

PERSPECTIVE

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What does it take to join ASEAN?

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EXECUTIVE SUMMARY

- Philippine President Rodrigo Duterte's remarks on the side-lines of the Belt and Road Forum that ended on 15 May 2017 on the eligibility of Turkey and Mongolia to be part of ASEAN have sparked comment and speculation.
- Turkey and Mongolia do not qualify for ASEAN membership, as the foremost criterion is to be located in the geographic region of Southeast Asia. There are however several other ways for non-members to engage with ASEAN, including as either a Dialogue, Development or Sectoral Partner, or as a participant in the ASEAN Regional Forum. Mongolia is already an ARF participant, while Turkey is not.
- ASEAN's relations with external partners are structured on the premise of those partners' capacity to support ASEAN's development in terms of both resources and expertise. Even conferring the status of observer or guest to non-members for less formal interactions has a strategic or practical purpose. The final decision on according membership or any type of affiliation rests with the ASEAN Summit, and requires consent of all existing ASEAN members. The role of the ASEAN Chair comes in only when a formal request from prospective applicants is received officially for further internal consideration and consultations.
- Both Turkey and Mongolia have sought Dialogue Partner status with ASEAN. But the chances of success are slim. Since 1999, ASEAN has enforced a moratorium on dialogue partnerships. Even sectoral partnerships require long-standing substantive cooperation with ASEAN members. Turkey and Mongolia do not have such track records with ASEAN under their belt.

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INTRODUCTION

On May 16, while attending the Belt and Road Forum in China, Philippine President Rodrigo Duterte revealed that Turkey and Mongolia were interested to be part of the Association of Southeast Asian Studies (ASEAN),¹ and had requested the Philippines – as ASEAN Chair for 2017 – to ‘sponsor their entry’. Mr Duterte shared that he had responded positively to these requests. He raised the matter with at least one ASEAN counterpart, Myanmar’s State Counsellor Daw Aung San Suu Kyi who inquired on the appropriateness of the request given the geographical disconnect of the two countries with the region. Daw Suu essentially raised the basic question of Turkey’s and Mongolia’s assertion as constituents of Southeast Asia, to which Mr Duterte responded with an unequivocal, “I would say that they are”.

The news reports do not clarify whether Turkey and Mongolia indeed sought to be members of ASEAN. The ASEAN Secretariat’s Director for Community Affairs has been quoted as confirming that neither has applied to be considered as such². But as both countries have put in bids to be ASEAN Dialogue Partners, this may well have been the aim of their request to Mr Duterte. In fact, Turkey is seeking sectoral partnership as a first step.³

Nevertheless, the manner in which the requests were made, received, and communicated, merits an examination of what constitutes ASEAN membership, and the existing venues for non-Southeast Asian states to pursue closer relations with ASEAN.

MEMBERSHIP CRITERIA

ASEAN membership has ramifications for prospective and existing members alike. Admitting newly independent Brunei as ASEAN’s sixth member in 1984 was a given, but the entry of Vietnam (1995), Laos and Myanmar (1997), and lastly Cambodia (1999) have each brought lessons for membership expansion. At the onset, these countries were unable to participate fully in ASEAN’s economic cooperation activities due to their different stages of economic development. The lack of progress in Myanmar, which was then under military dictatorship, to fulfil commitments for returning the country to civilian rule compounded the challenge for ASEAN in accepting Myanmar’s application.

This experience gave rise to detailed considerations on the need to establish additional criteria, norms, and standards that should be observed before and after a country joins ASEAN, and a longer timeline for membership applications.

The foremost criterion is the paramountcy of geography. The prospective member must be geographically located in Southeast Asia. The 1967 ASEAN Declaration refers to this in

¹ <http://globalnation.inquirer.net/156699/turkey-mongolia-wants-join-asean-duterte#ixzz4hK0z2OXc>

² http://www.aseantoday.com/2017/05/duterte-to-open-doors-for-european-and-north-asian-states-to-join-asean/?utm_content=bufferc8b18&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer

³ Personal interview with an ASEAN official from a member state.

welcoming “all States in the South East Asian region” that subscribe to the aims and objectives of ASEAN. These were the only criteria for membership up to when Myanmar, Laos and Cambodia applied to join ASEAN.

