



Royal University of Law and Economics

Final Report on

**TIMOR-LESTE'S ASEAN MEMBERSHIP:
TO BE OR NOT TO BE?**

Name of Students:

Ms. SEM SOVANNRITHYVIMEAN

Ms. HOK LIDA

Name of Academic Advisor:

Dr. KEM SAMBATH

International Program

Bachelor's Degree of International Relations

Cohort 8

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ABSTRACT

Timor-Leste is situated between the Asia Pacific and Southeast Asian region with a history of a long struggle for independence. Soon after gaining independence from Indonesia in 2002, Timor-Leste began to engage with the Association of Southeast Asian Nations (ASEAN). Moreover, pursuing ASEAN Membership is a priority foreign policy goal of this small nation to enhance its strategic interests. In March 4, 2011, Timor-Leste officially applied for ASEAN membership through a formal application to the Association. This is a unique and complicated case, as Timor-Leste is the first Southeast Asian country that submitted application for ASEAN membership after the shift of ASEAN to acknowledge ASEAN Charter as its constituent instrument. Through the current ASEAN's rules (ASEAN Charter), the criteria for a new member to be admitted is set out. This would have to mean that Timor-Leste must meet those criteria before becoming a new member of the ASEAN. Besides that, soon after Timor-Leste applied membership, ASEAN formed ASEAN Coordinating Council Working Group, with the authority to assess Timor-Leste's readiness to be part of the regional grouping. However, it has been almost a decade since its membership application, Timor-Leste has not been yet admitted into ASEAN Grouping.

This dissertation will figure out how Timor-Leste is behaving in seeking accession to ASEAN under the ASEAN Charter. The substantive requirements of Timor-Leste to become a permanent member state of ASEAN are also surveyed in the hopes that it will provide an understanding as why Timor-Leste has not been admitted into the Association of Southeast Asian Nations.

Keywords: *Timor-Leste, Membership, ASEAN*

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LIST OF ABBREVIATIONS

ASEAN	:	Association of Southeast Asian Nations
ARF	:	ASEAN Regional Forum
AMM	:	Annual Ministerial Meeting
TAC	:	Treaty of Amity and Cooperation in Southeast Asia
UNMIT	:	United Nations Integrated Mission in Timor-Leste
UNAMET	:	United Nations Mission in East Timor
ISF	:	International Stabilization Force
INTERFET	:	International Force for East Timor
CLMV	:	Cambodia, Laos, Myanmar and Vietnam
AEC	:	ASEAN Economic Community
APSC	:	ASEAN Political Security Community
ASCC	:	ASEAN Socio-Cultural Community
TLAMP	:	Timor-Leste ASEAN Mobilization Programme
MNEC	:	Ministry of Foreign Affairs and Cooperation
HDI	:	Human Development Index
FFM	:	Fact-Finding Mission
ACCWG	:	ASEAN Coordinating Council Working Group
SPF	:	South Pacific Forum

CHAPTER I: INTRODUCTION

1. Background of Study

Timor-Leste, a former Portuguese colony and later occupied for 24 years by Indonesia, finally gained its full right of independence and sovereignty with a parliamentary form of government on 20 May, 2002.¹ Only within 5 months after its independence, this newest Southeast Asian nation expressed its hope and intention to become a new member state of Southeast Asian Nations (ASEAN) in the near future. Moreover, this hope was raised by its Minister of Foreign Affairs, Jose Ramos Horta, during a Ministerial Bilateral Meeting between Indonesia-Timor-Leste in October 2002. What's more, nine years later, Timor-Leste wanted to intensify its relations with Southeast Asian Grouping. In other words, this country showed the intention to be a permanent member of the Association by formally submitted membership application on 04 March 2011, during Indonesia's presidency of ASEAN. It's important to add that, during that time, Timorese leader confidently expected that Indonesia would convince other ASEAN countries to admit Timor-Leste's application, but failed to happen. The ASEAN Chairman announced in Jakarta the conclusion from the 18th ASEAN Summit on 7-8 May 2011 that Timor-Leste's membership application needs further consideration and requires more attention. Therefore, each head of state from the ASEAN countries would assign their respective Foreign Ministers in the capacity as ASEAN Coordinating Council to discuss Timor-Leste's application and to issue a recommendation for the leaders of ASEAN countries.²

Seemingly, there is no argument that this youngest Southeast Asian country deserves ASEAN Membership. If look at the map, it makes geographic sense for Timor-Leste to be part

¹ "History," Government of Timor-Leste, available at <http://timor-leste.gov.tl/?p=29&lang=en> (accessed June 4, 2020).

² ASEAN, "Chair's Statement of the 18th ASEAN Summit Jakarta, 7-8 May 2011," available at https://www.asean.org/storage/archive/Statement_18th_ASEAN_Summit.pdf (accessed June 4, 2020).

of the regional organization, which has the words “Southeast Asian” in it.³ However, the process of accession has always been a challenging one. It’s to be noted that, Timor-Leste is the first country Southeast Asian country that applied for membership to ASEAN during ASEAN Charter era. Prior ASEAN Charter, there was an ASEAN Declaration (Bangkok Declaration). During Declaration era, the criteria for admitting new membership are only the location in Southeast Asia and capable to adhere the aims, purposes and principles of ASEAN, which make easier for Cambodia, Laos, Myanmar and Vietnam (CLMV) to gain membership.⁴ However, the case of Timor-Leste cannot look back to the past case of CLMV when they were admitted into ASEAN. The aforementioned conditions still apply under the ASEAN Charter, however, there are additional criteria for one admitting new membership, as stated in article 6(2) of the ASEAN Charter which are: location in the recognized geographical region of Southeast Asia; recognition by all ASEAN Member States; agreement to be bounded and to be abide by the Charter; and ability and willingness to carry out the obligations by Membership.⁵ To prepare for membership in organization, Timor-Leste must meet all these requirements before becoming a Member State of ASEAN.

As supposed to be a new member of ASEAN after its application, Timor-Leste has put many efforts and made preparations to convince all ASEAN to agree its entry. It continues to strengthen its commitment to become a member of ASEAN through the political statements of its leaders who continued to assure that Timor-Leste has met all criteria of ASEAN membership as stipulated in ASEAN Charter. However, some certain ASEAN countries expressed their concern toward Timor-Leste’s accession into ASEAN. Their concerns based on the fact that

³ Angaindrankumar Gnanasagaran, “Admitting ASEAN’s 11th Member,” *The ASEAN post*, January 5, 2018, <https://theaseanpost.com/article/admitting-aseans-11th-member> (accessed June 21, 2020).

⁴ Muhammad F. Afrifuddin, “Timor-Leste’s ASEAN Membership: to be or not to be?,” *ASEAN study Center*, December 18, 2019, <https://theaseanpost.com/article/admitting-aseans-11th-member> (accessed June 23, 2020).

⁵ ASEAN, “The ASEAN Charter,” Article 6(2).

Timor-Leste is a least developing country among other ASEAN Membership. They said that this country is not ready to carry out the obligation of Membership and needs more times to prepare for becoming a new member state of the Southeast Asian organization.

2. Research Problems

With all the struggling that Timor-Leste has to endure in gaining its membership, it still has not been admitted as a full member state of ASEAN despite its formal application for ASEAN Membership in 2011. Still today, the application of Timor-Leste as a member state remains no consensus despite its strong urge to become one.

Referring to the background above, it seems that the prospect of Timor-Leste becoming an official ASEAN member is still problematic. As a young and low income country, Timor-Leste has faced many development challenges within the country and also the problems with other ASEAN member states that has raised the concerns regarding the Timor-Leste's ability to carry out the membership obligations. However, Timor-Leste still continue to improve itself by putting efforts and commitments to join ASEAN. Obviously, it would be very difficult for this newest Southeast Asian state to perfectly fulfil all those membership requirements. What's more important is that, it has been almost 10 years already since its membership application, ASEAN has always given Timor-Leste only the promising sings but no outcome.

3. Research Objectives

The main purpose of this research aims to analyze the admission process of Timor-Leste in becoming a new member state of Association of Southeast Asian Nation under the ASEAN Charter and other ASEAN instruments. Moreover, this final report will focus on the journey of Timor-Leste in seeking accession into ASEAN since day one, including how Timor-Leste is behaving, following the ASEAN Charter and what the challenges it has in achieving its goal to become an ASEAN membership. Last but not least, this research will make a

prediction toward Timor-Leste's application whether it would be the 11th member state of ASEAN in the future or not.

To sum the main points of this research, conclusion will be provided at the end of this research.

4. Research Questions

Main research question:

- Will Timor-Leste be the 11th Member States of the Association of Southeast Asian Nations in the future?

Sub-research questions:

- Why does Timor-Leste seek ASEAN membership?
- What are the conditions that require Timor-Leste to fulfil before admitting into ASEAN?
- How is Timor-Leste behaving to gain ASEAN membership?
- What are the challenges Timor-Leste has in the process of admission to the Association?

5. Research Methodology

Regarding to the study, this final report was conducted based on reliable secondary sources. Based on the topic of the thesis, "**TIMOR-LESTE'S ASEAN MEMBERSHIP: TO BE OR NOT TO BE?**" most of the documents and information were collected from legal materials, including Bangkok Declaration, articles of ASEAN Charters and Treaty of Amity and Cooperation in Southeast Asia (TAC), United Nations Security Council Resolutions, Statements and documents from official ASEAN website and also official government websites. Moreover, the sources that were used to support this research also got from E-books, Scholars' journals, News, Reports, and other relevant information with our topic from on the internet.

By researching based upon these secondary sources and consulting with the advisor who is specialized in ASEAN and officials at Ministry and Foreign Affairs and International Cooperation (MFAIC), we believe that our research will provide the best quality for this thesis.

6. Scope and Limitation of Research

This thesis will focus on the process admission of Timor-Leste in becoming a member state of the Association of Southeast Asian Nations. In addition, this thesis will mainly concentrate on the admission of Timor-Leste to the Association, followed the membership requirements, set out under article 6(2) of ASEAN Charter and other ASEAN instruments and then a discussion about the efforts and challenges of Timor-Leste to become a permanent member of ASEAN family.

7. Structures of Research

This final report is going to be organized into three important parts such as, introduction, body, and conclusion.

Introduction:

It is going to be the leading part of this thesis, and follow through research problems, research questions, research objectives, research methodology, scope and limitation of research, structures of research and literature review is the last part.

Body as supporting:

Chapter I : General Overview of Timor-Leste's Accessing ASEAN Membership

Chapter II : The Efforts and Remaining Challenges in the Process of Admission

Chapter III : Analysis and Future Prediction on Timor-Leste's Admission into ASEAN

Conclusion

It is the last part that is going to provide the overall of conclusion of key findings and give suggestions and especially will answer the main research question.

8. Literature Review

Topic of Timor-Leste's ASEAN Membership is one of the complicated case that has been ongoing for almost a decade, but remain no solution. There are many scholars and researchers conducted studies in regards to Timor-Leste's accession to join the regional organization – known as ASEAN. This final report will indicate few scholars who did research and expressed their points of view on the topic regarding **Timor-Leste's Membership Admission to ASEAN**.

Based on Dr, Genewati Wuryandari, a researcher at Centre for Political Studies, Indonesian Institute of Sciences, wrote a journal about “**East Timor's Membership in ASEAN: Prospects and Challenges**”. His reports relates to ours since both of them aim to examine the process of Timor-Leste's accession to ASEAN. Moreover, his report mainly focuses on the remaining challenges and possible effects if Timor-Leste becoming a member of the ASEAN Grouping.⁶ He also discussed about the prospects of Timor-Leste joining ASEAN family. In addition, based on Mutiara Windraskinasih and Arie Afriansyah, conducted a research about ASEAN membership admission specifically on Timor-Leste's case. Their research paper aims to analyze the admission process of Timor-Leste in becoming a member state of ASEAN through the eyes of international organizational law in regards to the ASEAN Charter.⁷ Their report mostly discusse about how ASEAN's rules work particularly regarding the membership criteria. Additionally, they picked up case studies of Cambodia, Laos, Myanmar, and Vietnam (CLMV) countries' membership admission to the Association.⁸ At the

⁶ Genewati Wuryandari, “East Timor's Membership in ASEAN: Prospects and Challenges,” *Indonesian Institute of Sciences*, http://www.aseancenter.org.tw/upload/files/OUTLOOK_003_02.pdf (accessed May 25, 2020).

⁷ Mutiara Windraskinasih and Arie Afriansyah, “The Struggles of Becoming the 11th Member State of ASEAN: Timor-Leste's Case,” *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no. 1 (2018). <https://media.neliti.com/media/publications/237810-the-struggle-of-becoming-the-11th-member-025e6ba3.pdf> (accessed May 29, 2020).

