development, particularly on the development programmes of the countries receiving assistance, and the arrangements for aid from donor countries. It has, however, no authority to administer aid, nor has it any power of decision over its member states. A proposal to provide the Committee with a permanent secretariat was raised in 1951 at its Colombo meeting but this was rejected. The main value of the Committee is seen by one commentator⁶¹ to lie in its provision of a forum for the discussion of regional development problems where views can be exchanged on the utility of particular aid and development programmes.⁶² In this way some measure of co-ordination of the various bilateral aid projects can be achieved. Though the Committee is primarily concerned with matters in the field of capital aid, it is also the most authoritative organ of the Colombo Plan as certain decisions of the other two bodies must come before it for approval.

The Council for Technical Co-operation in South and South East Asia, the second organ of the Colombo Plan, is composed of representatives of all the member states⁶³ and was established to administer the Technical Co-operation Scheme.⁶⁴ Under this Scheme provision is made

58 For a discussion of this dispute see Wightman, *op. cit.*, 137-150.

59 As does, for example, the Industry and Natural Resources Division.

60 The Council meets in a capital of one of its member states. In 1969 it was held in Victoria, B.C., Canada.

61 Basch, "The Colombo Plan: A Case of Regional Economic Co-operation", (1955) 9 *Int. Org.* 1. See also, Malenbaum, "The Colombo Plan, New Promise for Asia" (1952) 27 *Dept. State Bull.* 411, 442, "... the multilateral discussions provide an excellent opportunity to appraise the relative soundness of the individual programs ..."

62 The exchange of views which takes place does not approximate to the "confrontation" technique utilized in the Development Assistance Committee of the Organization for Economic Co-operation and Development (OECD) whereby state representatives are cross-examined on their national policies and programmes (see Bowett, *The Law of International Institutions*, (1970) 2nd ed., 177). An important difference between the Colombo Plan and OECD is that the latter includes only donor and not recipient countries.

63 Rules were adopted by the Council, May 6, 1958, see *Report of the Council for 1958-59*, p. 58.

64 The Scheme was to receive a contribution of eight million pounds by member states over a period of three years, to be used for technical assistance purposes.

for training facilities for persons from developing countries, and for experts, technicians and equipment for development programmes.⁶⁵ It was envisaged that the Council would operate as a clearing house for this purpose through which requests for and offers of assistance could be sent. The Council would receive such requests and decide upon the state to which they should be forwarded.⁶⁶ To assist the Council in this task a permanently functioning Bureau for Technical Co-operation was established in Colombo. In fact, this function did not last for the states reverted to arranging technical assistance bilaterally without the intermediary of the Council and Bureau. Thus the Report of the Council for 1956-57 records:

At an early stage of its history the Council ceased to be a kind of central exchange . . . and it asked only that a copy of each request be sent to the Bureau for recording.⁶⁷

The relative unimportance of the Council is perhaps reflected in the fact that its meetings which are held in Colombo are attended only by those states with diplomatic representatives in Ceylon.⁶⁸ Each state bears the cost of its own representative to the Council. In recent years, however, the importance of the Council has increased. In 1963 the Council was given responsibility for information activities on all aspects of the Colombo Plan and in 1966 the Consultative Committee considering that there was need for maintaining continuity of work during the period between the annual meetings recommended that matters needing urgent attention should be dealt with by the Council for Technical Co-operation at Colombo after consulting those members which have no representative at Colombo.

The origins of the Colombo Plan Bureau (as the Bureau for Technical Co-operation in South and South East Asia) have already been mentioned. The Bureau is headed by a Director and at present has a staff of thirty, twenty-six of whom are locally recruited and the remaining four coming from various participating states.⁶⁹ Although the reversion by participating states to bilateral negotiation and conclusion of technical assistance arrangements has tended to diminish its tasks, the Bureau, unlike the Council, still has a positive function to fulfill in that it records all technical assistance projects. In this way it is able to follow the assistance given by the countries participating in the Plan and obtain an impression of the pattern of assistance in the area. In 1953 the Consultative Committee, at its meeting in New Delhi, decided to establish an Information Unit which could publicize the work of the Colombo Plan in the member countries. The Unit operated initially under an Information Committee but for administrative and financial purposes it was placed under the Bureau.⁷⁰ In 1957 the Consultative Committee endorsed a decision of the Council to completely merge the Information Unit with the Bureau and rename the whole body simply as the Colombo

65 Although the original scheme was scheduled to last for three years it has been repeatedly continued.

66 See *Report of the Council for Technical Co-operation in South and South East Asia for 1956-57*, p. 5.

67 *Idem*.

