

Membership Status of Timor Leste: Becoming A Member of ASEAN

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Abstract. The Association of Southeast Asian Nations (ASEAN) has recognized Timor Leste as its 11th member. ASEAN was formed on August 8, 1967. This organization was formed due to the strong desire of the ASEAN founders to create a peaceful, secure, stable, and prosperous Southeast Asia region. The decision to admit Timor Leste was communicated by a statement letter from ASEAN leaders in the scope of the 40/41 Summit, agreeing: in principle, recognizing Timor Leste as ASEAN's 11th member. Allow Timor-Leste to participate in all ASEAN meetings, including the Summit plenary, as an observer. ASEAN will design a path to prepare Timor Leste for full membership, which will be reported at the 42nd ASEAN Summit in 2023. All ASEAN member nations and other partners must fully support Timor Leste in its efforts to attain full ASEAN membership via capacity-building assistance and other means.

Keywords: ASEAN, Member, Southeast Asia, Timor Leste

1. Introduction

Southeast Asia is an important geopolitical and economic area. This is recognized by countries both inside and beyond Southeast Asia. Prior to the establishment of ASEAN on August 8, 1967, Southeast Asian countries made a number of intra- and extra-regional efforts to foster regional cooperation, including ASA (Association of Southeast Asian Nations), MAPHILINDO (Malaya, Philippines, Indonesia), SEAMEO (South East Asian Ministers of Education Organization), SEATO (South East Asia Treaty Organization), and ASPAC (Asia and Pacific Council). Communication had also improved between Southeast Asian states and countries outside the region at the time, owing primarily to the efforts of ECAFE (the Economic Commission for Asia and the Far East), the Colombo Plan, and the Asia-Africa Conference (KAA).¹

In this regard, Southeast Asian countries realize the need to form cooperation to improve their standard of living, reduce mutual suspicion, and encourage the development of cooperation. The geopolitical developments in Southeast Asia after 1965 greatly influenced efforts to find common solutions to various problems faced by countries in this region.

The good consequence of lessening collective mistrust and violence among Southeast Asian countries has urged the establishment of indigenous cooperation groups. ferocious exemplary meetings between Indonesia Foreign Minister, Malaysia, Singapore, Thailand and Philippines redounded in the draft Joint Declaration, which includes a recognition of the need to ameliorate collective understanding in order to live as good neighbors and to foster salutary cooperation among countries that are formerly linked by literal and artistic ties. The Declaration of ASEAN, also called as Bangkok Declaration, was inked in Bangkok, on August 8th, 1967 by Deputy Prime Minister of Malaysia, Indonesia Foreign Minister, Philippines, Singapore, and Thailand, and it established the Association of Southeast Asian Nations (ASEAN).²

The 1967 Bangkok Declaration explicitly set out the aspirations and political commitment of the leaders of the ASEAN founding countries to unite in a forum for cooperation. The reason for the formation of ASEAN was based on political will, namely the common desire to create regional stability, which is very necessary for the national economic development of countries in the region.

According to the ASEAN Charter, Timor Leste's must fulfilled some requirements of Article 7 ASEAN Charter, which includes, among other things, a. all ASEAN Member States Recognition; b. agree to submit and to be bound to the ASEAN Charter; and c. have ability and desire to carry out obligation as member of ASEAN. At the Cambodian ASEAN Summit held in November 2022, Timor-Leste was introduced for the first time as a new member but has not yet fully joined ASEAN. The problem that arises is how to ensure Timor Leste's membership status in ASEAN and what needs to be fulfilled by Timor Leste to be recognized as a full member of ASEAN.

This study aims to determine the membership status of Timor Leste in ASEAN, and its obligation after receiving status as a member of the Organisation.

