THAILAND’S ASEAN CHAIRMANSHIP AT ITS MID-TERM
THREE KEY ISSUES TO WATCH AFTER THE 34TH ASEAN SUMMIT

Policy Report
September 2019

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Executive Summary

ASEAN is faced with severe internal and external tests. And considering the tremendous domestic political change as well as regional tensions and uncertainties, 2019, Thailand’s ASEAN Chairmanship year, was always going to be tumultuous for the country and the association. Against this backdrop, the Thai chair concluded the 34th ASEAN Summit with some degree of success. This report assesses the Thai ASEAN Chairmanship at its mid-term, by evaluating both the domestic context of the 34th ASEAN Summit and three key issues that emerged from it. It comes to the conclusion that despite manifold challenges, the association is making some laudable progress. And yet, immediate deliverables should not detract from the need for sustainable long-term progress.
Introduction

The 34th Association of Southeast Asian Nations (ASEAN) Summit and related meetings concluded on 23 June 2019 against the backdrop of regional tensions and domestic uncertainties. Thailand took the rotating ASEAN chairmanship from Singapore, and knowing the importance of continuity in ASEAN policies across chairmanships, it vowed to build on the efforts of previous chairs, such as further developing Singapore’s ASEAN Smart Cities Network. While Bangkok has long enjoyed a reputation for possessing skilful diplomats and civil servants, 2019 was always going to be a tumultuous year for the country.

This paper reports on the Thai ASEAN Chairmanship at its mid-term, by evaluating the domestic background as well as three key issues that emerged after the 34th ASEAN Summit, and assesses them against Thailand’s declared ambitions. The three selected issues, one under each of the three ASEAN Community pillars, are critical for the further evolution of ASEAN and the well-being of its people: (i) ASEAN’s Outlook on the Indo-Pacific in the ASEAN Political-Security Community (APSC); (ii) the Regional Comprehensive Economic Partnership (RCEP) in the ASEAN Economic Community (AEC); and (iii) the Bangkok Declaration on Combating Marine Debris in the ASEAN Socio-Cultural Community (ASCC). Despite manifold challenges, the association’s progress under Thai leadership has been laudable. However, immediate deliverables should not detract from the need for sustainable long-term progress and, thus, this report aims to provide some inputs for the consideration of the incumbent and future chairs.
An Ambitious Chair in Uncertain Times

The region is confronted with manifold geopolitical and economic complications. Separately, complex domestic challenges and changes in many ASEAN countries preoccupy and distract some ASEAN leaders, resulting in regional integration receiving less priority than it deserves. In consequence, ASEAN is faced with severe internal and external tests.

Regionally, the US-China trade war has captured global attention and spread uncertainty with respect to the future of free trade and great power rivalry. Amidst amplified great power rivalry and complex regional issues, such as tensions in the South China Sea and the situation in Rakhine State, ASEAN is severely tested. Competing visions in the form of various Indo-Pacific concepts and the Belt-and-Road Initiative (BRI) also require ASEAN to position itself. Against the backdrop of such challenges, it is imperative the ASEAN Chair finds constructive, sustainable solutions in order to advance both ASEAN’s strategic relevance and the well-being of its people.

Moreover, how would Thailand handle its chairmanship of ASEAN amidst domestic political uncertainty and unpredictable dynamics? Many anxiously remember the last time Thailand held the annually rotating chair in 2009. Domestic turmoil had led to the evacuation of ASEAN leaders and cancellation of the summit after protesters had gathered at the venue in Pattaya, causing huge embarrassment to the government of then Prime Minister Abhisit Vejjajiva.

Thailand held general elections in March this year and the junta, governing the country since 2014, promised to return to civilian rule. Elections could not have been timelier, immediately following the crowning of the new Thai Monarch in May, and preceding the first of the two annual ASEAN Summits in June 2019. The relative stability of the junta era has thus far been retained, as the pro-junta party Pralang Pracharat won the popular vote and formed a government with former junta leader General Prayuth Chan-Ocha as the now elected non-parliamentarian Prime Minister. However, the ballot forced Palang Pracharath into a 19-party coalition government, holding a slim majority in the lower House of Representatives. Coalition in-fighting has already been widely reported, and

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PM Prayuth eventually formed a new cabinet that reflects patronage politics and a continuation of junta politicians under a different name.  