⁸ Ibid.

same time, they wanted to show the differences of admitting new membership to the Association between Timor-Leste's case and the past cases of CLMV. Furthermore, Dr, Khoo Ying Hooi, the Senior Lecturer at the Department of International and Strategic Studies, University of Malaya, wrote an article about "**Unlocking Timor-Leste's Road to ASEAN**". His article discussed about Timor-Leste's hope to become a member state of ASEAN and he also complained the ASEAN in regards to decision-making on Timor-Leste's admission to the bloc. In his article, he emphasized that "the longer Timor-Leste's membership is delayed, it will reflect negatively on ASEAN's decision-making process that has often being criticized".⁹ According to Maria Ortuoste, the Associate Professor of Political Science at California State University, wrote an article about "**Timor-Leste's ASEAN Membership Limbo**". Her report mainly focused on the efforts that Timor-Leste has done in becoming an ASEAN member. She stated that Timor-Leste has made significant progress towards fulfilling ASEAN's membership criteria of ability and willingness to carry out the obligations of membership.¹⁰ It has been almost decade, yet Timor-Leste's membership application still remains no answer from ASEAN.

However, this final report is not that far different from those scholars' views that have been mentioned above. It aims to analyze the process of Timor-Leste's admission to ASEAN following the criteria in the ASEAN Charter. What's more, it will discuss about the efforts and preparation of Timor-Leste to be part of the regional bloc and then the problems that cause the ongoing accession until nowadays. Last but not least, the report will figure out whether Timor-Leste will be the 11th member state of ASEAN family or not in the future.

⁹ Khoo Ying Hooi, "Unlocking Timor-Leste's Road to ASEAN," *new mandala*, March 9, 2017, <https://www.newmandala.org/unlocking-timor-lestes-road-asean/> (accessed May 29, 2020).

¹⁰ Maria Ortuoste, "Timor-Leste's ASEAN Membership Limbo," *East Asian Forum*, September 28, 2019, <https://www.eastasiaforum.org/2019/09/28/timor-lestes-asean-membership-limbo/> (accessed June 2, 2020).

CHAPTER II: GENERAL OVERVIEW OF TIMOR-LESTE'S ACCESSING ASEAN MEMBERSHIP

2.1. Background of Timor-Leste

2.1.1. A Brief History of State Formation

The Democratic Republic of Timor-Leste also known as East Timor is situated on the island of Timor, having Dili as the capital city. Looking back to see Timor-Leste's history, this country suffered a very long period of fighting against colonialism of Portuguese and Indonesia's occupation.

In November 1975, Timor-Leste once declared its independence from Portugal, but it was effectively occupied by Indonesian troops nine days later.¹¹ For over 24 years, Timorese people suffered under the Indonesia's occupation, eventually Timor-Leste did its first step toward independence. Timor-Leste's independence resulted from the August 1999 UN-sponsored referendum.¹² According to the UNSC Resolution 1246 on 11 June 1999, it decided to form the United Nations Mission in East Timor (UNAMET) to hold a referendum, allowing the Timorese people to vote between independence and remaining a part of Indonesia.¹³ The referendum was eventually held on 30 August 1999, with a result of approximately 80% of Timorese citizens overwhelmingly voted for independence from Indonesia.¹⁴

Nevertheless, at that time Timorese citizens could not yet immediately enjoy their freedom. After the result came out, Indonesia's army and its proxy militias went on the

¹¹ "History," *Government of Timor-Leste*, <http://timor-leste.gov.tl/?p=29&lang=en> (accessed April 13, 2020).

¹² "World Directory of Minorities and Indigenous Peoples – Timor-Leste," *Minority Rights Group International*, 2007, <https://www.refworld.org/docid/4954ce2cc.html> (accessed May 2, 2020).

¹³ United Nations Security Council Resolution 1246, "The Situation in Timor," 1999, available at <http://unscr.com/en/resolutions/1246> (accessed April 13, 2020).

¹⁴ "Timor-Leste: Security Assistance," *U.S. Department of State*, October 20, 2008, <https://2001-2009.state.gov/t/pm/64811.htm> (accessed April 16, 2020).

rampage, virtually burned the country to the ground, killing thousands of East Timorese, pushing hundreds of thousands of people into West Timor as refugees.¹⁵ The majority of the country's infrastructure, including homes, water supply systems, irrigation systems and schools were massively damaged during the attack.

On 20 September 1999, the Australian-led peacekeeping troops of International Force for East Timor (INTERFET) was deployed to the country and brought the violence to an end. Even though the United Nations continuously acted and took over the temporary administration until 20 May 2002, the day Timor-Leste gained its full right of independence and sovereignty. Even after the state was founded, the violence was still ongoing, which would not stop forcing the UN to extend its presence in Timor-Leste for several more years.¹⁶

Additionally, internal conflict occurred in 2006, resulting in a breakdown of law and order in the country. The United Nations Security Council took intervention once again by establishing the United Nations Integrated Mission in Timor-Leste (UNMIT), which included an authorized police presence for over of 1600 personnel.¹⁷ At the invitation of Dili's government, Australian-led International Stabilization Force (ISF) deployed to Timor-Leste and provided security back-up to UNMIT. The presence of ISF and UNMIT put an end of violation and restored stability within country, especially these interventions allowed for presidential and parliamentary elections to be held in 2007, with Jose Ramos Horta was elected as the President and Xanana Gusmao was elected as the Prime Minister of Democratic Republic of Timor-Leste.¹⁸

¹⁵ Ibid.

¹⁶ Jeff Wallenfeldt, "East Timor," *Britannica*, <https://www.britannica.com/place/East-Timor> (accessed May 19, 2020).

¹⁷ United Nations Security Council Resolution 1704, "The situation in Timor," 2006, available at <http://unscr.com/en/resolutions/1704> (accessed April 14, 2020).

¹⁸ "East Timor Profile – Timeline," *BBC News*, February 26, 2018, <https://www.bbc.com/news/world-asia-pacific-14952883> (accessed May 10, 2020).

Moreover, in February 2008, a rebel attack on the government surrendered and since then Timor-Leste has enjoyed a period of relative stability. Therefore, in 2012, the United Nations was able to end its peacekeeping mission and withdraw from Timor-Leste.

2.1.2. Country Overview

Look at the Map, Timor-Leste is located in Southeast Asia. It encompasses the eastern half of the island of Timor, two nearby islands (Atauro and Jaco) and an exclave on the western side of the island (Oecusse District) – surrounded by Indonesia.¹⁹ It is a fresh democracy – having gained independence from Indonesia in 2002. After having independence, this newly born country has been tasked in rebuilding public infrastructure, including roads, ports and airports, water and sanitation systems, and government facilities and institutional frameworks. Timor-Leste has made significant progress in key areas since independence.²⁰ Meanwhile, fragility remains a challenge as the country contends with legacies of past conflict.

According to Worldometer elaboration of the latest United Nations data, Timor-Leste 2020 population is estimated at 1.3 Million people.²¹ Timor-Leste is a peaceful, democratic nation. While poverty levels remain high, progress has been made in improving living standards. Moreover, investments in human capital are directly linked to Timor-Leste's future growth, productivity, and competitiveness. In 2018, the Human Capital Index for Timor-Leste stood at 0.43, as compared to the East Asia and the Pacific's regional average of 0.61.²² A

¹⁹ "Geography," *East Timor Government*, <http://easttimorgovernment.com/geography.htm> (accessed June 2, 2020).

²⁰ "Timor-Leste's Overview," *The World Bank*, April 28, 2020, <https://www.worldbank.org/en/country/timor-leste/overview> (accessed June 1, 2020).

²¹ "Timor-Leste's Population 2020," *Worldometer*, <https://www.worldometers.info/world-population/timor-leste-population/> (accessed May 10, 2020).

²² "Human Capital Index and Components, 2018," *The World Bank*, October 18, 2018, available at <https://www.worldbank.org/en/data/interactive/2018/10/18/human-capital-index-and-components-2018> (Accessed May 20, 2020).

healthier and more skilled workforce is necessary to better meet the future labor demands across the economy and increase earnings.

While Timor-Leste has succeeded in saving the proceeds of its natural resource endowment, such as oil and gas, the key remaining problems include how to increase the productivity and effectiveness of government spending, and how to make sure that the environment is preserved as an important economic and social resource for next future generations.²³ In addition, encouraging private sector-led growth in the economy will be essential for job creation. In a young and small nation with a fast-changing political and social landscape, there is also a need to focus on improving institutions that create the enabling environment for good policy-making, economic prosperity and inclusivity.²⁴

2.2. Timor-Leste and ASEAN

After ASEAN settling with the accession of Cambodia in 1999 as its tenth Member State, the rebirth of a new nation in Southeast Asia was rather unexpected, which presented the issue of another membership decision. Timor-Leste's interest in ASEAN is worthy of note since it marks 'remarkable turn-around' as Ramos Horta admitted. It relates to Timor-Leste's inconsistent view on ASEAN. During the time after Timor-Leste's vote for independence in August 1999, most of Timorese leaders expressed their preference Timor-Leste's involvement to regional organization of South Pacific islands' countries called South Pacific Forum (SPF) rather than Association of Southeast Asian Nations.²⁵

Nonetheless, its policy on SPF proved not sustain long. Plus, only within five months after having a full independence in May 2002, this young state eventually changed to its policy

²³ "Timor-Leste's Overview," *The World Bank*, April 28, 2020, <https://www.worldbank.org/en/country/timor-leste/overview> (accessed June 1, 2020).

²⁴ *Ibid.*

²⁵ Ganewati Wuryandari, "East Timor's Membership in ASEAN: Prospects and Challenges," *Indonesian Institute of Sciences*, http://www.aseancenter.org.tw/upload/files/OUTLOOK_003_02.pdf (accessed May 23, 2020).

from SPF to ASEAN. This newly born state no longer rejecting the idea of being a part of ASEAN family. This shift position may emerge a question on what is the significant of Timor-Leste's entry to ASEAN.²⁶

2.2.1. Why ASEAN?

It's very important to know the reasons why Timor-Leste craves to join the ASEAN Grouping. It is pretty obvious, considering the country's interests and opportunities that Timor-Leste views ASEAN membership as a priority. According to Timor-Leste's Strategic Development Plan 2011-2030, Timor-Leste will pursue ASEAN membership as a priority foreign policy goal to enhance the country's long-term strategic interests. Since ASEAN is a dynamic and unique regional organization, the ASEAN membership will give Timor-Leste the opportunity to access to an established forum where important issues such as economic development and integration, security, and socio-cultural matters can be pursued.²⁷

Firstly, Timor-Leste believes that its full engagement with ASEAN will boost its economic development. As it's known that ASEAN is an economic Powerhouse. Optimistically, it would provide Timor-Leste with an opportunity to improve its current development inside the country. At the same time, Timor-Leste would have access to national development funds offered by ASEAN to reduce disparities between member states.²⁸ Timorese President, Jose Ramos Horta said that "by joining ASEAN, they will force us to work hard. It will help the Timor-Leste's economy to accelerate."²⁹ Currently, Timor-Leste relies heavily on its oil and gas exports. But it is going to be quickly running out of reserves and needs to diversify

²⁶ Ibid 7.

²⁷ Laura Southgate, "Timor-Leste Bids for ASEAN Membership," *Global Risk Insights*, November 2, 2015, <https://globalriskinsights.com/2015/11/timor-leste-bids-for-asean-membership/> (accessed June 2, 2020).

²⁸ Ibid.

²⁹ Ganewati Wuryandari, "East Timor's Membership in ASEAN: Prospects and Challenges," *Indonesian Institute of Sciences*, http://www.aseancenter.org.tw/upload/files/OUTLOOK_003_02.pdf (accessed May 23, 2020).

the economy. As the Dili government struggles to develop the non-oil sector of the economy, closer economic integration with ASEAN could bolster exports by providing accessible markets.

Obviously, this has more significant to Timor-Leste, especially when ASEAN Economic Community (AEC) as one pillar of ASEAN Community accomplished in 2015. Its blueprint which was adopted by all ASEAN leaders in November 2007, gears ASEAN towards a single market and production base, a competitive economic region with liberalization of economy, trade and service.³⁰ If Timor-Leste is accepted to be an ASEAN new member, this young nation would certainly have privilege in its accessing free trade to the region (Southeast Asia). Moreover, Timor-Leste is seeking important opportunities, notably foreign investment and tourism. Theoretically, foreign investment is expected to fill the domestic financial gap. ASEAN is a tourist destination as well as a source of foreign investment.³¹ In 2018, ASEAN attracted 155 billion USD in the form of foreign direct investment.³² “A larger part of this investment was within ASEAN countries. The tourism sector has always been seen as one of the alternative economic sectors. Timor could be attractive in terms of its natural attractions and rich history and it would be a significant contribution to Timor’s economy.”³³

Secondly, Timor-Leste's motivation to join ASEAN is because of the reduction of the country’s regional security risks. The perceived value of ASEAN for small states lies in its capacity to ameliorate regional security risks through collective security arrangements, and as a forum for promoting national interests in regional security discussions.³⁴

³⁰ Ibid, 7.