2. Method

Normative legal research also known as library research method used in this study, and this method is part of legal science field. The approach used is the statutory approach, and historical approach. Law is the major topic of the study, which can defined as regulation or social standard that serves as guideline for everyone's conduct or behaviour. Inventory of Positive Law, Doctrine and Legal principles, in concreto instances legal discovery, legal systematics, synchronization degree, comparative law, and legal history are therefore the subject of normative legal study.³ The purpose of this research is to determine if laws are vertically compatible or horizontally compatible when it comes to equal legislation in the same subject. If research is being conducted on the level of vertical synchronization, the scope becomes numerous rules of varying degrees that control specific (identical) lives⁴.

3. Results and Discussion

Formerly East Timor was Portuguese colony, which at the time that colony was called Portuguese Timor. The situation in Portuguese Timor changed after the flower revolution occurred on April 25, 1974. The issue of decolonization gave birth to the politics of decolonization, especially in the Province of Portuguese Timor. First, the Acgro Nacional Popular (ANP) party was disbanded, the only party that could exist in Portuguese Timor. Furthermore, the people are allowed to form parties. Not long after, in June 1974 to be exact, three offers appeared from Lisbon, namely continued union with the Portuguese, independence, or integration with Indonesia. These choices have led to sharp differences within the bodies of the newly established parties⁵.

Two days after Fretilin unilaterally declared the Democratic Republic of Timor, the four political parties representing the majority of Portuguese Timorese agreed and issued the Balibo Declaration at Balibo, near the border. The November 30, 1975 Declaration was a statement of agreement on behalf of the people of East Timor (formerly Portuguese Timor) proclaiming the incorporation of the former Portuguese Timor into the unitary state of the Republic of Indonesia as the 27th province, East Timor, while requesting the Government of Indonesia to complete the formulation and implementation of the declaration in collaboration with the people of East Timor.⁶ Indonesia launched sea, air and land attacks to Timor Leste on December 7th, 1975. The UN promptly criticized the incursion. On December 22, Resolution 384 overwhelmingly approved by UN Security Council, the resolution acknowledges the right of East Timor people for their self-determination and independence. This resolution also establishes the United Nations' stance in Timor-Leste for the following 24 years.

In its development, the MPR was then ratified through TAP MPR IV/MPR/1978 in 1978. Since then, the saga about Timor Leste has continued to roll, and the agenda for discussing the Timor Leste issue by Indonesia has continued to be included in the UN General Assembly⁷. The entry of Timor Leste into Indonesian territory in 1976 was inseparable from the determinants of the international political constellation during the Cold War. At that time, Indonesia's entry through military operations into Timor Leste received the blessing of Western liberalist countries that did not want to see Timor Leste become independent under the leadership of Fretilin and turn into the Cuba of Asia. This brought up the discourse of upholding human rights, and this became an anticlimactic point for Indonesia's struggle to win its sovereign status at the international level for this youngest province.

When the reforms took place in 1999⁸, the struggle of the pro-independence groups in Timor Leste had the best momentum to realize their aspirations, free from Indonesian sovereignty. The weakening of national political stability and coordination following the fall of Suharto and the

rise of his successor (Habibie), who at that time were already quite bothered by the problem of the collapse of the national economy due to the monetary crisis since 1997, as well as the rise of international demands for the new government to open wide the faucet for democratization in Indonesia, ushering in the issuance of the second option offer in early 1999 for the resolution of the Timor Leste problem. As a result, very convincingly," the pro-independence group won absolutely in the poll (78.5%). Thus, the youngest country in the world was born at the end of the 20th century: The Democratic Republic of Timor Leste.⁹

When the regional and international situation changed, the Association of Southeast Asian Nations (ASEAN) regional organization was formed on August 8, 1967. ASEAN was established in reaction to the two great nations that dominated international affairs at the time, the Soviet Union (communist) and the United States (liberal). ASEAN was founded by five nations: Indonesia, Singapore, Malaysia, Thailand, and the Philippines. ASEAN was formed through various efforts to form regional organizations that were limited in the scope of selecting their members. As a sign of the founding of ASEAN, the representatives of the five countries signed five articles that we now know as the ASEAN Declaration.