The geographical consideration was a pivotal point for Myanmar, which declared itself as belonging to Southeast Asia rather than sitting ambiguously on the fence between China and India as Burma under General Ne Win had done so when first approached to become a founding member of ASEAN. The only other country to be invited to join ASEAN at its founding was Cambodia, and King Norodom Sihanouk also declined the offer at the time over similar geopolitical concerns. Geographical location was also the main consideration for ASEAN’s consistent refusals to Papua New Guinea’s and Sri Lanka’s requests for membership.

The ASEAN Charter (which entered into force in 2008) codified the broad criteria for ASEAN membership in its Article 6⁴:

- location in the recognised geographical region of Southeast Asia;
- recognition by all ASEAN member states;
- agreement to be bound by the ASEAN Charter; and
- ability and willingness to carry out the obligations of membership.

Even then, the final decision is made by consensus at the ASEAN Summit, upon the recommendation of the ASEAN Coordinating Council (ACC) which comprises the Foreign Ministers of ASEAN members. Before this happens, there are several procedural steps that must be taken.

First, the applicant informally approaches ASEAN members with whom it enjoys good bilateral relations, to indicate interest. Through the ASEAN member’s good offices, the next step is to be invited to the annual meetings of the ASEAN Foreign Ministers as a guest of the chairing country. After a few occasions of such “familiarisation”⁵, the applicant then formally conveys the membership application to the ASEAN members. It also publicly indicates interest by signing the TAC. Briefings, negotiations and consultations pertaining to eventual membership then start in earnest, with the ASEAN Secretary-General and his team serving as coordinator. During this process, the prospective member is usually accorded the status of “observer”, with the consent of all existing members, in order to prepare for several membership obligations.

⁴ Association of Southeast Asian Nations (ASEAN), *Charter of the Association of Southeast Asian Nations*, 20 November 2007, available at: <http://www.asean.org/wp-content/uploads/2012/05/11.-October-2015-The-ASEAN-Charter-18th-Reprint-Amended-updated-on-05-April-2016-IJP.pdf>

⁵ The number varies. Brunei attended three ministerial meetings, as did Myanmar, before becoming a member. Vietnam formally applied in 1994, after being granted observer status in 1993, and was admitted in 1995. Laos and Cambodia were observers for a longer period, and put in their membership bid in 1996, the same year that Myanmar did.

MEMBERSHIP OBLIGATIONS

Membership obligations had not been listed specifically in any public document up to ASEAN's membership expansion in the late 1990s. A key obligation stipulated in Article 5 of the ASEAN Charter is to "take all necessary measures, including the enactment of domestic legislation" to implement the Charter provisions and "comply with all obligations of membership". Membership obligations include both legal and practical considerations, with significant financial commitment. They are discussed in detail between the existing and prospective member countries.

- Attending ASEAN ministerial meetings (and Summits) as a Guest of ASEAN, and participating as Observer at ASEAN meetings;
- Acceding to (and thus undertaking to implement) all the treaties and agreements of ASEAN;
- Preparing or improving capacities to meet the requirements of the ASEAN Free Trade Area as well as ASEAN's collective free trade agreements with Dialogue Partners;
- Establishing and maintaining embassies in all current ASEAN members (to be reciprocated);
- Contribution of US\$1 million to the ASEAN Development Fund, as a one-time "membership fee";
- Commitment to attend all scheduled ASEAN meetings, fulfil the rotational hosting and chairing duties of ASEAN meetings, and participate in regional projects under the different sectors of cooperation; and
- Commitment to contribute an equal share to the annual operating budget of the ASEAN Secretariat.