³¹Guteriano Neves, “Timor-Leste’s Accession to ASEAN,” June 30, 2017, available at <https://th.boell.org/en/2017/06/30/timors-accession-asean> (accessed June 3, 2020).

³² “ASEAN Investment Report 2019,” ASEAN, November 3, 2019, <https://asean.org/asean-investment-report-2019-fdi-services-focus-health-care/> (accessed June 6, 2020).

³³Guteriano Neves, “Timor-Leste’s Accession to ASEAN,” June 30, 2017, available at <https://th.boell.org/en/2017/06/30/timors-accession-asean> (accessed June 3, 2020).

³⁴ Ibid.

Thirdly, Timor-Leste's pursuit of ASEAN membership reflects its desired position in international relations and safeguards regional identity. In terms of regional identity, Timor-Leste has long been described as being at geographical and cultural crossroads between the South Pacific region to the east, Southeast Asia to the west and the diffuse Lusophone community that emerged from Portuguese colonialism.³⁵ According to Dr. Dionisio da Costa Babo Soares, Minister of Foreign Affairs of Timor-Leste, in his speech at the Timor-Leste-Singapore Business Forum recently, Soares said, “We are a country that belongs to this region.” The significance of Timor-Leste’s ASEAN bid goes beyond economic and security benefits; it is also a journey of identity formation. The admission of Timor-Leste to ASEAN not only signifies the country’s position in the regional and global order, but it also helps to secure the small young state’s identity by distinguishing its political and cultural differences from its powerful neighbors.³⁶

Additionally, “ASEAN very much lies on Timor-Leste’s foreign policy priority; our desire to be part of ASEAN is indeed to further [...] safeguard our own regional identity, because we are one of the only countries in Southeast Asia that does not yet belong to any regional organization”, Timor-Leste’s Deputy Foreign Affairs and Cooperation Minister, Roberto Sarmiento de Oliveira Soares, told *The Jakarta Post* in 2016.³⁷

After a rough road to becoming a sovereign state, joining ASEAN would be a major step in developing its national identity as a sovereign country in South-East Asia. As a regional organization, ASEAN sets identity boundaries as it is increasingly synonymous with 'Southeast Asia'. As a province of Indonesia (Indonesia declared East Timor as its 27th province in July

³⁵ Ibid.

³⁶ Khoo Ying Hooi, “What will it take to admit Timor-Leste into ASEAN?,” *The Diplomat*, August 1, 2019, <https://thediplomat.com/2019/08/what-will-it-take-to-admit-timor-leste-into-asean/> (accessed June 13, 2020).

³⁷ Tama Salim, “Timor-Leste Looks to Benefit from ASEAN Membership,” *The Jakarta Post*, May 26, 2016, <https://www.thejakartapost.com/news/2016/05/26/timor-leste-looks-to-benefit-from-asean-membership.html> (accessed June 20, 2020).

1976), Timor-Leste was included in the geographical region covered by ASEAN. As such, independent Timor-Leste has a strong claim to belonging to Southeast Asia. However, Timor-Leste acceded to the Treaty of Amity and Cooperation as a state outside of Southeast Asia. As long as Timor-Leste remains outside of ASEAN, its sense of regional identity remains ambiguous.

“Last but not least, Timor-Leste and ASEAN share notions of sovereignty that reinforce the rights of member states to political independence, territorial integrity and self-determination, attendant rights to non-interference in internal affairs and non-use of force. The commitment to non-interference in domestic affairs needs to be understood in the context of colonial intervention, an important historical consideration for the twice-colonized Timor-Leste. Principles of non-interference and non-use of force also help alleviate the acute sense of vulnerability experienced by all small states in the region regarding potential intervention from larger states.”³⁸

2.2.2. Timor-Leste’s Involvement in Annual Ministerial Meeting (AMM)

The very beginning of pursuing of ASEAN membership by Timor-Leste is visible through Mr. President Jose Ramos-Horta, in his speech of accepting Nobel Prize award in 2000, announcing that, “We are conscious of our geography, which compels us to coexist with our neighbors in that part of the world. We will seek membership in ASEAN and APEC.”³⁹ With such an announcement to the public, even though ASEAN had no response yet until in 2002 ASEAN informed Timor-Leste of a continuous discussion upon Timor-Leste’s obtainment of an observer status.

³⁸ Guteriano Neves, “Timor-Leste’s Accession to ASEAN,” June 30, 2017, available at <https://th.boell.org/en/2017/06/30/timors-accession-asean> (accessed June 21, 2020).

³⁹ Mutiara Windraskinasi and Arie Afriansyah, “The Struggles of Becoming the 11th Member State of ASEAN: Timor-Leste’s Case,” *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no. 1 (2018): 87. (Accessed June 22, 2020).

Timor-Leste started to tie the relation with the Southeast Asian Grouping at the point of time, when the country was invited to attend the Annual Ministerial Meeting (AMM) in July 2002 by Brunei Foreign Minister, Prince Mohamed Bolkiah, on behalf of ASEAN Standing Committee.⁴⁰ At the same event in 2005, Timor-Leste was addressed as a guest in the AMM Joint Communique to the chairman of the Standing Committee until 2007, Timor-Leste still held this status. This tiny state had a special mention as a welcomed “Guest of the Chair” with the exact wordings as the ASEAN “welcomed the attendance of the Guests of Chair...”⁴¹

2.2.3. Participant Country of ASEAN Regional Forum (ARF)

After being granted special observer status within the association, Timor-Leste placed its position to intensify its relationship with ASEAN. The initial step that it was determined to take was the possibility to becoming a participant country in the ASEAN Regional Forum (ARF). The journey was not an easy one, at the Annual Ministerial Meeting in Phnom Penh in June 2003, Pakistan was accepted as the 24th ARF participant, instead of Timor-Leste. After that, Timor-Leste, represented by Ramos-Horta attended the AMM as a guest. However, eventually, ASEAN agreed to invite Timor-Leste as the 25th participating country in ARF by July 2005 with the belief that such participation would contribute to the enhancement of political and security dialogue as well as cooperation within the region.⁴² Moreover, after joining the forum, Timor-Leste took its turn to host the 5th Meeting of the ASEAN Regional Forum Experts and Eminent Persons in 2011.⁴³

⁴⁰ Ibid.

⁴¹ Muhammad I. Fadillah, “The Legal Battles of Timor-Leste’s ASEAN Membership Application,” *Academia*, <https://academia.edu/resource/work/39370513> (accessed June 27, 2020).

⁴² Mutiara Windraskinasih and Arie Afriansyah, “The Struggles of Becoming the 11th Member State of ASEAN: Timor-Leste’s Case,” *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no. 1 (2018): 88. Accessed June 15, 2020.

⁴³ Ibid, 88.

Furthermore, during the interview with Thai PBS World, Dionisio Babo Soares, Foreign Minister of Timor-Leste said that “Timor-Leste is already a full member of the ARF and is in a position to contribute in terms of promoting regional security and combatting transnational crimes.”⁴⁴ Additionally, the engagement in ARF with ASEAN also improves the relationship that Timor-Leste has with ASEAN, with the main goal of accession into the association.

It can be seen that, this indeed marks the hard-won achievement of Timor-Leste in gaining the attention of the international community, particularly ASEAN, to show its determination of showcasing its capability as a sovereign state.⁴⁵

2.2.4. Non-Regional Signatory of Treaty of Amity and Cooperation in Southeast Asia (TAC)

Another stepping stone for Timor-Leste in ASEAN-related regimes is when it became the signatory of the Treaty of Amity and Cooperation in Southeast Asia (TAC) in 2007. TAC is fundamental treaty that sets out principles in which ASEAN adheres to; thus, the signing of TAC is crucial to the acceptance as well as integration of ASEAN principles.⁴⁶ The treaty is not exclusive only for ASEAN Member States, as there has been many non-ASEAN Member States signed the said treaty. Up to this point, it came up with the question whether such accession by Timor-Leste to ASEAN would be conveyed as a regional or non-regional signatory. Moreover, there is a distinctive consequence of regional and non-regional signatories upon TAC. The accession of Timor-Leste for TAC as a regional signatory would have an effect of

⁴⁴ “Timor-Leste Optimistic it Will Join ASEAN Soon, no Burden to the Grouping,” *Thai PBS World*, December 19, 2019, <https://www.thaipbsworld.com/timor-leste-optimistic-it-will-join-asean-soon-no-burden-to-the-grouping/> (accessed June 23, 2020).

⁴⁵ *Ibid*, 88.

⁴⁶ Muhammad I. Fadillah, “The Legal Battles of Timor-Leste’s ASEAN Membership Application,” *Academia*, available at <https://academia.edu/resource/work/39370513> (accessed June 28, 2020).

acknowledging Timor-Leste as a Southeast Asian country to which acquire a lengthy amendment process of TAC, as well as ratification process by the regional signatory state.⁴⁷

Article 1 of the Second Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia clearly amended Article 18 (3) to be revised as:

*“States outside Southeast Asia may also accede to this Treaty with the consent of all the States in Southeast Asia, namely, Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam.”*⁴⁸

“With such amendment, it is to be highlighted that if ASEAN decided to view Timor-Leste as a regional signatory then there shall be another amendment, adding Timor-Leste in said Article above. The amendment process may not be as lengthy, however, the ratification process by all the Southeast Asian signatories was the issue, as well as delaying other signatures of non-regional states that ASEAN looked forward to.”⁴⁹ Finally, Timor-Leste acceded TAC by January 13, 2007 during the ASEAN Summit in Cebu, Philippines.

The Third Protocol of Amending the Treaty of Amity and Cooperation in Southeast Asia particularly also amended Article 18 (3) to which still exclude Timor-Leste in its new formulation of Article as the:

⁴⁷ Ibid.

⁴⁸ Second Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia, July 25, 1998, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228909/8472.pdf (accessed June 23, 2020).

⁴⁹ Mutiara Windraskinasih and Arie Afriansyah, “The Struggles of Becoming the 11th Member State of ASEAN: Timor-Leste’s Case,” *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no. 1 (2018): 89, <https://media.neliti.com/media/publications/237810-the-struggle-of-becoming-the-11th-member-025e6ba3.pdf> Accessed June 15, 2020.

“This treaty shall be open for accession by State outside Southeast Asia and Regional Organizations whose members are only Sovereign States subject to the consent of all the States in Southeast Asia, namely, Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam.”⁵⁰

With no doubt, based on the said article above, Timor-Leste is still a non-regional signatory of the Treaty of Amity and Cooperation in Southeast Asia (TAC).

2.2.5. Timor-Leste’s Formal Membership Application into ASEAN

As it’s known for many years, the Association of Southeast Asian Nations (ASEAN) has always comprised 10 nations - Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Thailand, Philippines, Singapore and Vietnam. However, since 2002 there is a new nation waiting to be accepted within the association.⁵¹ The only youngest state in the Southeast Asia which doesn’t to the regional organization that is “Timor-Leste”. Moreover, during a Ministry Bilateral Meeting between Indonesia-Timor-Leste in October 2002, the Timorese Foreign Minister, Jose Ramos Horta raised this newly born country’s desire and intention to contribute in ASEAN’s solidarity.⁵² After that, Timor-Leste holds the status as an observer state despite its participations in ASEAN-related regimes, such as Annual Ministerial Meeting (AMM) in 2002, ASEAN Regional Forum (ARF) in 2005, and even agreed to sign the Southeast Asia’s Treaty of Amity and Cooperation (TAC) in 2007.

⁵⁰ Third Protocol Amending the Treaty and Amity and Cooperation in Southeast Asia, July 23, 2010, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228909/8472.pdf (accessed June 23 2020).

⁵¹ Muhammad F. Arifuddin, “TIMOR-LESTE’S ASEAN MEMBERSHIP: TO BE OR NOT TO BE?” *ASEAN Studies Center*, December 18, 2019, <https://asc.fisipol.ugm.ac.id/2019/12/18/timor-lestes-asean-membership-to-be-or-not-to-be/> (accessed June 23, 2020).