ASEAN have objectives and aims as stated in Bangkok Declaration, they are :

1. Accelerating progress of economic in region , cultural and social development in the region of ASEAN via joint natural efforts with spirit of equality and friendliness to provide the groundwork for a prosperous and peacefull the Community in Southeast Asia.;
2. Promoting peace and stability situation in regional area by upholding justice and the rule of law and adhering to the ideals of the United Nations Charter;
3. Actively encourage collaboration between members of ASEAN, also mutual aid in topics of shared interest in the economic, social, technological, scientific, and administrative spheres;
4. Providing reciprocal aid in the shape of research facilities and training in the education domain, Profession, engineering, and administration;
5. Increasing the use of agricultural and industrial each member of organization, expand trade and investigate international commodity concerns, develop transportation and communication facilities, and raise their peoples' living conditions;
6. Encouraging the studies of Southeast Asian.

Based on Bangkok Declaration, ASEAN described as an open organization to embracing the participation of Southeast Asian countries as long as the countries around the region of Southeast Asia share the same commitment to strengthening cooperation within ASEAN. Time is running out, starting with only 5 (five) countries, in 2019, ASEAN already has 10 countries; including Indonesia, Singapore, Malaysia, Thailand, Philippines, Laos, Cambodia, Myanmar, Vietnam, and Brunei

Darussalam. By looking at the performance of regional organizations in Southeast Asia, ASEAN's bargaining position in the eyes of the world becomes important. The main factor that makes ASEAN important is that, if the total population is combined, the ASEAN regional organizations already represent 10 percent of the total population globally. The next driving factor is demography, with demographic characteristics supported by a large number of productive populations. The ASEAN Regional Organization also has great potential to benefit from the economic and service sectors. With these advantages, ASEAN is predicted to be ranked as the 7th largest economy in the world. This achievement is projected to rise to rank 4 in 2050¹⁰.

The Member of ASEAN States have Rights and Obligations as described in article 5 ASEAN Charter. Regarding Article 30 in the last point, this is related to consultation and consensus, if there is a serious violation of Article 20 an ASEAN Summit will be held to decide on the steps to be taken regarding serious violations committed by member countries. Although ASEAN introduces itself as a regional organization that is open to accepting the presence of new countries within the framework of cooperation, there are several conditions that must be met by a country in order to be accepted as a member of ASEAN, apart from paying attention to the provisions related to the rights and obligations in Article 5 of the ASEAN Charter. As stipulated in the ASEAN Charter, which was ratified on October 11, 2015, the procedure for applying for and accepting ASEAN membership must be regulated by the ASEAN Coordinating Council. The next requirement is the fulfillment of the criteria listed in paragraph 2 (two) of Article 6 (six) of the ASEAN Charter. Related to the Acceptance of ASEAN New Member Countries listed in article 6 of the ASEAN Charter states that:

1. The Coordinating Council must regulated the procedure for applying and accepting ASEAN Membership.
2. The Criteria for acceptance membership must be follow these criteria:
 - a. The geographical location of new member is recognized as being in Southeast Asia region;
 - b. Must be recognized by all Organization Member;
 - c. Agree to be bound and being subject to the ASEAN Charter; And
 - d. Have ability and commitment to perform ASEAN membership obligation.
3. Based on the recommendation of Coordinating Council, the new member acceptance must be decided by consensus in The ASEAN Summit.
4. The country applicant must be accepted by ASEAN at the time of signing the Instrument of Accession to the Charter.

The initial step that can be taken by a country wishing to join the ASEAN organization is to act as an observer. This is important and mandatory in nature, with the aim that the country can know the mechanisms, principles, and rules of the game in ASEAN. After going through these stages, the decision of new membership will be made by consensus through ASEAN Summit based

on the recommendation The Coordinating Council, accompanied by a special inauguration ceremony. In the final stage, the applicant country must be accepted by all ASEAN members at the time of signing the Instrument of Accession to the Charter.