68 Where the meeting is concerned with questions of policy sufficient notice is given to allow states without representatives in Colombo to attend. See *Report of the Council for 1955-56*, p. 5.

69 *Yearbook of International Organizations for 1968-69*, *op. cit.*, 391.

70 *Report of the Council for 1955-56*, p. 7.

Plan Bureau.⁷¹ In the following year the Consultative Committee placed upon the Bureau the additional task of recording capital aid projects as well as those of technical assistance.

In spite of these functions the Bureau could hardly be regarded as the equivalent of a secretariat as its functions are limited and not parallel, for example, to those exercised by the ECAFE Secretariat. Like the Council it seems to have had a revival in prominence and in 1966 it was elevated to the status of adviser at meetings of the Consultative Committee,⁷² the Consultative Committee indicating that this would give "the Bureau greater participation in the arrangements and business of the meetings."⁷³ It remains to be seen whether the Bureau will develop more of a secretarial role.

The structure of the Bank differs from both ECAFE and the Colombo Plan in that the Bank consists of both a plenary organ (the Board of Governors) and an executive organ of restricted membership (the Board of Directors) together with a President who chairs the Board of Directors and who heads the administrative and secretarial staff of the Bank.⁷⁴ The Board of Governors disposes of the powers of the Bank although it may delegate certain of those powers to the Board of Directors.⁷⁵ On its part, the Board of Directors is empowered to "take decisions concerning loans, guarantees, investments in equity capital, borrowing by the Bank, furnishing of technical assistance and other operations of the Bank."⁷⁶ The Board of Directors consists of ten members, seven elected by the regional members and three by the non-regional.⁷⁷

Both organs operate under a system of weighted voting. Each member state receives a number of proportional votes equal to the number of shares in the capital stock held by the member and in addition receives a share from an equal distribution among members of twenty per cent of the total votes of members.⁷⁸ In the Board of Governors each member casts the votes of his country and decisions are reached on a majority of voting power, while in the Board of Directors each Director is entitled to cast "the number of votes that counted towards his election."⁷⁹ Again decisions are reached on a majority of voting power.⁸⁰ This complicated system of voting seeks to both acknowledge and ameliorate the differences between those which have subscribed a large portion of the capital and those with a lesser subscription⁸¹ and the equal share in the twenty per cent of voting power gives smaller states a greater voice than their proportional votes would of themselves allow.

The Board of Governors is responsible for the election of the Presi-

71 *Report of the Council for 1957-58*, p. 10.

72 *Report of the Council for 1966-67*, p. 7.

73 *Idem*.

74 Art. 34.

75 Art. 28.

76 Art. 31. These functions must be exercised "in conformity with the general directions of the Board of Governors."

77 Art. 30.

78 Art. 33.

79 *Ibid*. In effect, then, the Director represents, at least with respect to voting, the countries which elected him.

80 Art. 33.

81 Similar provisions are found, for example, in the Agreement establishing the Inter-American Development Bank, Art. VIII, s.4., *The Inter-American System*, Inter-American Institute of International Legal Studies, 1966.

dent of the Bank, who must be a national of a regional member.⁸² The President who is the "legal representative of the Bank"⁸³ is also responsible for the "organization, appointment and dismissal" of the staff of the Bank.⁸⁴ In the selection of such staff the principle adopted universally among the United Nations institutions, of balancing high qualifications and skill with as wide a geographical representation as possible is adhered to.⁸⁵ Similarly, in accordance with United Nations principle Bank employees are international officials and must be respected as such: in turn the Bank prohibits its officials from interfering in the political affairs of member states.⁸⁶ Internally, the Bank administration is divided into Offices of the Secretary, the General Counsel, the Treasurer and an Operations Department, an Economic and Technical Assistance Department and an Administration Department. There is also an Internal Auditor's Office and an Information Office.⁸⁷

Relations with Other Organizations

All three organizations are constitutionally empowered to co-operate with other international institutions within the area. Both the Colombo Plan and the Asian Development Bank are constitutionally independent of other organizations in contrast to ECAFE which is, of course, an organ of the United Nations.⁸⁸ Collaboration with other organizations takes the form of participation in the meetings of each other and in the joint formulation of technical assistance programmes. In this field ECAFE co-operates closely with the United Nations Development Programme (UNDP). Co-operation is not limited to institutions operating within the area and ECAFE in particular maintains relations with a wide variety of organizations in other parts of the world, both United Nations and other intergovernmental organizations.