⁵² Ganewati Wuryandari, “East Timor’s Membership in ASEAN: Prospects and Challenges,” *Indonesian Institute of Sciences*, http://www.aseancenter.org.tw/upload/files/OUTLOOK_003_02.pdf (accessed June 23, 2020).

In addition to what has said earlier, Timor-Leste has continually and consistently expressed its aspiration to join ASEAN. This aspiration was formalized when Timor-Leste submitted its formal application for membership to ASEAN on **04 March 2011** during Indonesia's Chairman of the ASEAN. At first, the Timor-Leste's prospects for gaining membership was blocked by Jakarta, which said that Timor-Leste is not ready to join the association due to political instability, weak economic infrastructure and insufficient human resources to engage ASEAN.⁵³ But later, it seemed to be changed. At the Bali Summit, in response to the Dili's membership application, Jakarta gave Timor-Leste a strong support to become a full member state of ASEAN, which previously Jakarta was solely blamed for obstructing its accession. While it's clear that relations between these two countries have strengthened and will continue to do so, the road ahead for Timor-Leste's ascension to ASEAN requires further elucidation.

Despite its intent to join the association, a number of hurdles need to be overcome before this can be fulfilled. To understand Timor-Leste's bid for ASEAN membership in more detail, what Timor-Leste will have to accomplish to achieve this goal.

2.2.6. ASEAN Membership Criteria

In order to understand the dynamics of Timor-Leste's accession to ASEAN, one should understand how ASEAN works. ASEAN was established on 8 August 1967 in Bangkok, Thailand. The founding members consisting of five Southeast Asian Nations namely, Indonesia, Malaysia, Philippines, Singapore and Thailand, signed on the ASEAN Declaration, or what was later well-known as the Bangkok Declaration. It was aimed to promote peace and security in the region and to foster economic development and cooperation among member

⁵³ Kavi Chongkittanvorn, "Will Timor-Leste Finally Join ASEAN in 2017?," *Reporting ASEAN*, 2017, <https://www.reportingasean.net/will-timor-leste-finally-join-asean-2017a/> (accessed May 30, 2020).

states. However, today ASEAN might look a bit different when it was formed 53 years ago. One of the most apparent difference is its numbers of member states. ASEAN nowadays has ten member states which span over the Southeast Asian mainland and maritime. The second difference of ASEAN today if compared to when it was created is in its legal basis.

Obviously, ASEAN as a regional organization adheres to the principle of selective for its membership system with the focus of geographical proximity as its selection requirement.⁵⁴ However, there are changes of requirements for one in admitting to be a Member State of ASEAN due to the shift of constituent instrument from ASEAN Declaration (1967) to ASEAN Charter (2008). To get to know clearly how different they are, there will be elaborated respectively to the two ASEAN eras below.

2.2.6.1. The 1967 ASEAN Declaration (Bangkok Declaration)

The 1967 ASEAN declaration is the founding document, establishing at the same period of creation of the Association of Southeast Asian Nations (ASEAN). Prior to the ASEAN Charter (current ASEAN's rule), the foremost conditions for 'qualifying membership and participating in ASEAN' were location in "the Southeast Asian Region."⁵⁵ As the ASEAN Declaration states that, "the association is open participation to all States in the South-East Asian Region [...]."⁵⁶ Another requirement for joining ASEAN is that Member States must ratify the Treaty of Amity and Cooperation in the Southeast Asia (TAC).⁵⁷

⁵⁴ Mutiara Windraskinasi and Arie Afriansyah, "The Struggles of Becoming the 11th Member State of ASEAN: Timor-Leste's Case," *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no. 1 (2018): 78. (accessed May 30, 2020).

⁵⁵ Meo Thuzar, "What Does It Take to Join ASEAN?," *ISEAS – YOSUF ISHAK INSTITUTE*, June 2, 2017, https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2017_36.pdf (accessed June 25, 2020).

⁵⁶ ASEAN, "The ASEAN Declaration 1967 (Bangkok Declaration)," <https://asean.org/the-asean-declaration-bangkok-declaration-bangkok-8-august-1967/> (accessed May 19, 2020).

⁵⁷ Mutiara Windraskinasi and Arie Afriansyah, "The Struggles of Becoming the 11th Member States of ASEAN: Timor-Leste's Case," *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no 1 (2018): 78. <https://media.neliti.com/media/publications/237810-the-struggle-of-becoming-the-11th-member-025e6ba3.pdf> (accessed May 17, 2020).

By signing TAC, it means that a state agrees to a set of fundamental principles:

- “Mutual respect for the independence, sovereignty, equality, territorial integrity, national identity all of nations;
- The rights of every State to lead its national existence free from external interference, subversion or coercion;
- Non-interference in the internal affairs of one another;
- Settlement of the differences or disputes by peaceful means;
- Reunification of the threat or use of force;
- Effective cooperation among themselves.”⁵⁸

These were the only conditions for membership up to when Myanmar, Laos and Cambodia applied membership application to ASEAN in the 1990s.

2.2.6.2. The 2008 ASEAN Charter

In comparison to the 1967 ASEAN Declaration, the ASEAN Charter is rules-based that specifically provides provisions in matters that were not found in the Declaration. One of which is the matter of ‘membership admission’. The aforementioned conditions still apply under the ASEAN Charter, however, there are certain additional requirements, as stated in Article 6 (2) of ASEAN Charter that specifically regulates the criteria for admission, which are namely:

- Location in the recognized geographical region of Southeast Asia;
- Recognition by all ASEAN Member States;
- Agreement to be bound and to abide by the Charter; and
- Ability and willingness to carry out the obligations of Membership.⁵⁹

⁵⁸ “Treaty of Amity and Cooperation in Southeast Asia, 1976,” Article 2.

⁵⁹ ASEAN, “The ASEAN Charter,” Article 6(2).

In addition, before the consensus towards membership application is made, 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 “familiarization”, 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.”⁶⁰

❖ **Membership Obligation**

The ability to carry out the obligations of membership is one of the most important criteria, stated in article 6 of ASEAN Charter. Actually, membership obligations had not been listed specifically in any public documents 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”.⁶¹

“Membership obligations include both legal and practical considerations, with significant financial commitment, which are discussed in detail between the existing and prospective member countries, such as:

⁶⁰ Meo Thuzar, “What Does It Take to Join ASEAN?,” *ISEAS – YOSUF ISHAK INSTITUTE*, June 2, 2017, https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2017_36.pdf (accessed June 27, 2020).

⁶¹ Article 5 of ASEAN Charter

- 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.”⁶²

ASEAN also emphasis on equal rights gives members an equal say in decision-making, but there are also equal obligations.⁶³ “One is to share the cost of ASEAN meetings. Another obligation is equally sharing the ASEAN Secretariat’s annual operating cost. Additionally, prospective members must also be evaluated on their legal, technical, financial and human resources to fulfil ASEAN commitments.”⁶⁴

⁶² Meo Thuzar, “What Does It Take to Join ASEAN?,” *ISEAS – YOSUF ISHAK INSTITUTE*, June 2, 2017, https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2017_36.pdf (accessed June 27, 2020).

⁶³ ASEAN, “The ASEAN Charter,” Article 5, available at <https://asean.org/storage/images/archive/publications/ASEAN-Charter.pdf> (accessed June 5, 2020).

⁶⁴ Meo Thuzar, “What Does It Take to Join ASEAN?,” *ISEAS – YOSUF ISHAK INSTITUTE*, June 2, 2017, https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2017_36.pdf (accessed June 28, 2020).

Aside from aforementioned obligations, ASEAN also applies a more institutional assessment process in undertaking one to become a member state. The institutional assessment process essentially involves senior-official level working group that assesses national capacities in the applicant country, and examines the political, economic and socio-cultural implications.⁶⁵

This procedure was applied to Timor-Leste's bid for admission and is currently in process. Such assessment is performed upon Timor-Leste's application for admission in which will be discussed in the last chapter of this research. It is further governed under Article 6 (3) of the ASEAN Charter that the admission of new members to ASEAN will be decided by consensus within the ASEAN Summit upon the recommendation of the ASEAN Coordinating Council.

⁶⁵ Ibid.

CHAPTER III: TIMOR-LESTE'S EFFORTS AND REMAINING CHALLENGES IN THE PROCESS OF ADMISSION TO ASEAN

In addition, what have said in above chapter, before Timor-Leste being accepted to join ASEAN, Timor-Leste must ensure that it meets all the membership requirements which are stipulated in article 6 of the ASEAN Charter. Therefore, in this chapter, it is going to discuss about the efforts and commitments of Timor-Leste to prepare for ASEAN membership and then it will examine the possible reasons that might answer the question why Timor-Leste has not been yet admitted as a permanent member of Association of Southeast Asian Nations.

3.1. The Efforts and Preparations for Admission to ASEAN

Like it has already mentioned once, accessing into ASEAN has been one of Timor-Leste's key foreign policy objectives since the early days of achieving independence in 2002. This tiny Southeast Asian country's hopes were formalized in 2011 after submitting an application to ASEAN. Besides its hopes, after being granted as an observer status in regional organization, Timor-Leste has subsequently accelerated its efforts in binding ASEAN. Since the desire to joining ASEAN remains stronger, the commitment has been raised with numerous efforts.

In order to demonstrate its readiness, this country has made diplomatic efforts to display its craving to join ASEAN. Historically, Timor-Leste had made several attempts to join ASEAN before March 2011 including joining the ASEAN Regional Forum in 2005, and later in 2007 acceding the Treaty of Amity and Cooperation in Southeast Asia.⁶⁶ Furthermore, in early February 2009, this young state opened an ASEAN National Secretariat in Dili, where the secretariat is used to prepare the necessary steps to become an ASEAN member.

⁶⁶ Patrick Dupont, "Timor-Leste's Dwindling Hopes of ASEAN Accession," November 25, 2017, <https://www.youngausint.org.au/post/2017/11/25/timor-lestes-dwindling-hopes-of-asean-accession> (accessed May 2, 2020).

Obviously, to prepare for its membership in ASEAN, Timor-Leste established diplomatic posts in all 10 ASEAN countries and opening its door to the studies of Timor-Leste's readiness.⁶⁷ In 2016, in a surprise move, Dili agreed to host the ASEAN People's Forum, the meeting among the ASEAN-based civil society organizations because Laos, as ASEAN Chair in 2016, was reluctant to do so.⁶⁸ Additionally, Timor-Leste has been an active participant, sent many officials to attend all ARF events and has successfully hosted three ARF workshops in Dili and especially in April 2019 Timor-Leste hosted the Regional Forum of ASEAN that brought together more than 100 participants from the ARF participating countries.⁶⁹ What's more, 2017 has been a year of milestones for Timor-Leste. This new and small nation successfully held its both parliamentary and presidential elections (universally recognized as free and fair elections) and it could arguably be hailed as a beacon of democracy amongst ASEAN's diverse regime types.⁷⁰

Despite what have said above, in its Strategic Development Plan 2011-2030, Timor-Leste's aspiration to join ASEAN is based on geographical location, the wishes of the country's leaders and people, and its cultural affinity with its neighbors⁷¹. Timor-Leste has accelerated its commitment to ASEAN through numerous efforts under the leadership of its Ministry of Foreign Affairs and Cooperation (MNEC). At home country, in March 2019, Timor-Leste launched the Timor-Leste ASEAN Mobilization Program (TLAMP) and the TLAMP document

⁶⁷ Ibid.

⁶⁸ Roshni Kapur, "Is Timor-Leste Finally Ready to Join ASEAN?" *The Diplomat*, October, 1, 2016, <https://thediplomat.com/2016/10/is-timor-leste-finally-ready-to-join-asean/> (accessed June 4, 2020).

⁶⁹ "Timor-Leste Hosts the ASEAN Regional Forum Workshop on Dispute Resolutions and Law of the Sea," *Government of Timor-Leste*, <http://timor-leste.gov.tl/?p=23619&lang=en> (accessed June 3, 2020).

⁷⁰ Kavi Chongkittanvorn, "Will Timor-Leste Finally Join ASEAN in 2017?," *Reporting ASEAN*, 2017, <https://www.reportingasean.net/will-timor-leste-finally-join-asean-2017a/> (accessed June 3, 2020).