Timor-Leste "really" emerged as a new country in the Southeast Asian region on May 20, 2002. Like a newly independent country, Timor Leste has made many efforts to ensure that its existence is recognized de jure and de facto by countries around the world. In general, Timor-Leste is a humanist and democratic country. Of course, it is not difficult to carry out diplomacy with ASEAN member countries that are within the scope of the Southeast Asian region. Since 2002, the country has made various efforts to smoothen its approach to ASEAN in order to adapt and participate in the agendas and activities held by ASEAN.

The things that Timor-Leste is trying to offer ASEAN are very diverse. The first attempt made by Timor-Leste was to carry out open diplomacy. Timor-Leste's tendency to open diplomacy is manifested through the formation of cooperation in various fields. The concrete manifestation that has been carried out is the opening of embassies in ASEAN member countries, complete with regular visits by Timor Leste. Another form of diplomacy is the presence of Timor-Leste in various general meetings and special conferences held by ASEAN. Another effort was made in 2005 when Timor-Leste joined the ARF (ASEAN Regional Forum) and signed the TAC (Treaty of Amity and Cooperation). The climax was when, in 2011, Timor-Leste submitted a full membership status application to ASEAN on March 4¹¹.

It should be noted chronologically that, the first time Timor Leste participated in ASEAN activities was in 2005 during the ASEAN Regional Forum, in 2007 Timor Leste acceded to the ASEAN Friendship and Cooperation Treaty, officially in 2011 Timor Leste introduced itself as the 11th member state, then in November 2022 at the 40-41st ASEAN Summit in Cambodia the Timor Leste bond applicant was accepted, then at the 42nd ASEAN Summit in 2023 the full disclosure roadmap for Timor Leste as the 11th member of ASEAN was adopted. Up to now Timor Leste has not fully become a member and still has status as a monitoring country (observer) in which Timor Leste was officially included at the 42nd ASEAN Summit in Indonesia. In the context of Article 6 especially related to the criteria points (a) to (d) Timor Leste has fulfilled it, as evidenced by the geographical area of Timor Leste which is part of the Southeast Asia Region; further on the terms of recognition, that the receipt of Timor Leste's application as a member proves that the existence of Timor Leste as a member state has received recognition; by adopting the full bidding path at the ASEAN Summit proves that Timor Leste rejects, binds and submits to the charter and is then able to have the will to carry out its obligations.

In order to fulfill these criteria before receiving full membership status and having equal rights with other ASEAN member countries, Timor Leste must implement provisions and adjust agreements in the economic, socio-cultural and political fields. Timor Leste's full membership also cannot be determined because it has not implemented the provisions of Article 5 Paragraph 2 of the ASEAN Charter. In addition, Timor Leste must meet development criteria both physically and non-physically in order to meet ASEAN standards, for example physical development by building an International Airport, ASEAN Representative Offices, and Timor Leste country representative offices in all regions of ASEAN member countries, in the context of development non-physical Timor Leste needs to increase the number of diplomats working as Timor Leste's representatives to ASEAN, in addition to acceding to all ASEAN provisions which were later adapted into Timor Leste State Law, as well as increasing the number of civil and military personnel in accordance with ASEAN work standards.

4. Conclusion

Whereas with the acceptance of Timor Leste's application as a member of ASEAN, the provisions of Article 6 of the ASEAN Charter have indeed been fulfilled for the most part. Acceptance of this membership application has not yet strengthened Timor Leste's status as a permanent member of ASEAN, this is because there are provisions in Article 6 of the Charter that have not been fulfilled and are still in the process of being fulfilled by the applicant country, especially in relation to Article 6 paragraph 2 point (d) which where the ability and desire to carry out obligations as a member of ASEAN must be proven and monitored in advance which is strengthened by referring to Article 5 Paragraph 2, where the implementation related to the fulfillment of Article 5 Paragraph 2 is still in process. Fulfillment is related to the ability and desire to carry out this obligation, for example, having to carry out physical and non-physical development standards in accordance with the standards set by ASEAN.

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