The Asian Development Bank is constitutionally limited in the types of organizations with which it may co-operate, for the agreement establishing the Bank envisages relations with institutions, both public and private, "which are concerned with the investment of development funds in the region."⁸⁹ Authority is provided for the embodiment of the terms of co-operation with such organizations in formally concluded agreements, for their conclusion is a function specifically within the competence of the Board of Governors.⁹⁰

Conclusions

The three institutions illustrate, within the field of economic progress and development three variant models for the future development of regional international organization for South East Asia and the Western Pacific. ECAFE is an institution which embraces a variety of functions

⁸² Art. 34 (1).

⁸³ Art. 34 (4).

⁸⁴ Art. 34 (5).

⁸⁵ Art. 34 (6).

⁸⁶ Art. 36.

⁸⁷ *Asian Development Bank, Basic Facts*, 1968, 14, 23-24.

⁸⁸ In spite of the fact that the Asian Development Bank arose from an initiative taken within ECAFE no institutional ties were retained with that organization, although under the transitional arrangements for the commencement of the operations of the Bank the Executive Secretary of ECAFE was to convene the inaugural meeting of the Board of Governors, Art. 66.

⁸⁹ Art. 2(v).

⁹⁰ Art. 28.

but operates at the level of discussion, formulation of programmes, evaluation and recommendation to governments. It functions under a decentralized system encompassing many sub-committees of experts and technicians and itself is a decentralized portion of the whole United Nations complex. The Colombo Plan on the other hand exists as the mere skeleton of an international organization. It comprises a basic institutional framework but offers little more than a forum for inter-governmental consultation and exchange of ideas. Apart from the recording of capital aid projects and of technical assistance the institution has a minor role to play. Nevertheless its mere existence has the effect of stimulating the activities of government in the field of development aid and assistance.

The Asian Development Bank is again in contrast to the other two, for it provides more than a forum for the meeting of its member states. The Bank is a clearly identifiable institution which has an existence and a function separate from its members. Control is centralized, through the Board of Directors and Board of Governors, and voting power is in proportion to financial contribution. The difference between the Bank and the other organizations is basically financial, in that the former has funds which can be used to carry out its specific functions in the investment and development fields. The latter simply recommend and rely on the goodwill and good faith of their member states.⁹¹

Two problems arise when the scope of future regional organization is considered. These are the definition of the region and the scope of the membership. Clearly, the region encompassed by ECAFE and the Asian Development Bank is hardly a region at all, but merely the remainder of the world after other regions have been ascertained. This is recognized by the more recent growth of organizations of limited regional scope such as ASPAC and the Association of South East Asian Nations (ASEAN).⁹² Balanced against this however, is the desirability, particularly in the case of a financial institution, of receiving capital from outside developed states. The three organizations discussed in this article each have non-regional members, in the case of ECAFE and the Colombo Plan for historical reasons, in the case of the Asian Development Bank, by choice.⁹³ On the other hand organizations dealing with political problems and not dependent upon outside financial support may well find that co-operation is more effectively achieved in smaller regional groupings where many problems are common.⁹⁴

In fact the nature of the problem for which common action by states is required is, of itself, the best indicator for determining the breadth of the region and the scope of the membership of an international organization. The desire to reflect regional awareness by the development of regional institutions has resulted, in other areas, in excessive duplication of institutions having virtually the same functions.

91 The Bank would be more like the other organizations if its organs could only recommend to states that they loan money for development projects, instead the Bank itself loans capital.

92 Philippines, Malaysia, Singapore, Thailand and Indonesia.

93 The African Development Bank, for example, has no non-regional members.

94 Clear recognition of this fact is found in the speech of Sir Keith Holyoake to the 5th Ministerial Meeting of ASPAC 17-19 June 1970, see *New Zealand Foreign Affairs Review*, June 1970, 6-8. The Joint Communiqué from that meeting also reaffirmed the belief that "the primary responsibility for dealing with the problems of the Asian and Pacific area lay with the countries of the region," *ibid.* 9.

This is particularly evident in Africa where the organs of the Organization of African Unity parallel the organs of the United Nations' Economic Commission for Africa and a similar problem exists with Latin American institutions. In an area involving a large number of less developed countries the strain imposed by sending representatives to a number of organizations each purporting to carry out similar or identical functions is surely strong enough reason for discouraging the creation of new organizations with functions overlapping existing ones. Indeed the avoidance of duplication will be one of the principal issues in the growth of regional organizations in South East Asia and the Western Pacific.