Against this backdrop, it is heartening to see that the country’s domestic dynamics have so far not affected Thailand’s performance in ASEAN, nor in hosting ASEAN summits – despite a minor bomb explosion that caused no significant damage.

Thailand has laid out a theme for its year at the helm of the regional association – “Advancing Partnership for Sustainability”.

“Advancing” refers to the need for ASEAN to adapt to the threats of the digital world and find creative solutions to harness advances in technology for the region’s well-being and competitiveness.

“Partnership” is the realisation that no one country alone can solve the complex issues facing the region. Internally, ASEAN must find a common voice on these issues. Even a united ASEAN cannot achieve this alone, and it must forge strong bonds with external partners in order to strengthen the ASEAN-centred regional architecture and reinforce a multilateral and rules-based trading system, to promote connectivity and sustainable economic and security cooperation. Partnership also seeks to advance multi-stakeholder cooperation wherever possible. Governments alone cannot succeed in managing challenges of human security and reaping the rewards of digital connectivity, and thus, need to engage industry and civil society.

“Sustainability” accepts the need to build the ASEAN Community on sustainable grounds. In all dimensions, ASEAN must prioritise sustainable growth and development, and sustainable security. Additionally, the annually rotating nature of the ASEAN Chair runs the risk of short-term initiatives. Hence, Thailand prioritises institutional continuity of policies and cooperation, such as establishing and upgrading a total of seven ASEAN Centres and continuing the ASEAN Smart Cities Network.  

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3 This paragraph is the result of a discussion this author had with Dr Suriya Chindawongse, Director General, Department of ASEAN Affairs, and Mrs Busaya Mathelin, Permanent Secretary, both at the Ministry of Foreign Affairs Thailand, on December 8, 2018 in Bangkok, Thailand.
The 34th ASEAN Summit

Now, half-way through its chairmanship, Thailand successfully hosted the 34th ASEAN Summit and made some respectable progress along all three pillars of the ASEAN Community. In addition to the three issues discussed below, ASEAN leaders welcomed several noteworthy developments, such as the inclusion of the ASEAN Centre of Military Medicine as a subsidiary body under the ADMM in Annex 1 of the ASEAN Charter, and continuing interest of applicant Timor-Leste to join ASEAN, which will soon receive three ASEAN fact-finding missions for the respective pillars.

Particularly sensitive and potentially divisive issues have been kept relatively low key. The Chairman’s Statement4 made no mention of the Mekong at all, while the South China Sea was discussed in an uncontroversial manner in items 53 and 54. Leaders did note ‘some concerns’ (a phrasing that suggests internal divisions) on land reclamations, and emphasised the importance of non-militarisation and self-restraint. Good progress was announced on the Code of Conduct (CoC) for the South China Sea.

The Malaysians were rather outspoken on the situation in Myanmar’s Rakhine State, with both the Prime Minister and Foreign Minister on different occasions during the summit calling for “justice” in the Rohingya crisis, and calling on Myanmar to grant citizenship to the displaced Rohingya following repatriation; something Myanmar’s government refuses to do. While avoiding the controversial term "Rohingya", the Chairman's Statement supported a more visible and enhanced role of ASEAN to support Myanmar’s efforts in this regard.5

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5 Op. Cit., Item 42, 43.
Three Key Issues Across Three Pillars

1. APSC: ASEAN’s Indo-Pacific Dilemma

The summit filled a void in the ongoing international “Indo-Pacific” debate. Various countries have previously released their own Indo-Pacific strategies and concepts, suggesting a redefinition of geo-strategic Asia. Yet, the organisation that is supposedly the fulcrum of Asian regionalism had remained silent. Eventually, ASEAN released its own document: the ASEAN Outlook on the Indo-Pacific (AOIP).6

Notwithstanding continuous reassurances throughout the summit by ASEAN leaders regarding ASEAN’s central role in the region and its collective bargaining power,7 ASEAN centrality has come under severe stress, internally and externally. In that light, it was sensible and timely for ASEAN to speak with one voice on geopolitical shifts.

The main question for ASEAN is: What is AOIP supposed to be? ASEAN’s independent vision of a new regionalism, broadening the Asia-Pacific by strategically incorporating the Indian-Ocean, and India specifically; or is AOIP an attempt to converge existing visions and reconcile those with ASEAN’s own interests? The eventual content of the AOIP suggests it may be the latter.