ASEAN's emphasis on equal rights gives members an equal say in decision-making. But there are also equal obligations. One is to share the cost of ASEAN meetings. This is not negligible, as the number of scheduled ASEAN meetings – at all sectors and levels – is currently about 1200. Another obligation is equally sharing the ASEAN Secretariat's annual operating cost. Thus, the current ten members each contributed US\$2 million for the Secretariat's budget for 2016 which cost approximately US\$20 million.

Prospective members must also be evaluated on their legal, technical, financial and human resources to fulfil ASEAN commitments. In the past, this was undertaken by the ASEAN Secretary-General, and a series of consultations and briefings among the officials of existing and prospective member states.

A more institutionalised assessment process now exists. A senior-official level working group assesses national capacities in the applicant country, and examines the political, economic and socio-cultural implications. This procedure was applied to Timor-Leste's bid for admission and is currently in process.

RELATIONS WITH NON-MEMBERS

ASEAN engages in many forms of partnerships with non-members. The ASEAN Charter provides for “friendly relations and mutually beneficial dialogue, cooperation and partnerships with countries and sub-regional, regional and international organisations and institutions”⁶.

ASEAN Foreign Ministers have the right to “confer on an external party the formal status of Dialogue Partner, Sectoral Dialogue Partner, Development Partner, Special Observer, Guest, or other status.” ASEAN thus considers its interactions with non-members along these categories, which are further discussed in the following sections. Apart from its formal dialogue status with the EU and UN, ASEAN’s interactions with regional organisations mostly take the form of consultations and briefings.

Dialogue Partners

The genesis of ASEAN’s dialogue relations lies in the role of external economic relations and technical cooperation for ASEAN’s development. ASEAN’s Dialogue Partners are mostly developed economies, and (except for New Zealand) have established cooperation funds under each Dialogue to support joint projects. The Dialogue Partners also commit additional funding and technical support for specific ASEAN initiatives.

In 1973⁷, Singapore’s then-Foreign Minister Mr S. Rajaratnam clarified ASEAN’s rationale for seeking linkages with developed countries, stating that ASEAN’s objectives for economic growth and cooperation would not progress without external aid and investment, and that it was necessary for ASEAN to attract extra-regional interest in the economic sphere. Informal dialogues started in 1972 between ASEAN members and the European Economic Community (EEC), and Japan, but Australia became ASEAN’s first formal Dialogue Partner in 1974.

Turkey and Mongolia, Kazakhstan, Mexico, Brazil and Sri Lanka have put in bids, but a moratorium on dialogue partner applications has been imposed since 1999.

Development Partners

ASEAN’s Dialogue Partners are also considered its development partners because they have assisted ASEAN’s development trajectory. Regional organisations working with ASEAN on various aspects of economic and infrastructure development are given similar consideration. To date, only one country – Germany – has been accorded a separate Development Partner status.

⁶ ASEAN Charter, Articles 41 and 44.

⁷ Opening Statement made at the Sixth ASEAN Ministerial Meeting held on 16 April 1973 in Pattaya, Thailand.

Sectoral Partners

Sectoral partnerships are different from dialogue relations. The scope of interaction with ASEAN is limited to certain sectors where the partner's contributions can support ASEAN's community-building priorities. Norway's sectoral partnership with ASEAN was the culmination of several years of prior engagement⁸ while Switzerland's sectoral partnership focuses on niche areas of capacity-building⁹.

Observers

In 1983, ASEAN senior officials agreed that observer status "should be granted only to potential members of ASEAN who satisfy the criteria set for ASEAN membership"¹⁰. Observers are not part of ASEAN's dialogue or development cooperation. Observer status does not grant automatic admission into ASEAN. Neither does membership application guarantee automatic observer status, although the CLMV countries were all accorded observer status during their "candidacy-in-waiting". In contrast, Timor-Leste, which put in its membership bid in 2011, is not an observer to date, and can only attend open sessions of ASEAN Summits and ministerial meetings as a Guest.

Currently, only Papua New Guinea is an observer to ASEAN meetings. It has held Special Observer status since 1976, but only attends opening ceremonies of ASEAN Summits and holds occasional consultations with ASEAN counterparts.