⁷¹ Khoo Ying Hooi, "What Will It Take to Admit Timor-Leste into ASEAN?," *The Diplomat*, August 1, 2019, <https://thediplomat.com/2019/08/what-will-it-take-to-admit-timor-leste-into-asean/> (accessed June 6, 2020).

links the Timor-Leste government's laws and programs to the ASEAN Community Blueprint 2025 consolidated action plan.⁷²

Actually, to secure membership in the association, in July 2019, Minister of Foreign Affairs and Cooperation of Timor-Leste, **Dr. Dionisio da Costa Babo Soares** toured the region to secure supports for Timor-Leste's membership. Following his trip, the Minister claimed that "I toured all countries of ASEAN and all of them showed no hesitation that Timor-Leste can be a member."⁷³ Plus, Timor-Leste recently sent their largest-ever delegation of 20 officials to participate in a technical study-visit to the ASEAN Secretariat in Jakarta on July 22-24 in 2019. This is expected to be the final major lobbying exercise before the upcoming fact-finding mission by ASEAN. The study-visit came after Soares made his trip to all 10 ASEAN member countries to seek support for Timor-Leste's admission to ASEAN. In each of these 10 countries, the Timor-Leste delegation was greeted with tremendous support and it has received exceptionally strong statements of support at the highest level of regional leadership, including from each country.⁷⁴

All of the efforts mentioned above, have shown Timor-Leste's preparedness and commitments to fulfill some certain criteria, set out under article 6(2) of the ASEAN Charter on Admission of new Member State. However, it does not mean that its admission will be instantly agreed by all ASEAN Members. Timor-Leste is still required to meet another term of condition to be officially admitted in the regional bloc.

⁷² Ibid.

⁷³ Jarryd D. Haan, "What's Behind Timor-Leste's Push to Join ASEAN?," *Future Directions*, August 7, 2019, <http://www.futuredirections.org.au/publication/whats-behind-timor-lestes-push-to-join-asean/> (accessed June 9, 2020).

⁷⁴ Khoo Ying Hooi, "What Will It Take to Admit Timor-Leste into ASEAN?," *The Diplomat*, August 1, 2019, <https://thediplomat.com/2019/08/what-will-it-take-to-admit-timor-leste-into-asean/> (accessed June 9, 2020).

3.2. Remaining Challenges in the Process of Accession to the Association

Almost a decade has gone by since Timor-Leste's membership application to ASEAN, Timor-Leste still remain observer status to the association. In other words, Timor-Leste has not been yet admitted as a permanent member state of the association despite its formal application in 2011.

Currently, Timor-Leste's membership application is still on the agenda. What Timor-Leste extremely needs is the consensus from all current ASEAN members to admit its admission. Once ASEAN feels ready and decides to make final decision, so Timor-Leste would be the new member of the ASEAN Grouping. As mentioned before, alongside the process, Timor-Leste has done numerous efforts to materialize its aspiration and especially becoming a member of the association is only one step ahead. The main problem is that there has not been consensus until nowadays and the admission of ASEAN Membership remains to have no solution despite its strong urge to become one. Even though the delay of the Timor-Leste's admission to join the Southeast Asian Grouping still raises questions why Timor-Leste is still being under review for the final admission to this regional bloc?

To clarify this curiosity, there are few possible reasons that might answer the question above, which are due to the legal transformation (from the ASEAN Declaration to the ASEAN Charter), domestic development issues and the external challenges.

3.2.1. Legal Transformation

It's known that in the establishment of the Association of Southeast Asian Nations (ASEAN), the first five members - Indonesia, Malaysia, the Philippines, Singapore, and Thailand, agreed to Bangkok Declaration or also known as ASEAN Declaration in 1967. Then, the constituent instrument of ASEAN is shifted towards ASEAN Charter, which was effective in 2008.

Significantly, the transformation of ASEAN from an informal to a rules-based organization with the creation of the ASEAN Charter effects its membership systems.⁷⁵ It's to be noted that during the era of the ASEAN Declaration, the membership system was informal to which the requirements for membership admission are only the matter of two factors, such as: geographical location and capable to adhere the aims principles and purposes, which made easier for the Southeast Asian countries, such as Cambodia, Laos, Vietnam, and Myanmar (CLVM countries) to gain membership.⁷⁶

Nevertheless, the Charter has made the admission of a new member more difficult with the additional requirements set out under article 6(2) that states, Location in the recognized geographical region of Southeast Asia; Recognition by all ASEAN Member States; Agreement to be bound and to be abide by the Charter; and the Ability and willingness to carry out the Obligation of Membership.⁷⁷

It's very essential to remind that, Timor-Leste is the first Southeast Asian country who seeks ASEAN Membership at the time when the ASEAN Charter has come into effect, which it is not able to look at the past cases of CLMV countries. What ASEAN requires from Timor-Leste is to fulfill the certain conditions, set out under article 6(2). While the first three conditions have been met, the last condition is very difficult for Timor-Leste to perfectly fulfill and currently it is in the process of being required.

Referring to these two different eras of ASEAN, it's clearly proved that there's an unequal procedure of accepting new member states in the regional bloc regarding the approval

⁷⁵ Mutiara Windraskinasi and Arie Afriansyah, "The Struggles of Becoming the 11th Member State of ASEAN: Timor-Leste's Case," *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no. 1 (2018): 96. <https://media.neliti.com/media/publications/237810-the-struggle-of-becoming-the-11th-member-025e6ba3.pdf> (accessed June 17, 2020).

⁷⁶ Muhammad F. Arifuddin, "TIMOR-LESTE'S ASEAN MEMBERSHIP: TO BE OR NOT TO BE?," *ASEAN Studies Center*, December 18, 2019, <https://asc.fisipol.ugm.ac.id/2019/12/18/timor-lestes-asean-membership-to-be-or-not-to-be/> (accessed June 17, 2020).

⁷⁷ ASEAN, "The ASEAN Charter." Article 6(2).

of CLMV countries in the 1990s, compared to the ongoing admission process of Timor-Leste.⁷⁸ It's to be noted that, when ASEAN admitted new members in 1995, 1997 and 1999, these CLMV countries – were admitted with no pre-conditions or preparations.

Thus, the case of Timor-Leste's membership admission to ASEAN faces the issues of ASEAN's legal framework. This causes ongoing the accession of Timor-Leste that has no end until today.

3.2.2. Domestic Development Challenges

As considered to be the Southeast Asian Grouping' newest member, like the other ASEAN countries, Timor-Leste is being pushed to make sure that its preparedness and commitment of membership is required to translate it through fulfilling obligation of ASEAN Membership.⁷⁹ Obviously, these requirements should not be easy to Timor-Leste. As a young and tiny state that went through a lot of fights against colonialism in the past decade, Timor-Leste restored its country from zero and it's very difficult for this new state make its country to be perfect just only less than two decades. However, Timor-Leste still encounter internal development issues which may influence its effectiveness in dealing with its new status as one of ASEAN countries.⁸⁰

Actually, once it approved as a new member, not only accepting the basic norms, objectives and policies of ASEAN, Timor-Leste possess it responsibility to implement them. However, some of the ASEAN Members have shown their concerns and fears about Timor-Leste's readiness to implementing its responsibility, importantly relates to its financial, and

⁷⁸ Paulo C. Seixas, Nuno C. Mendes, and Nadine Lobner, "The "Readiness" of Timor-Leste: Narratives about the Admission Procedure of ASEAN," *Journal of Current Southeast Asian Affairs*, September 10, 2019, <https://journals.sagepub.com/doi/10.1177/1868103419867511> (accessed June 21, 2020).

⁷⁹ Ganewati Wuryandari, "East Timor's Membership in ASEAN: Prospects and Challenges," *Indonesian Institute of Sciences*, http://www.aseancenter.org.tw/upload/files/OUTLOOK_003_02.pdf (accessed June 23, 2020).

⁸⁰ Ibid.

human resources constrains.⁸¹ In addition, in order to ensure that Timor-Leste has the capacity to carry out its obligations as a new member states, it literally requires the considerable financial and human resources supports, in which Timor-Leste's government still face its problems.

In term of economic development, its economy has proven a little progress. If talking about Timor-Leste's economy, this country's economy is heavily dependent on petroleum sector. More than 70% of its GDP and nearly 90% of the state's annual budget is derived from petroleum.⁸² Even though, the World Bank report in 2019 admits its economic growth compared to the past few years, this country remain one of the poorest country in the world.⁸³ There are some positive trends, as private consumption is increasing. However, the public sector is still dominant through public consumption and investment. At this point, private sector activities are still dependent on the public sector. This is through small scale infrastructure, and providing services for the government.

Another challenge that Timor-Leste has been facing is poverty. Even though, Timor-Leste has made significant progress in recent years in reducing poverty, almost half of Timorese population are still below the national poverty line.⁸⁴ The unemployment is relatively low, but the inactive population is extremely high, accounting for more than half of the productive age population, which presents economic, social and security issues.

"Timor-Leste is blessed with a high productive age population. Unfortunately, it has not been able to translate this into economic opportunities. Providing economic opportunities

⁸¹ Ibid.

⁸² Guteriano Neves, "Timor-Leste's Accession to ASEAN," June 30, 2017, available at <https://th.boell.org/en/2017/06/30/timors-accession-asean> (accessed June 24, 2020).

⁸³ Matt Wikinson, "Timor-Leste's Economy Expected to Rebound after Contraction," *The World Bank*, May 22, 2019, <https://www.worldbank.org/en/news/press-release/2019/05/22/timor-lestes-economy-expected-to-rebound-after-contraction> (accessed July 2, 2020).

⁸⁴ "Timor-Leste Poverty and Equity Brief: Spring 2019," *The World Bank*, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/716051560938636103/timor-lestes-poverty-and-equity-brief-spring-2019> (accessed July 2, 2020).

for a high portion of youth is an extremely difficult challenge, given the small size of the private sector. From the government's point of view, only private investments can provide such opportunities, and foreign investment is part of that. So far, the government's approach has primarily been to focus on physical infrastructure. The hope is that when infrastructure is improved, this will enable the private sector to grow, in turn, creating job stimulus."⁸⁵ It's unfortunate, the lacking of basic infrastructure and decent security environment in Timor-Leste undermine government's efforts to attract foreign investors to make a huge investment, with exceptional oil and gas companies.⁸⁶ Another important thing to know, in a country where poverty and unemployment are the chronic problems, the government inability to performance in economic development led public dissatisfaction with the government.

In terms of human development, Timor-Leste has improved significantly during the last ten years. According to the 2019 Human Development Index (HDI), Timor-Leste's HDI value was 0.626, ranked higher than Cambodia, Lao PDR, and Myanmar.⁸⁷ Nevertheless, dropout rates, truancy, and grade retention are indicators of low quality of education. The basic conditions for students to learn, such as libraries, laboratories and even restrooms are still absent in the majority of schools which are considered as the concern is that it will affect students' capacity to learn and to be productive when they reach a productive age.⁸⁸

The quality of institutions and bureaucracy is another challenge. Institution refers to the rules and regulations that shape the way people interact with each other. It provides certainty and security to the people, including the investors. Timor-Leste is a democratic country. The

⁸⁵ Guteriano Neves, "Timor-Leste's Accession to ASEAN," June 30, 2017, available at <https://th.boell.org/en/2017/06/30/timors-accession-asean> (accessed June 24, 2020).

⁸⁶ Ganewati Wuryandari, "East Timor's Membership in ASEAN: Prospects and Challenges," *Indonesian Institute of Sciences*, http://www.aseancenter.org.tw/upload/files/OUTLOOK_003_02.pdf (accessed June 23, 2020).

⁸⁷ "2019 Human Development Index Ranking," *Human Development Office*, available at <http://hdr.undp.org/en/content/2019-human-development-index-ranking> (accessed July 1, 2020).

⁸⁸ Guteriano Neves, "Timor-Leste's Accession to ASEAN," June 30, 2017, available at <https://th.boell.org/en/2017/06/30/timors-accession-asean> (accessed June 28, 2020).

Head of State and members of Parliament are elected directly through popular vote. It has been a peaceful country during the last ten years. The real issue is how to bring this peace and stability to real people's lives. The tendency so far is that political stability has been based on an elite consensus. This has been criticized for undermining check and balance mechanisms, unequal distribution of resources as well as rent-seeking activities. At the same time, people who are in rural areas have not been included in this process.

In fact, investors cannot be persuaded to invest in the domestic economy based on political stability alone. It also requires an independent judiciary system and effective bureaucracy. People need to have trust in the judiciary system to resolve conflict through legal mechanisms. Corruption continues to be perceived by some as a serious issue, and exists in all levels of administration. It is the result of various problems, such as a weak check and balance system within institutions, the legacy of colonialism, culture and dependency on oil.

In addition, infrastructure remains a relevant problem within Timor-Leste. As it's known that, this country suffered total devastation under Indonesia's invasion. Despite billions of dollars of aid flowing to Timor since then, infrastructure had hardly been improved. The petroleum is a critical resource that can be used to improve socio-economic infrastructure.⁸⁹ Around 40-50% of annual state expenditure goes to infrastructure. The most significant sectors are electricity and the national road network, but the electricity sector is highly subsidized.⁹⁰ The concerns raised by many organizations, including the World Bank, is how to maintain the existing infrastructure and its investment return. At this point, saving from petroleum revenues still enables it. The question is what happens when the account is drying up.⁹¹

⁸⁹ World Bank Group, "Recent Economic Developments," in *Timor-Leste Economic Report: Moving Beyond Uncertainty* (World Bank Group, 2019), 10.