Content also suggests that the deliberation process involved considerable soul-searching for ASEAN, reflective of ASEAN’s Indo-Pacific ambivalence. The AOIP does not once directly address strategic competition among major powers in the region. And yet, the entire document seeks to distance ASEAN from precisely this strategic competition.

Intra-ASEAN differences are complicated by lingering uncertainty as to what AOIP’s conceptual priors, such as Washington’s Free and Open Indo-Pacific, really are: pragmatic updates on the geopolitical status quo; accepting the increasing significance of India as well as China’s deeper reach into the Indian Ocean; or rather barely concealed containment strategies by the Quad countries and others against China?

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Many in ASEAN think it is predominantly the latter, and prudently believe that ASEAN should not play a role in any overt containment, complicating China’s relations with ASEAN, and thus, remain neutral. At the same time, if ASEAN leaders intend to retain ASEAN centrality, they must stay on top of the discourse as well as actively shape the evolving order. Considering ASEAN’s Indo-Pacific dilemma, AOIP is a remarkable document for ASEAN and reflective of a fine balance struck internally between the necessary and the possible.

With AOIP, ASEAN pursues three predominant objectives: to retain ASEAN’s central role in regional multilateralism; to influence existing Indo-Pacific agendas so as to maximise benefits for ASEAN and uphold its principles; and to maintain an entrance door for China by pacifying potential anti-China elements within those Indo-Pacific agendas. It does so by reinforcing ASEAN’s core principles of sovereignty, inclusivity, and a regional order anchored in international law, multilateralism, and peaceful cooperation.

The AOIP primarily reiterates ASEAN’s position that ASEAN-led mechanisms must be preserved, and further, henceforth utilised as platforms for implementation of Indo-Pacific cooperation. Accordingly, it distances ASEAN from strategic competition and seeks to create synergies among existing frameworks and mechanisms in order to maximise cooperation and advance strategic trust. In other words, the perpetuation of the multilateral status quo.

Second, the AOIP specifically invites functional cooperation on several key areas. It encourages ASEAN’s partners to support and cooperate with ASEAN within – for example, the East Asia Summit (EAS), and issue specific inter-institutional cooperation, also anchored in ASEAN-led mechanisms. The AOIP, therefore, prescribes inclusiveness through the backdoor, rather than signing up to binary US–China competition.

The AOIP is an overdue united ASEAN voice; ASEAN’s attempt to recoup the discourse initiative amidst competing geopolitical narratives. It has at least three immediate outcomes.

First, it is a direct invitation to use ASEAN-based mechanisms as facilitators for Indo-Pacific cooperation, putting pressure on ASEAN’s partners to respond.

Second, the AOIP provides ASEAN members with a common compass regarding the Indo-Pacific debate and offers some breathing space. ASEAN took a timely stance on a debate, which is essentially one about reconstructing a region, whose geographical centre is Southeast Asia, and whose institutional
hinge is supposedly ASEAN. Arguably, this follows a long-led ASEAN tradition of formulating positions and treaties astutely so as to buy breathing space from all external parties – reassure all, side with none. Even if the immediate impact on major power rivalry may be marginal, it has shown that ASEAN can speak with one voice and seeks to define the region as an arena for positive-sum cooperation rather than security competition.

Third, by inviting ASEAN partners to inclusive cooperation and peaceful and sustainable management of resources and the regional commons in multiple areas, including the maritime domain, the AOIP pacifies the Indo-Pacific discourse, hitherto biased towards containment. This is how ASEAN has historically navigated its dilemmas, and the AOIP is a further milestone in that regard. This initiative can advance cooperation for sustainable security in the region and reinforce strategic trust, as laid out in Thailand’s Chairmanship concept.

2. AEC: Concluding RCEP

The RCEP is one of the trickiest and most important items on the multilateral agenda in Asia. A free-trade agreement (FTA) between ASEAN and six of its dialogue partners (India, China, Japan, South Korea, Australia, and New Zealand), the RCEP is poised to become the second major Asia-led mega-FTA after the Comprehensive Progressive Trans-Pacific Partnership (CPTPP). ASEAN’s main objective is the consolidation of five existing ASEAN+1 FTAs into a single mega-FTA, the conclusion of which is one of Thailand’s key economic deliverables for 2019, with 10 of Thailand’s top-15 trading partners being parties to the RCEP. Indeed, having all ASEAN members and its regional key partners under one mega-FTA will significantly advance ASEAN’s economic connectivity through easier trade and investment. The RCEP aims to eliminate tariffs on some 90 per cent of traded goods within 15 years, and will go a long way in lowering regional trade barriers. It offers an integrated market of 3.6 billion people that contributes a third of global GDP, 29 per cent of global trade and 26 per cent of the world’s foreign direct investment flows.