Guests

Guests of ASEAN are invited to the opening ceremonies and welcome dinners of ASEAN Summits and ministerial meetings. These invitations are not institutionalised and the "guest" status is given at the prerogative of the ASEAN Chair only for a particular meeting. The Democratic People's Republic of Korea falls in this category.

⁸ <http://asean.org/storage/2017/04/Overview-of-ASEAN-Norway-Sectoral-Dialogue-Relations-as-of-April-2017r....pdf>

⁹ <http://asean.org/asean-switzerland-launch-sectoral-dialogue-partnership-for-stronger-cooperation/>

¹⁰ Rodolfo Severino (2006). *Southeast Asia in Search of an ASEAN Community*. ISEAS: Singapore, 2006. p. 77

Table 1. ASEAN's Partners

<i>Dialogue Partners</i>	<i>Sectoral Partners</i>	<i>Development Partner</i>	<i>Observer</i>
Australia (1974)	Pakistan (1993)	Germany (2016)	Papua New Guinea (1976)
New Zealand (1975)	Norway (2015)		
Canada (1975)	Switzerland (2016)		
EU (1977)			
Japan (1977)			
UNDP (now United Nations) (1977)			
United States (1977)			
Republic of Korea (1991)			
India (1995)			
China (1995)			
Russia (1996)			

Source: Author's compilation from ASEAN Secretariat and ASEAN Member State sources.

ECONOMIC RELATIONS AND OTHER CONSULTATIONS

Beyond the formal relationships which range from dialogue partnerships to guests, ASEAN has other practical ways of engaging substantively with countries or regions. For example, since it adheres to the One China Policy, ASEAN has scoped its interactions with Hong Kong with a clear focus on economic relations. Its potential free trade agreements with Hong Kong will have the ASEAN-China Free Trade Area as a mutual gateway.

ASEAN also has linkages with regional and international organisations including the Pacific Alliance, the Economic Cooperation Organisation, the Gulf Cooperation Council, and the South Asian Association for Regional Cooperation (SAARC), and economic groupings like the Southern Cone Common Market (MERCOSUR) and the Community of Latin American and Caribbean States (CELAC). These linkages are less formalised than the dialogue system, but nevertheless require prior consultation and agreement of the ten ASEAN members.

ASSESSING TURKEY'S AND MONGOLIA'S PROSPECTS

Although Turkey and Mongolia have acceded to the TAC, they clearly cannot be considered for ASEAN membership, with the geographical criterion being the most significant

impediment. Mongolia’s track record in the ARF may be a factor in considering closer ties, but much more deliberation is necessary for determining the substance of relations, even as a sectoral partner. Turkey may consider seeking ARF participation, but its geographical location is ambiguous and will require clarifying whether it identifies with East or West.

Exploring specific sectoral links is the most practical option for both. However, this proposition may also run into headwinds as Turkey and Mongolia need to identify the tangible deliverables they bring to the partnership, which remains vague and doubtful at this point in time. Beyond diplomatic considerations, Turkey and Mongolia have not made a case for closer political, economic and strategic relationship with ASEAN.

Additionally, ASEAN’s hard experience with membership expansion has highlighted the importance of including an evaluation – however loosely defined – of any prospective member’s political system and values that may affect its potential to comply with the stipulations in the ASEAN Charter. Turkey’s recent “political developments,” in particular, will give ASEAN pause in elevating the bilateral ties even as the regional organisation endeavours to hold its own members to higher standards regarding commitments for human rights and democracy.

While it appears that Turkey’s and Mongolia’s gentle knocks on the ASEAN door may go unanswered, it does not mean that the door will remain closed indefinitely. The onus is on these two countries to identify niche areas to foster habits of cooperation with ASEAN as stepping stones toward sectoral partnership status.

Finally, unpalatable though the task may be, it is incumbent upon the ASEAN Chair to inform the parameters and procedures of closer engagement with ASEAN to any country interested in pursuing this, and to highlight the time-honoured practice of bringing the matter to ASEAN counterparts for collective decision.

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