⁹⁰ Guteriano Neves, "Timor-Leste's Accession to ASEAN," June 30, 2017, available at <https://th.boell.org/en/2017/06/30/timors-accession-asean> (accessed June 30, 2020).

⁹¹ *Ibid.*

For Timor-Leste, these conditions are not only posed additionally financial challenges, but also put a heavy strain on severely limited human resources. With considering that every year ASEAN itself stages hundreds of meetings. How much does Timor-Leste have to spend it expenses for all of those meetings and would Timorese government be able to host the ASEAN meetings?⁹² As supposed to be an ASEAN member, Timor-Leste would also be expected to host ASEAN Meetings which can cost millions of dollars and would require an expensive upgrade of the country's virtually non-existence conference facilities.⁹³

All of those challenges that have been mentioned earlier, literally are the reasons that make ASEAN hesitate in making a final decision on Timor-Leste's application which results in the delaying admission into the association for years.

3.2.3. External Challenges

- Is the delaying of the admission a result an indirect conflict between Timor-Leste and some ASEAN members?

Aside from the challenges inside the country, Timor-Leste also encounters external challenges in accessing its new membership in the Southeast Asian Grouping. ASEAN members show their different views on Timor-Leste's admission to be a new member state in ASEAN family. Some ASEAN members have expressed their supports of Timor-Leste's accession to the regional bloc.

However, not all members are as optimistic. Singapore has repeatedly blocked the country's bid on the grounds that it is not yet developed enough to join the regional organization. In addition to what has been said, Singapore has been the most hesitant to admit Timor-Leste's admission with the basic of Economic reasoning to which it views Timor-Leste

⁹² Ganewati Wuryandari, "East Timor's Membership in ASEAN: Prospects and Challenges," *Indonesian Institute of Sciences*, http://www.aseancenter.org.tw/upload/files/OUTLOOK_003_02.pdf (accessed June 30, 2020).

⁹³ *Ibid.*

as having the possibility to burden ASEAN Economic Community.⁹⁴ Moreover, other ASEAN members said that Timor-Leste's capacity, in term of financial and human resources are still weak, which is unable to attend and host ASEAN's meeting once it is admitted as a full member state of ASEAN. Therefore, ASEAN members want Timor-Leste to make proper preparations before the application is fully accepted. It means that the formal application was not absolutely rejected, but ASEAN members would like to see Timor-Leste much better, in terms of readiness.⁹⁵

The decision on Timor-Leste's admission lies in ASEAN's hands and if some member states remain resistance to accepting Timor-Leste as a new member of the association, it means that ASEAN will continue to delay the admission until a time comes when all ASEAN member states agree to make final decision, allowing Timor-Leste to join the Southeast Asian Grouping.

⁹⁴ Kavi Chongkittanvorn, "Will Timor-Leste Finally Join ASEAN in 2017?," *Reporting ASEAN*, June 15, 2017, <https://www.aseannews.net/will-timor-leste-finally-join-asean-2017a/> (accessed June 25, 2020).

⁹⁵ "Timor-Leste is ready to join grouping," *Daily Express*, April 11, 2015, available at <http://www.dailyexpress.com.my/news.cfm?NewsID=98869> (accessed June 27, 2020).

CHAPTER IV: ANALYSIS AND FUTURE PREDICTION ON TIMOR-LESTE'S MEMBERSHIP ADMISSION TO ASEAN

Having discussed about the struggles of Timor-Leste in becoming a new member state of ASEAN including its best efforts to convince the ASEAN members to let its entry and the remaining challenges of Timor-Leste in the process of admission to the association, it comes to an analysis in regards to the matter of Timor-Leste's ASEAN membership. In this chapter, there will be an analysis the process of membership admission of Timor-Leste whether Timor-Leste has completed all criteria as stipulated in article 6 of the ASEAN Charter or not yet. Plus, it will examine the process of assessment of Timor-Leste's readiness and also the ongoing process of that assessment. Last but not least, the future prediction regarding Timor-Leste's ASEAN membership admission will be provided at the end of this chapter.

4.1. Analysis

4.1.1. Membership Application of Timor-Leste Based upon the Charter

As a regional organization, ASEAN holds mandatory requirements for participation which have to be fulfilled by the country of interest. Timor-Leste as a newest state applying the membership during the ASEAN Charter era. Thus, Timor-Leste must meet the ASEAN basic's membership requirements which are detailed in article 6(2) of the ASEAN Charter. To clarify what Timor-Leste has met all the requirements in said article, we are going to analyze the fact of Timor-Leste has done so far. There are four fundamental criteria which namely;

4.1.1.1. Location in the Recognized Geographical Region of Southeast Asia

The Democratic Republic of Timor-Leste, commonly known as Timor-Leste, is a state, situated in Southeast Asia. "The island of Timor is part of the Maritime Southeast Asia and is the largest as well as the most-eastern part of the Lesser Sunda Islands. This country is bordered

with Australia and Indonesia.”⁹⁶ Therefore, it cannot deny that Timor-Leste lies upon the Southeast Asia region, which literally fulfills the first requirement of becoming a new member of ASEAN under the Charter.

4.1.1.2. Recognition by all ASEAN Member States

The second criteria to be required as a new ASEAN member is ‘the recognition by all ASEAN member states’. “In the context of ASEAN legal framework, it is not specifically listed to which is considered as ‘Recognition’. Anyway, it may come into conclusion that the applied theory in the concept of recognition under the ASEAN Charter is the constitutive theory, as it acquires acknowledgment of the ASEAN Member States towards the statehood of Timor-Leste. This can be seen through the capacity of ASEAN.”⁹⁷ As mentioned before, Timor-Leste was invited by ASEAN to attend ASEAN-related meetings in the name as a Guest, such as Annual Ministerial Meeting and ASEAN Summit. This gesture may be seen as Timor-Leste enables to enter into relations with ASEAN as a platform comprising of sovereign Member States. Therefore, the criterion of “recognition by all ASEAN member states” has been met.

4.1.1.3. Agreement to be Bound and to be Abide by the Charter

Another criterion to be examined is ‘Agreement to be bound and to be the Charter’. Actually, there have not been any comprehensive rules of the procedures in displaying this step, as Timor-Leste is the first case applying for membership during the ASEAN Charter era. “It’s rather vague that said agreement should be done after one is officially admitted to as a member state of ASEAN, or rather before in expressing such acceptance to accede or ratify the Charter, as the Charter is “subject to ratification by all Member States.” However, it is certain that after

⁹⁶ Mutiara Windraskinasih and Arie Afriansyah, “The Struggles of Becoming the 11th Member State of ASEAN: Timor-Leste’s Case,” *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no. 1 (2018): 90. <https://media.neliti.com/media/publications/237810-the-struggle-of-becoming-the-11th-member-025e6ba3.pdf> (accessed July 5, 2020).

⁹⁷ *Ibid*, 90.

gaining consensus by all Member States, Timor-Leste will have to sign the instrument of accession to the Charter, as explained in article 6.”⁹⁸

4.1.1.4. Ability and Willingness to Carry Out the Obligations of Membership

Out of four conditions for membership laid out in the ASEAN Charter, Timor-Leste has completely fulfilled three of them. However, the criterion of having the “ability and willingness to carry out membership obligations” is the obstacle and it is the primary reason behind the lack of unanimous support for its admission to ASEAN. The fledgling nation has definitely demonstrated its willingness over the decade, so ability is the last and only concern which remains.⁹⁹ Every year, talking on Timor-Leste’s accession to ASEAN, ASEAN has always said that it’s not ready to join ASEAN and needs more time develop its own people, economy and other factors within its country. It has been nine years already since its membership application, despite all the challenges happening in one of the most poorest country in the world, Timor-Leste has made significant progress towards ASEAN’s membership criteria of ‘ability and willingness to carry out the obligations of membership’ as stated in ASEAN Charter.

It’s important to note that Timor-Leste engaged with ASEAN since the early day after having independence and at the same time Timor-Leste put many efforts and commitments to the association. At the diplomatic level aside from submitting a formal application to the regional organization, Timor-Leste joined ASEAN Regional Forum and later in 2007, it acceded Treaty of Amity and Cooperation in Southeast Asia. Plus, by signing TAC, it means that Timor-Leste commits itself to non-interference in ASEAN Member state’s internal

⁹⁸ Ibid, 91.

⁹⁹ “2019: The Year of Timor-Leste in ASEAN?,” *The Jakarta Post*, December 13, 2018, <https://www.google.com/amp/s/www.thejakartapost.com/amp/academia/2018/12/13/2019-the-year-of-timor-leste-in-asean.html> (accessed July 3, 2020).

affairs.¹⁰⁰ Besides that, this young nation opened embassies in every ASEAN countries and even welcomed ASEAN to study of Timor-Leste's readiness. Additionally, it has attended ASEAN meetings and international conferences such as the World Economic Forum and also host international conferences such as ASEAN Regional Forum. Timor-Leste has hosted few ARF workshops in Dili. What's more, in 2016, when ASEAN chair Laos declined to host the ASEAN People's Forum, the bloc's annual civil society meeting, Timor-Leste stepped up instead.¹⁰¹ Plus, these records strengthen Timor-Leste's case for ASEAN membership by demonstrating its ability to involve and facilitate ASEAN-related meetings. This country is consolidating its readiness for ASEAN Membership by actively participating as an observer in meetings of ASEAN sectoral bodies, convening workshops and seminars. Plus, Timor-Leste has signaled that it will steer toward a closer relationship with ASEAN in the future.

Nevertheless, while Timor-Leste will find it difficult to fulfil some membership obligations such as giving annual financial contributions and attending and hosting hundreds of ASEAN's meetings, these problems are not easy to fulfil like other ASEAN members, but Timor-Leste could make it work in the future.¹⁰² Thus, Timor-Leste could be given a temporary discount on membership dues or allowed to co-host annual ASEAN meetings.¹⁰³

The Charter's vague ability requirement also allow the goalposts to be moved every year, which enable some ASEAN members to block the consensus on Timor-Leste's membership. Some ASEAN countries, especially Singapore has expressed concerns regarding Timor-Leste's membership.¹⁰⁴ The reason being, Timor-Leste is not economically up to par

¹⁰⁰ Ganewati Wuryandari, "East Timor's Membership in ASEAN: Prospects and Challenges," *Indonesian Institute of Sciences*, http://www.aseancenter.org.tw/upload/files/OUTLOOK_003_02.pdf (accessed July 3, 2020).

¹⁰¹ Roshni Kapur, "Is Timor-Leste Finally Ready to Join ASEAN?" *The Diplomat*, <https://thediplomat.com/2016/10/is-timor-leste-finally-ready-to-join-asean/> (accessed July 4, 2020).

¹⁰² Maria Ortuoste, "Timor-Leste's ASEAN Membership Limbo," *East Asia Forum*, September 28, 2019, <https://www.eastasiaforum.org/2019/09/28/timor-lestes-asean-membership-limbo/> (accessed July 2, 2020).

¹⁰³ Ibid.

¹⁰⁴ "Timor-Leste's Critical Window on ASEAN," *The Interpreter*, August 17, 2017, <https://www.lowyinstitute.org/the-interpreter/timor-leste-critical-window-asean> (accessed July 3, 2020).

with other ASEAN Members and if admitted to join ASEAN, the risks pulling down the association as a whole.¹⁰⁵

However, this is inaccurate. First, Timor-Leste's admission will not necessarily drain ASEAN's coffers since most project funding under the initiative for ASEAN integration comes from its dialogue partners.¹⁰⁶ Timor-Leste does need assistance in rebuilding its country but in fact that ASEAN is not even one of its top 10 donors and even if Timor-Leste does need additional funds, its human development ranking demonstrate that this country can effectively use these resources in general.¹⁰⁷

In addition, in term of economic sector, although Timor-Leste is the smallest economy country amongst other ASEAN member states, it outperforms three countries – Myanmar, Lao PDR and Cambodia – on the Human Development Index (HDI). Moreover, its economic growth rate, according to the Asian Development Bank is slated to grow at 6 percent in 2018, close to the 7 percent growth rates bracket enjoyed by developing CLMV (Cambodia, Laos, Myanmar, and Vietnam) economies. Timor-Leste has increased trade with its neighbors and the government is implementing the Timor-Leste-ASEAN Mobilization Plan (TLAMP) to ensure that its legal, economic and fiscal system comply with ASEAN standards. Significantly, Foreign Minister of Timor-Leste, Dionisio Babo Soares emphasized that “We are not going to be a burden of ASEAN, we will actively contribute to the success of ASEAN plan in the future. This is a new economy, a growing economy. We are investing infrastructure and other development in areas of petroleum and gas in the Timor-Leste's sea.”¹⁰⁸

¹⁰⁵ Angaindrankumar Gnanasagaran, “Admitting ASEAN's 11th Member,” *The ASEAN Post*, January 5, 2018, <https://theaseanpost.com/article/admitting-aseans-11th-member> (accessed July 3, 2020).