However, negotiations have been difficult and many observers doubt that the RCEP can be concluded before Thailand hands over the ASEAN chairmanship to Vietnam. Negotiations have been ongoing since 2013 and seem stuck with less than half of the chapters completed. Important items such as intellectual property are still open, and Australia and New Zealand have expressed concerns over labour and environmental standards.
Most complicated among all issues are China-India disagreements on rules of origin and market access. Considering unequal development across the RCEP member countries and the absence of existing bilateral FTAs among ASEAN’s plus-partners to draw on, market access impasses are particularly difficult to resolve. India is not yet willing to commit to drastically opening its markets in goods, while Beijing, and others, are not willing to accept New Delhi’s offer of much lower access or, alternatively, substantial concessions on items where India sees its competitive advantage (e.g., services). In fact, Indian manufacturers pressured the Commerce Ministry not to lower duties vis-à-vis China, fearing the competition. But, New Delhi is hesitant to ditch the RCEP altogether, lest it misses out on the huge opportunity to expand trade and investment in East and Southeast Asia. Despite the worrying, but telling sign to only send Commerce Minister Piyush Goyal’s Vice-minister to the latest round of ministerial RCEP talks in August, negotiations to achieve year-end conclusion are ongoing.

Nonetheless, China has proposed to proceed with an ASEAN+3 version of the RCEP (excluding India, Australia, and New Zealand), and this has resonated with Malaysian Prime Minister Tun Dr Mahathir. He remarked on the sidelines of the 34th ASEAN Summit that this proposal may be worth considering, but was rightly rebuffed by other ASEAN leaders.

Such complications notwithstanding, and although falling short in some areas, such as incomplete tariff cuts and long implementation deadlines, RCEP’s conclusion is of incredible importance and should be pursued relentlessly. It is complementary to the World Trade Organization agenda, under threat by global mercantilist populism that espouses protectionist trade policies. The RCEP can offer an optimistic alternative for regional economic cooperation – a ASEAN-centric, pro-integration FTA.

Not only due to the US-China trade war, for ASEAN and its plus-countries it is imperative to form regional trading arrangements to secure stable rules. It will be the first-ever agreement among ASEAN’s partners and, with ASEAN at the centre, deliver economic net gains in Asia and globally. The RCEP can promote regional economic integration and build shared approaches to trade and

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investment. All things considered, writing inclusive multilateral trade rules also aligns well with Thailand’s partnership approach.

3. ASCC: Taking on Marine Pollution

Marine pollution is a substantial challenge and Southeast Asia is one of the world’s biggest offenders. Plastic pollution in particular threatens food security, public health, and the fishing and tourism industry. Eighty per cent of all marine pollution originates on land, 90 per cent of which is transported into the oceans by 10 of the world’s most polluted rivers; eight of those are located in Asia. Due to a lack of appropriate waste management and legislation by the riparian countries, the Mekong River, for example, is a major channel of pollution. Such transboundary environmental challenges strongly demand regional solutions, and with five ASEAN countries among the 10 worst global ocean polluters, ASEAN is a logical platform to tackle this major challenge. If ASEAN leaders allow marine pollution to progress at the current rate, ASEAN will fail to deliver on its ASCC promises and disappoint in building a people-centred ASEAN. In line with Thailand’s chairmanship theme, marine debris should be seen as a common environmental challenge, threatening the well-being and socio-economic development of ASEAN citizens, and should be tackled by a multi-stakeholder approach.

Southeast Asian governments had individually already legislated on the matter, but now ASEAN has committed itself in strong terms to reduce marine waste at both the national and regional level – possibly expedited by a global call to combat climate change. ASEAN leaders expressed their strong concern over the high and rapidly increasing levels of marine pollution, and acknowledged an urgent need for strong regional collaboration among member states and with ASEAN’s partners to effectively address this issue.

