

THE PHILIPPINES' ASEAN CHAIRMANSHIP: GAINS AND MISSED OPPORTUNITIES

by *Jeremie P. Credo*

At the closing ceremony of the 31st ASEAN Summit on 14 November 2017, the Philippines turned over the rotating chairmanship of the Association to Singapore. This concluded an eventful year marked by visits from world leaders that captured international attention, meetings held in different parts of the archipelago, and grand celebrations to commemorate ASEAN's 50th founding anniversary. With the Philippines' chairmanship concluded, it is now opportune to look back at what ASEAN has accomplished in the past year, and assess how the Association fared in responding to different regional issues.

Beyond the successful conduct of meetings and the festivities, the Philippines' ASEAN Chairmanship should be appreciated on the basis of the documents and declarations that were delivered. This is because the agreements, documents, and programs that seek to bring benefits to the people are what will guide and drive the ASEAN Community. These are also what makes ASEAN a true "partner for change" that "engages the world", especially now as it enters a new chapter in its existence.

Tangible gains

With "people-oriented and people-centered ASEAN" and "resilience" among the thematic priorities of the Philippines' chairmanship, over a dozen outcome documents were completed on the issues of youth development, promotion of women, gender responsiveness, addressing malnutrition, antimicrobial resistance, and disaster health management.

But what is arguably the highlight of the 31st ASEAN Summit in November 2017 in Manila was the adoption of the Consensus on the Protection and Promotion of the Rights of Migrant Workers. After years of protracted negotiations since the 2007 Declaration on the Protection and Promotion of the Rights of Migrant Workers—also spearheaded by the Philippines during its chairmanship in 2006-2007—ASEAN was able to follow it up with another document that addresses an issue affecting many of its people.

Labor migration and migrants' rights in ASEAN are two complex issues where socio-economic and political-sovereignty concerns intersect. Both sending and receiving states have greatly benefited from foreign labor as migrant workers contribute to the economic productivity and development of both countries of origin and residence. However, guaranteeing the rights of migrant workers encompasses labor legislation and general human rights, which can be difficult to balance given the diverging views and interests of labor-sending and labor-receiving ASEAN Member States.

While many observers find the Consensus still wanting—with their preference for a legally binding instrument—it is nonetheless a step forward for ASEAN's efforts to promote and protect the rights of migrant workers. The Consensus articulates key principles, specifically defines who are considered migrant workers and undocumented workers, identifies the rights of these workers and their families, and enumerates the obligations of all ASEAN Member States. Certainly, much needs to be done in bridging the gaps surrounding labor migration, and as the Consensus provides a

common ground and reference point for both sending and receiving states, many observers will look forward to the national implementation of these commitments and to the possibility of having more bilateral initiatives to address the issue. Further, it is hoped that ASEAN Member States will eventually be able to think larger and beyond their own nationals, and move towards protecting and promoting the rights and welfare of all peoples of the ASEAN Community.

Another highlight was the ASEAN Declaration on Culture of Prevention for a Peaceful, Inclusive, Resilient, Healthy and Harmonious Society. The declaration seeks to develop a change in mindset regarding societal problems such as violence against women, children, and vulnerable groups, terrorism, and drugs. Instead of merely responding to these challenges, ASEAN Member States are called to be more preventive by addressing underlying causes such as poverty, lack of access to social services and employment opportunities, corruption and bad governance. The Declaration is important as it highlights ASEAN's commitment to become a truly people-oriented and people-centered Community. It also stresses the importance of cooperation across the three pillars of ASEAN, among different sectoral bodies, and among different stakeholders in developing a new "culture of prevention."

Aside from the outcome documents, ASEAN also focused on regional issues such as the South China Sea disputes, the situation in the Korean Peninsula, and terrorism. Following the rising threat of the Islamic State in Southeast Asia, as witnessed in the Marawi crisis, the Philippines also led the discussions on countering terrorism and stressed the importance of bilateral and multilateral cooperation on this issue. ASEAN Leaders also emphasized the need to combat cybercrimes and mitigate the impact of climate change. On the situation in the Korean Peninsula, ASEAN reiterated its call for de-escalation of tensions and efforts towards denuclearization. While on the South China Sea, ASEAN completed with China the framework for a Code of Conduct on the South China Sea, with negotiations for the actual code expected this 2018. ASEAN and China also declared a Decade of Coastal and Marine Environmental Protection in the South China Sea, and simulated a crisis hotline among their foreign ministries. These documents are aimed at promoting mutual commitment from both ASEAN and China to better manage and protect the marine environment and to prevent and manage incidents at sea.

Missed opportunities

Despite the many important declarations and meetings to promote cooperation, there were still issues that confronted ASEAN in the past year where the Association could have taken more leadership. A common criticism about ASEAN is its seeming inability to reach a common position and provide tangible solutions, particularly to sensitive security issues.

One of the most sensitive issues remains the South China Sea (SCS) disputes. On the one hand, the improvements in the Philippines-China relations has arguably contributed to a more positive political environment between ASEAN and China. This has allowed the two sides to continue dialogue, conclude the framework COC, and push through with the actual COC negotiations. On the other hand, developments on the ground, particularly the expansion of reclamation activities in the contested features, continue to generate mistrust and anxiety in the region and preclude the prospects of any lasting solution. Thus, the challenge for ASEAN is how to capitalize on this momentum in its relations with China to build mutual trust. It is imperative that ASEAN works with China towards the expeditious conclusion of a substantive and effective COC. Further, ASEAN should remain united in calling on all parties to uphold principles of non-use and non-threat of force and peaceful settlement of disputes in accordance with international law including 1982 UNCLOS.

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Another crucial issue that awaits ASEAN's response is the worsening humanitarian situation in Myanmar's Rakhine State. The Rohingya issue began as an internal problem in Myanmar that has become a regional concern due to violations of human rights, massive migration, trafficking in persons, and potential linkages to radicalism and terrorism. ASEAN's acknowledgement of the worsening situation is crucial, but equally important is its ability to take action. On the one hand, ASEAN has urged Myanmar to implement the recommendations of the Advisory Commission on Rakhine State, ensure the safety of civilians, take immediate steps to end the violence, restore normal socio-economic conditions, and address the refugee problem. ASEAN's Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Center) has also actively played a role in providing assistance to the Rohingyas. On the other hand,

any meaningful solution to the humanitarian situation would eventually require Myanmar's acknowledgement of the problem and its recognition of the Rohingyas. Otherwise, Myanmar could put ASEAN in a difficult and compromising situation, thus weakening the Association's credibility.

Conclusion

ASEAN, during the chairmanship of the Philippines, excelled in delivering substantial gains on issues concerning people's welfare, but was not spared from unmet expectations on addressing political-security issues. Finding a consensus among diverging interests proved to be a challenge. Still, the Philippines was able to accommodate perspectives and find a common ground.

While an ASEAN Chair has the ability to set the agenda and forward new initiatives for the Association, achieving results is always a long-term process and is ultimately a collective endeavor. Therefore, ASEAN Member States should stay committed to their stated goals so that agreements will be properly implemented and followed through, regardless of which country is holding the chairmanship. It is also important for ASEAN to remain united as complex issues continue to confront the region. It is in the best interest of the regional bloc to continuously move towards becoming an organic community to be able to enjoy a peaceful and stable environment amidst constant changes. This will prove ASEAN's resiliency in facing challenges. ❀

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