¹⁰⁶ Maria Ortuoste, “Timor-Leste's ASEAN membership limbo,” *East Asia Forum*, September 28 2019, <https://www.eastasiaforum.org/2019/09/28/timor-lestes-asean-membership-limbo/> (accessed July 4, 2020).

¹⁰⁷ Ibid.

¹⁰⁸ “Timor-Leste's Optimistic It Will Join ASEAN Soon, no Burden to the Grouping,” *Thai PBS World*, December 18, 2019, <https://www.thaipbsworld.com/timor-lestes-optimistic-it-will-join-asean-soon-no-burden-to-the-grouping/> (accessed July 4, 2020).

On the other hand, Timor-Leste has made a great stride towards embracing democracy and have instituted reforms to ensure a credible electoral process. According to the Economist Intelligence Unit's 2016 Democracy Index, the country was ranked most democratic in Southeast Asia. Given the country's traumatic past, its citizens have shown commitment to improve the nation's democracy and have actively engaged in the democratic process. To date, the small nation held two presidential and legislative elections that were recognized universally as free and fair. The country has also developed an active civil society that promotes human rights domestically and internationally.

As mentioned before Timor-Leste has done so many efforts and commitment to fulfill the ASEAN membership requirements. However, ASEAN has not been made any final decision, regarding Timor-Leste's application until today. What's Timor-Leste has got every year from ASEAN is that Timor-Leste is not ready to join the regional bloc.

Clearly, it cannot be denied the fact that Timor-Leste needs time to improve its people and infrastructure to prepare joining ASEAN. Even so, ASEAN should realize that Timor-Leste has long suffered of colonialisms, yet it has reached where it is today. Imagine that Timorese people have to build their country from the button after the conflict with Indonesian militaries, how are they going to build a strong and perfect country in less than 18 years?

Looking back on the past cases of ASEAN in accepting new member states, ASEAN has showed its greatest resilience when new member were admitted, like Brunei in 1984, Vietnam in 1995, Laos and Myanmar in 1997, and Cambodia in 1999. It's to be noted that during the process of their admission, each of these countries was not yet completely ready to integrate with the association, which caused a high level of concern to ASEAN.¹⁰⁹ However,

¹⁰⁹ Kavi, Chongkittavorn, "Admit Timor-Leste to Bloc or Never," Bangkok Post, May 11, 2019, <https://www.bangkokpost.com/opinion/opinion/1681204> (accessed July 6, 2020).

with all support and tolerance from ASEAN's founding members, these new members were able to engage with the ASEAN ways of doing things and join in other numerous activities. Each new member had its own stories to tell and lesson learned with could benefit Timor-Leste. Why not Timor-Leste now?

4.1.2. The Assessment Process of the Readiness of Timor-Leste

Soon after Timor-Leste officially submitted its membership application to the association, the ASEAN Coordinating Council, with the authority to assess the readiness for one to become a Member State, formed the ASEAN Coordinating Council Working Group (ACCWG) on Timor-Leste's ASEAN Membership Application. At the 18th ASEAN Summit in Jakarta May 2011, the leaders decided that "Timor-Leste's formal application needed further consideration. The foreign ministers were tasked with looking into the issue in their capacity as the ASEAN Coordinating Council."¹¹⁰ To study its work, the ASEAN Coordinating Council Working Group commissioned three independent studies by experts on Timor-Leste's application for ASEAN Membership covering each pillar of the ASEAN Community, namely ASEAN Economic Community, ASEAN Political-Security Community, and ASEAN Socio-Cultural Community, deciding whether Timor-Leste has the capacity and willingness to carry out the obligation of being a member state by making recommendation.

Literally, the ACCWG got off to a slow start. By the time of the 20th ASEAN Summit in April 2012, there had not been any meeting discussing matters to be taken into account for Timor-Leste's admission.¹¹¹ In September 2013, the ACCWG made a visit to Timor-Leste to assess its ability to fulfil the obligation of ASEAN Membership. The Chairman's Statement of

¹¹⁰ ASEAN, "Chairman's Statement of the 18th ASEAN Summit Jakarta, May 2011," available at https://www.asean.org/storage/archive/Statement_18th_ASEAN_Summit.pdf (accessed July 6, 2020).

¹¹¹ Mutiara Windraskinasih and Arie Afriansyah, "The Struggles of Becoming the 11th Member States of ASEAN: Timor-Leste's Case," *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no. 1 (2018): 91. (accessed July 2, 2020).

the 23rd ASEAN Summit blandly welcomed the progress made by the ACCWG in their deliberations on Timor-Leste's application.¹¹² The application was still pending at the time of writing and no timeline for a decision has been set by ASEAN.

As it's shown, the studies conducted upon Timor-Leste to evaluate the capacity of joining ASEAN were independently commissioned by ACCWG, meaning that the researchers were experts outside ASEAN-related.¹¹³ Nonetheless, there are no publications available in releasing the result of those studies. Furthermore, Timor-Leste has never received the final reports, which were conducted by those studies, despite it is the applicant country in which shall be informed the lack of capacity it has to improve.¹¹⁴ Besides that, those studies are still kept confidentially that will be disclosed to Timor-Leste at the time ACCWG will visit Timor-Leste personally. The confidential result of the studies is also reaffirmed by ASEAN Secretariat staff, which cannot be revealed to public, even the applicant country, Timor-Leste.¹¹⁵ Such lack of transparency in the work of independent studies commissioned by the ACCWG is the issue of legal framework that ASEAN faces.

Furthermore, the function of ACCWG is also undetermined to which only drafts recommendations to ASEAN Summit upon the independent studies that are performed to the candidate countries, such as Timor-Leste. This is due to the unclear regulations or legal framework that stipulate the functions and mandate of ACCWG in which is inaccessible to public. This, without a doubt, causes the legal framework of ASEAN to become not transparent and efficient.

¹¹² ASEAN, "Chairman's Statement of the 23rd ASEAN Summit, Bandar Seri Begawan, October 2013, <https://www.asean.org/wp-content/uploads/images/archive/23rdASEANSummit/chairmans%20statement%20-%2023rd%20asean%20summit%20-%20text%20-%20final.pdf> (accessed July 3, 2020).

¹¹³ Mutiara Windraskinasih and Arie Afriansyah, "The Struggles of Becoming the 11th Member States of ASEAN: Timor-Leste's Case," *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no. 1 (2018): 92. (accessed July 2, 2020).

¹¹⁴ Ibid, 92.

¹¹⁵ Ibid, 92.

❖ Fact-Finding Missions by the ASEAN Community Pillars

Based on the findings recommended by the three independent studies, at the sixth meeting of the ASEAN Coordinating Council Working Group in Jakarta in December 2017, Senior Officials considered on the next steps to be taken and agreed to form a Fact-Finding Mission (FFM) on each ASEAN Community pillar, which would be necessary to determine the readiness of Timor-Leste to be a member of ASEAN.¹¹⁶

ASEAN Political-Security Community Fact-Finding Mission (APSC FFM) led by Thailand, was held on 3-5 September 2019 in Dili, Timor-Leste and it was the first of three fact-finding missions from ASEAN to visit Timor-Leste, as a part of evaluation of Timor-Leste's readiness to become a ASEAN Member.¹¹⁷ The APSC FFM was participated by high-level representatives of all ASEAN Member States and ASEAN Secretariat (SOM Leaders, the Committee of Permanent Representatives (CPR), was warmly received by the Ministry of Foreign Affairs and International Cooperation of Timor-Leste.¹¹⁸

According to Press Release on ASEAN Political-Security Community Fact-Finding Mission (APSC FFM) on 3-6 September, 2019, it stated that:

“The APSC FFM paid courtesy calls on Timor-Leste’s President, Prime Minister, and Deputy President of the National Parliament and had substantive meetings with other leaders and political figures. Both sides exchanged views and discussed various issues such as Timor-Leste’s foreign policy, legal reforms, and national development strategy as well as the responsibilities of becoming a member of ASEAN under the APSC Pillar. During these meetings, Timor-Leste underlined their political commitment to become a member of ASEAN and willingness to carry out

¹¹⁶ Kavi Chongkittanvorn, “Admit Timor-Leste to Bloc now or never,” *Bangkok Post*, May 21, 2019, <https://www.bangkokpost.com/opinion/opinion/1681204/admit-timor-leste-to-bloc-now-or-never> (accessed July 4, 2020).

¹¹⁷ “Press Release: ASEAN Political-Security Community Fact-Finding Mission visited Timor-Leste during 3-6 September 2019,” *MFA of Thailand*, October 2, 2019, available at <http://www.mfa.go.th/main/en/news3/6886/109617-ASEAN-Political-Security-Community-Fact-Finding-Mi.html> (accessed July 4, 2020).

¹¹⁸ *Ibid.*

the obligations of ASEAN membership. Timor-Leste also requested that ASEAN should be able to make decision on its membership in ASEAN in the near future.”¹¹⁹

Besides that, according to Press Statement by the Chairman of ASEAN Foreign Ministers’ Retreat, on 16-17 January 2020, in Nha Trang, it also emphasized that “We noted the successful conduct of the APSC Fact-Finding Mission (FFM) to Timor-Leste on 3-5 September 2019 and looked forward to the Fact-Finding Missions of the AEC and ASCC to Timor-Leste, which would contribute to the consideration of Timor-Leste’s application for ASEAN membership...”¹²⁰

Recently, on the Chairman’s Statement of the 36th ASEAN Summit on June 26, 2020 ASEAN also stated that “we looked forward to the convening of the Fact-Finding Missions to Timor-Leste by AEC and ASCC pillars when circumstances allow, after which a comprehensive assessment of Timor-Leste’s application for ASEAN membership should be developed at the soonest...”¹²¹

Thus, based on what the statements of ASEAN were said above, Timor-Leste would have to wait for the Fact-Finding Missions by ASEAN Community Pillars, which will be completed in the near future.

4.1.3. Consensus Towards Timor-Leste’s Membership Application

Although, the conditions of membership application have been described under the ASEAN Charter, the role of political consideration is inevitable to be weighed upon the case of one’s accession into ASEAN. This goes to Timor-Leste as well as to which affects the

¹¹⁹ Ibid.

¹²⁰ “Press Statement by the Chairman of the ASEAN Foreign Ministers’ Retreat,” *ASEAN*, January 17, 2020, available at <https://asean.org/press-statement-chairman-asean-foreign-ministers-retreat-2/> (accessed July 5, 2020).

¹²¹ “Chairman’s Statement of the 36th ASEAN Summit 26 June 2020,” *ASEAN*, available at <https://asean.org/storage/2020/06/Chairman-Statement-of-the-36th-ASEAN-Summit-FINAL.pdf> (accessed July 10, 2020).

consensus in admitting the new member. In this context, consensus is unable to be achieved due to the objections of several Member States expressing concerns for the capacity of Timor-Leste in carrying out the obligations of membership. However, despite rejections, there are other ASEAN Member States that deliver their strong support for Timor-Leste's accession into ASEAN, especially Indonesia.

Regardless of the consensus, it's to be noted that there are no criteria set out of what constitutes as "ability and willingness of one become an ASEAN Member State". The unclarity of said stipulation leads to various interpretations. Therefore, one member state may believe as Timor-Leste being able to and willing to join ASEAN, others may disagree, as each countries have different outlook to what constitutes mean. As for the consensus-making in admitting Timor-Leste as the 11th Member State of ASEAN, it has not been conducting properly due to the view that Timor-Leste must meet certain requirements to ensure its capacity in conducting the obligations of membership.¹²²

This is because the ACCWG on Timor-Leste's Membership Application still prevails, meaning the recommendations that the ASEAN Coordinating Council must draft has not been completed yet, as the fact-finding missions need to be completed by all the ASEAN community pillars.¹²³

Thus, the consensus towards Timor-Leste's admission to ASEAN is the final step that must be taken to decide whether it shall be done or not.¹²⁴

¹²² Mutiara Windraskinasih and Arie Afriansyah, "The Struggles of Becoming the 11th Member States of ASEAN: Timor-Leste's Case," *Journal of Legal Studies* (Universitas Indonesia) Volume 5, no. 1 (2018): 96. <https://media.neliti.com/media/publications/237810-the-struggle-of-becoming-the-11th-member-025e6ba3.pdf> (accessed May 17, 2020).