To that end, the summit adopted the Bangkok Declaration on Combating Marine Debris in ASEAN Region and the ASEAN Framework of Action on

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Marine Debris,\textsuperscript{14} which can substantially advance Southeast Asia’s positive trajectory on the national and regional level. Leaders aim to tackle the problem in a holistic land-to-sea approach. The framework establishes four priority areas: policy support and planning; research, innovation, and capacity building; public awareness, education, and outreach; and private sector engagement. Each priority area is endowed with actions and suggested activities for further collaboration on an ASEAN level in combating marine debris. Among them is a call to develop and implement long-term and robust strategies to combat marine debris, including comprehensive waste management systems. Also encouraged are multi-stakeholder partnerships with industry and CSOs in order to sustainably manage and exploit common resources, reiterating Thailand’s ambition to forge strong partnerships.

Despite falling short of binding and punitive measures, the framework suggests to develop and implement extended producer responsibility policies and schemes, including Design for the Environment and recycling to be implemented on national level, as well as to incorporate international laws and agreements related to waste management into ASEAN. Rather progressively in ASEAN terms, leaders pushed the non-binding and non-intrusive ASEAN boundaries: initiatives and solutions are regionally conceived and clearly defined policy proposals would have to be implemented on a national level.

This effort demonstrates ASEAN's commitment to addressing an important marine pollution problem in an effective and sustainable manner, and is in sync with Thailand’s Chairmanship theme as well as the United Nations’ Sustainable Development Goals (SDGs). The declaration and framework commit ASEAN to take environmental challenges into account and advance ASEAN’s capacity to tackle them. Even though combatting plastic pollution should be a matter of common interest, binding multilateral commitments often prove difficult to achieve. ASEAN’s initiative is a great step forward in this regard.

\textsuperscript{14} Both are available at the ASEAN Secretariat 2019: Statements & Communiques, June, https://asean.org/2019/06/?cat=21.
Recommendations to the Chair

The above suggests a number of policy initiatives:

(a) Developing the functionality of AOIP

The AOIP invites ASEAN partners to concretely cooperate in a number of areas and ASEAN should repeat this at upcoming forums, such as the ADMM+, ARF, and EAS. Going forward, ASEAN should capitalise on this momentum and propose concrete projects with existing regional mechanisms, in particular pertaining to environmental issues, digital connectivity, and connecting various hard infrastructure projects.

To prevent diluting its relevance, ASEAN should continue to proactively promulgate what its own role should be, and where it can add value to the process of shaping, organising, and managing regional relations. The AOIP’s provision for a Treaty of Amity and Cooperation in Southeast Asia based on an ‘appropriate ASEAN document’ for the Indo-Pacific region is a chance for ASEAN to stay relevant and ahead of the curve, and one it should use.

(b) Moving ahead with an inclusive RCEP to complement AOIP

Because of RCEP’s potential boost to regional growth and its symbolism, it is recommended to move forward with the agreement and reach speedy conclusion.

However, inclusive conclusion is preferable to speedy conclusion and while it is still possible to conclude RCEP-16, the Thai Chair ought to pass on RCEP conclusion to Vietnam as work in progress, should an inclusive agreement remain elusive. The RCEP, rather than an ASEAN+3 FTA, complements the AOIP, widening its focus from Asia- to Indo-Pacific in concrete terms, and having India on board, which is highly desirable for both its market and to act as a counterweight to China. Nonetheless, watering down the pact to facilitate Indian concerns is not advisable. The alternative is a deadline extension to India for RCEP-conforming tariff reductions, which is not ideal, but is better than not being able to achieve the larger good.

The 28th round of negotiations in Vietnam in October will be particularly important, as this is the last round before the 3rd RCEP Summit in November, when negotiations should be wrapped up if Thailand is to fulfil its ambition. The Thai chair has already mobilised a common ASEAN position on the objective of concluding RCEP this year. And Bangkok’s strategy going forward ought to
be to ensure a common ASEAN position on the outstanding chapters at the 51st ASEAN Economic Ministers’ Meeting (AEMM) in September, facilitating a compromise among the remaining RCEP members in Vietnam and at the next RCEP Ministerial Meeting.

(c) Following up on marine debris

ASEAN failed to adequately address the primary root cause, that is, the production and use of single-use plastics. It should push boundaries even further to fulfil the promises of both a people-centred ASEAN Community and the UN SDGs. To achieve this, it must work towards having binding and quantifiable commitments and mechanisms to achieve a substantial reduction in production and use of single-use plastic.

Simultaneously, ASEAN ought to facilitate innovation on reusable packaging and alternative delivery systems in an appropriate to be established ASEAN Centre.

Moreover, ASEAN members should impose an immediate ban on all imports of plastic waste, including supposedly recyclable waste.
About the Author

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