¹²³ Ibid.

¹²⁴ Ibid.

4.2. Future Prediction

Having analyzed the process of Timor-Leste's admission into the Association of Southeast Asian Nations, it may come into conclusion. Referring to what we have researched as well as the experts who viewed on Timor-Leste's accession to ASEAN, this allows us to predict that the possibility of Timor-Leste to be part of the ASEAN grouping is high, meaning that Timor-Leste would be the 11th Member State of ASEAN. In fact, Timor-Leste has always been ready to join the Association of Southeast Asian Nations (ASEAN) anytime and it has been confident in fulfilling the ASEAN Membership requirements, including providing sufficient human resources to attend ASEAN meetings through the year.

We cannot absolutely predict the exact year, with an understanding that it's not an easy process and at the same the process of Fact-Finding Missions by ASEAN has been ongoing and there has been no date have been given yet for the completion of those missions. It's only the matter of time before the current ASEAN 10 grows into the ASEAN 11, with Timor-Leste as the newest member of the ASEAN grouping. There is no basic refusal from ASEAN members towards the possibility of Timor-Leste membership on ASEAN, with exceptional Singapore. On the bright side, almost all ASEAN Countries are very supportive in Timor-Leste's accession to ASEAN. Once Singapore approves that Timor-Leste is fully ready to assimilate into the regional bloc, it is likely that the rest of ASEAN will agree to welcome their new fellow member of the Association.¹²⁵

Hopefully, the process of Timor-Leste's application in ASEAN will only take few more years since ASEAN needs to wait for the completion of Fact-Finding Missions of ASEAN three Community pillars.

¹²⁵ "2019: The Year of Timor-Leste in ASEAN?," *The Jakarta Post*, December 13, 2018, <https://www.google.com/amp/s/www.thejakartapost.com/amp/academia/2018/12/13/2019-the-year-of-timor-leste-in-asean.html> (accessed July 5, 2020).

4.2.1. Ways Forward

Thinking of Timor-Leste's accession to ASEAN is a complicated issue for Timor-Leste and for ASEAN. Reading from ASEAN's official position, the issue is not about getting in. The real issue is when Timor gets in, and how Timor-Leste can play constructive roles.¹²⁶

❖ For Timor-Leste

For Timor-Leste, it already made the decision to take part in the association despite its current development challenges within the country. Such decision informed by the assumption that Timor-Leste cannot isolate itself from regional blocs and its geographical reality. The expectation is that, by joining the bloc, it will enable this new Southeast Asian nation to gain some benefits and opportunities that the region provides. Regardless of ASEAN's final decision, Timor-Leste needs to improve the efficiency in the bureaucracy sector and also needs to develop the domestic economy and to invest more on its people. In addition, Timor-Leste shall keep its efforts being involved in ASEAN with its current status, as well as to gain its ASEAN full membership in the near future.

❖ For ASEAN

For ASEAN, its position on Timor's accession to the regional grouping, it can be seen as the careful moves. However, it is essential to note that the longer Timor-Leste's membership is delayed, it will only highlight the indecisiveness and inaction that reflect negatively on ASEAN's decision-making process.¹²⁷ Moreover, ASEAN needs to realize that the development challenges that Timor is facing nowadays is the result of the long suffered history of the Portuguese colonialism and Indonesian military occupation. For instance, like many other

¹²⁶ Guteriano Neves, "Timor-Leste's Accession to ASEAN," June 30, 2017, available at <https://th.boell.org/en/2017/06/30/timors-accession-asean> (accessed July 6, 2020).

¹²⁷ Khoo Ying Hooi, "Unlocking Timor-Leste's Road to ASEAN," *New Mandala*, March 9, 2017, <https://www.newmandala.org/unlocking-timor-lestes-road-asean/> (accessed July 7, 2020).

ASEAN members, the legacies of the history of colonialism still persist. Despite the challenges, Timor-Leste has been consistent in conveying its desired interest of joining ASEAN and continued to consolidate its internal preparations. Obviously, it may be easier for Timor-Leste to get into ASEAN; it certainly requires both commitment and capacity to be able to play constructive roles once being admitted in this regional organization.

Additionally, for ASEAN, it is easier to delay the admission of Timor-Leste, but ASEAN also cannot simply overlook Timor-Leste's geographical existence. The most important thing is that ASEAN needs to be more transparent to candidate countries that wish to join the association for certainty of obtaining full membership. Besides that, ASEAN shall make a comprehensive assessment and subsequently consider if it should develop roadmap and indicative timeline for Timor-Leste's ASEAN membership after the Fact-Finding Missions of ASEAN's three pillars are successfully completed anytime in the future.

CONCLUSION

Topic of Timor-Leste's accession to ASEAN is very easy enough to understand. Look at the map, it makes geographic sense for this young nation to be part of a regional organization that has the words "Southeast Asia" in it. However, the process of accession has always been a challenging one. The case of Timor-Leste's membership is a unique and complicated one due to being the first country in Southeast Asia that applied ASEAN Membership during the ASEAN Charter era, especially submitted on 04 March 2011.

As it described in the above chapter about the requirements of one becoming a member of the association, as it stated under the ASEAN Charter contains four fundamental criteria. In fact, Timor-Leste has met the first three of them, yet 'the capacity of Timor-Leste in carrying out its obligations' as member state that is still questioned, even until today. Due to the uncertainty about Timor-Leste's ability to fulfil that final criteria, it become the main reason behind the lack support for its admission into the ASEAN. Likewise, ASEAN has always delayed the admission of Timor-Leste by saying that Timor-Leste needs more time to prepare for accession into Grouping. However, it has been almost a decade already since the initial proposal, what Timor-Leste has got from ASEAN are only promising signs, but no outcome. Another year another rejection. ASEAN has always given the similar response that this county is not ready to join the regional organization. While waiting for admission to the association, Timor-Leste has made its best efforts since the early days of gaining independence, to make sure that it's fulfilled the criteria "ability and willingness to carry out the obligation of membership", but there has not yet been any consensus among ASEAN Member.

Regardless the consensus, it's to be noted that the obligations of membership has not been listed specifically in the Charter which causes the various interpretations. Even though, some ASEAN members viewed that Timor-Leste is able to carry out the obligations, some

didn't think so. This essentially leads to the failure of consensus-making toward the membership application of Timor-Leste. Currently, Timor-Leste's readiness has been assessed by the ACCWG. As the Fact-Finding missions to Timor-Leste by ASEAN's three community pillars have been still ongoing, meaning that once those finding missions are totally completed, there will be the ASEAN's turn to decide whether Timor-Leste can be the 11th member state of ASEAN or not. As it's known a decade has gone by already that Timor-Leste has put its best efforts and at the same time waiting for accessing into ASEAN. So within these years, what ASEAN has done to Timor-Leste? When will it finally admit Timor-Leste into ASEAN? Besides the long-studies and numerous assessments on Timor-Leste's readiness, where is the consensus? For ASEAN, one should realize that they already had similar experience when Cambodia, Laos, Myanmar and Vietnam accessed to the Association, which these countries were classified as the poorest nations in the world, eventually accepted by ASEAN. At the end, Timor-Leste deserves to join the grouping as the 11th Member State.

Additionally, ASEAN's slogan "One Vision One Identity One Community" would be meaningful if there are all Southeast Asian Countries under one roof despite the inherent weakness of certain members. Timor-Leste would further strengthen ASEAN centrality solidarity and cooperation, not drag the ASEAN Grouping down. It's suggested for ASEAN to elaborate more for requirements of its new membership especially referring to the ability of one carrying out the obligations of membership. Plus, it's also suggested for ASEAN to be more transparent to the country which craves to join the regional organization. Furthermore, as a candidate country who seeks membership in the regional bloc, Timor-Leste shall keep its desire and efforts being involved with ASEAN with its current status as well as improve its people and country to gain membership from ASEAN in the near future.

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THE ASEAN CHARTER



Association of Southeast Asian Nations

**CHAPTER III
MEMBERSHIP**

**ARTICLE 4
MEMBER STATES**

The Member States of ASEAN are Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam.

**ARTICLE 5
RIGHTS AND OBLIGATIONS**

1. Member States shall have equal rights and obligations under this Charter.
2. Member States shall take all necessary measures, including the enactment of appropriate domestic legislation, to effectively implement the provisions of this Charter and to comply with all obligations of membership.
3. In the case of a serious breach of the Charter or non-compliance, the matter shall be referred to Article 20.

**ARTICLE 6
ADMISSION OF NEW MEMBERS**

1. The procedure for application and admission to ASEAN shall be prescribed by the ASEAN Coordinating Council.
2. Admission shall be based on the following criteria:

- (a) location in the recognised geographical region of Southeast Asia;
 - (b) recognition by all ASEAN Member States;
 - (c) agreement to be bound and to abide by the Charter;
and
 - (d) ability and willingness to carry out the obligations of Membership.
3. Admission shall be decided by consensus by the ASEAN Summit, upon the recommendation of the ASEAN Coordinating Council.
4. An applicant State shall be admitted to ASEAN upon signing an Instrument of Accession to the Charter.

THE ASEAN DECLARATION (BANGKOK DECLARATION)
BANGKOK, 8 AGUSTUS 1967

The Presidium Minister for Political Affairs/Minister for Foreign Affairs of Indonesia, the Deputy Prime Minister of Malaysia, the Secretary of Foreign Affairs of the Philippines, the Minister for Foreign Affairs of Singapore and the Minister of Foreign Affairs of Thailand:

MINDFUL of the existence of mutual interest and common problems among countries of South-East Asia and convinced of the need to strengthen further the existing bonds of regional solidarity and cooperation;

DESIRING to establish a firm foundation for common action to promote regional cooperation in South-East Asia in the spirit of equality and partnership and thereby contribute towards peace, progress and prosperity in the region;

CONSCIOUS that in an increasingly interdependent world, the cherished ideals of peace, freedom, social justice and economic well-being are best attained by fostering good understanding good neighbourliness and meaningful cooperation among the countries of the region already bound together by ties of history and culture;

CONSIDERING that the countries of South-East Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and that they are determined to ensure their stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their peoples;

AFFIRMING that all foreign bases are temporary and remain only with the expressed concurrence of the countries concerned and are not intended to be used directly or indirectly to subvert the national independence and freedom of States in the area or prejudice the orderly processes of their national development;



DO HEREBY DECLARE:

FIRST, the establishment of an Association for Regional Cooperation among the countries of South-East Asia to be known as the Association of South-East Asian Nations (ASEAN).

SECOND, that the aims and purposes of the Association shall be:

1. To accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of South-East Asian Nations;
2. To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter;
3. To promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields;
4. To provide assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres;
5. To collaborate more effectively for the greater utilization of their agriculture and industries, the expansion of their trade, including the study of the problems of international commodity trade, the improvement of their transportation and communication facilities and the raising of the living standards of their peoples;



6. To promote South-East Asian studies;
7. To maintain close and beneficial cooperation with existing international and regional organizations with similar aims and purposes, and explore all avenues for even closer cooperation among themselves.

THIRD, that to carry out these aims and purposes, the following machinery shall be established:

- (a) Annual Meeting of Foreign Ministers, which shall be by rotation and referred to as ASEAN Ministerial Meeting Special Meetings of Foreign Ministers may be convened as required.
- (b) A *Standing Committee*, under the chairmanship of the Foreign Minister of the host country or his representative and having as its members the accredited Ambassadors of the other member countries, to carry on the work of the Association in between Meetings of Foreign Ministers.
- (c) *Ad-Hoc Committees and Permanent Committees* of specialist and officials on specific subjects.
- (d) A *National Secretariat* in each member country to carry out the work of the Association on behalf of that country and to service the Annual or Special Meetings of Foreign Ministers, the Standing Committee and such other committees as may hereafter be established.

FOURTH, that the Association is open for participation to all States in the South-East Asian Region subscribing to the aforementioned aims, principles and purposes.



FIFTH, that the Association represent the collective will of the nations of South-East Asia to bind themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity.

DONE in Bangkok on the Eighth Day of August in the Year One Thousand Nine Hundred and Sixty-Seven.


FOR THE REPUBLIC OF INDONESIA



ADAM MALIK

**Presidium Minister for Political Affairs/
Minister for Foreign Affairs**

FOR MALAYSIA



TUN ABDUL RAZAK

**Deputy Prime Minister,
Minister of Defence and
Minister of National Development**

