The Emerging Regional Citizenship Regime of the Association of Southeast Asian Nations

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Abstract
This article analyses the citizenship regime of the Association of Southeast Asian Nations (ASEAN). Current literature on ASEAN regionalism has refrained from examining the link between community-building and citizenship building, and the prevailing assumption remains that ASEAN lacks a citizenship regime. This assumption derives from the premises that a regional citizenship regime is the result of the reconfiguration of national citizenship rights and that it is a legally defined status. By deploying the concept of citizenship regime based on the dimensions of rights, access, belonging, and responsibility mix, the article argues that there is an emerging citizenship regime in ASEAN built on citizenship-related policies. This citizenship regime is informal, developing, and atypical – and the unintentional outcome of ASEAN trying to fulfil its agenda on community-building. The analysis contributes to citizenship studies and ASEAN regionalism by offering a nuanced understanding of how citizenship regimes are built through citizenship-related policies and practices.

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Introduction

How is the Association of Southeast Asian Nations (ASEAN) building a regional citizenship regime without referring to the concept directly? Research on citizenship regimes has shown a close link between community-building and citizenship building (Tully, 2014). This link has been explored by various scholars analysing the making of regional citizenship in the European Union (Wiener, 1998), the establishment of the Economic Community of West African States (ECOWAS) citizenship regime (Ukaigwe, 2016), and the making of supranational citizenship in the United Nations (Auvachez, 2009). However, the concept of an ASEAN citizenship regime remains absent from this scholarly debate. Instead, in the context of ASEAN, community-building has been the primary focus, which has inspired a sophisticated and diverse body of literature. In particular, scholars have examined the establishment of a regional human rights body (Davies, 2014; Rathgeber, 2014), and the process of building institutions in ASEAN has been examined from various theoretical perspectives (Jetschke, 2017). Moreover, specific attention has been given to the building of an institutional identity (Neuvonen, 2019) and the improvement of economic integration as a means for forging a closer, cohesive region (Dosch, 2017).

In combining the fields of citizenship studies and ASEAN regionalism, this article engages with two main limitations in the current literature. First, despite the growing body of research on different types of citizenship regimes beyond the nation state, it remains a common assumption that there is no citizenship regime in ASEAN, due to the lack of including the term "citizenship" in the organisation's institutional framework (Strumia, 2017). This assumption also derives from the premises that regional citizenship regimes are results of a reconfiguration of national citizenship rights and that they are an "added-on" legal status defined by law, as is the case in the ECOWAS and the EU. Second, current literature on ASEAN regionalism and particularly on the building of the ASEAN Community does not explore the link between community-building and citizenship building. Thus, although Wiener (1998) argued that studies on regional citizenship building ought to consider informal criteria – such as belonging – as equally important dimensions of a citizenship regime, research on the building of the ASEAN citizenship regime is lacking altogether.

This article, however, argues that despite the lack of an institutional citizenship vocabulary, there is an emerging citizenship regime in ASEAN. This citizenship regime is best described as informal, developing, and atypical – and an unintentional outcome of ASEAN trying to fulfil its agenda on community-building. In shedding light on these processes, the article deploys the concept of citizenship regime, which consists of the four dimensions of rights, access, belonging, and responsibility mix, as the analytical lens. This article adopts a socio-historical institutionalist approach and considers the building of the ASEAN citizenship regime as an ongoing, socially constructed process that is intertwined with the broader institution-building agenda that is part of the ASEAN Community discourse. According to Wiener (1998: 9), "understood in a socio-historical sense, the process of institution-building means making routines, practices, norms, rules and procedures which contribute to establish a distinguishable practice of citizenship."

By drawing on the research methods of semi-structured interviews and document analysis, this article explores the emerging ASEAN citizenship regime by investigating bits and pieces of citizenship-related policies such as movement, healthcare, and social protection that were developed during the establishment of the ASEAN Community.

By shedding light on the informal and atypical ASEAN citizenship regime, a concept that remains neglected in the broader scholarly debates, the article problematises prevalent understandings of what constitutes regional citizenship regimes and offers a nuanced understanding of how citizenship regimes are formed through citizenship-related policies and practices. Thus, it contributes new knowledge to citizenship studies and ASEAN regionalism, and in particular to the current literature that examines citizenship formation beyond the nation state and beyond a set of legally guaranteed rights.

This article proceeds as follows. First, it outlines the concept of citizenship regime and the four dimensions that are used as the analytical lens. Next, it briefly describes the research methods deployed in the analysis, and provides an overview of the establishment of the ASEAN Community, identifying key institutional changes that have impacted the development of the ASEAN citizenship regime. Then, based on empirical data from semi-structured interviews and policy documents, the article examines the four different dimensions of the ASEAN citizenship regime. Lastly, the article offers a discussion of the main features of the ASEAN citizenship regime.

The Concept of Citizenship Regime

Citizenship is a concept that denotes dimensions of rights and responsibilities, statuses, access to participation, and conditions for belonging in a political community (Mhurchú, 2014). The link between citizenship and the region was dramatically reconsidered when citizenship was established within regional contexts. Today, regional organisations increasingly serve as polities for the development, regulation, and provision of citizenship. In the EU, the Maastricht Treaty from 1992 is argued to be the official starting point for the building of the EU citizenship regime, although citizenship-related policies have existed since the 1970s (Jenson, 2007). While the EU citizenship regime stands as the most advanced (Strumia, 2017), regional citizenship regimes are developing in other organisations across the world such as the ECOWAS, the Andean Community (CAN), and the Caribbean Community (CARICOM; Giupponi, 2017). Contrary to the ECOWAS and EU, the Andean and Caribbean citizenship regimes are not legally defined but instead forged by a diverse set of citizenship-related policies. Thus, as this article shows, the case of the ASEAN citizenship regime draws similarities to these two organisations as well as to the pre-Maastricht Treaty EU citizenship regime.

The concept of citizenship regime is useful as an analytical "tool" for exploring the informal and atypical ASEAN citizenship regime. A citizenship regime denotes "the institutional arrangements, rules and understandings that guide and shape concurrent policy decisions and expenditures of states" (Jenson, 2007: 55). Research on supranational citizenship regimes (Auvachez, 2009; Fourot et al., 2018; Naujoks, 2020), on changes in national citizenship regimes (Jenson and Phillips, 1996), and the EU

citizenship regime (Jenson, 2007) emphasises four main dimensions, namely rights, access, belonging, and responsibility mix. This four-tiered concept helps to analyse the emerging ASEAN citizenship regime and its complexity. Instead of concentrating on legal status as a precondition for citizenship, this concept includes formal criteria such as rights and informal criteria like belonging. The article deploys a socio-historical institutionalist approach by examining how the institutional changes have shaped the ASEAN citizenship regime. The article adheres to the idea that concepts are inherently contested (Wendt, 1994). The informal and atypical ASEAN citizenship regime is socially constructed through citizenship-related policies and practices, which have been and are still today formed as part of the broader community-building agenda. Therefore, applying the concept of citizenship regime as an analytical lens helps discover how ASEAN is building its citizenship regime.

The first dimension of the concept of citizenship regime is rights. In the literature, the focus on rights has been most prominently associated with the time following the Second World War and the liberal theory that dominated much of Western research. The work by British sociologist Marshall (1950) came to dominate the early attention to different citizenship rights. Although his famous three-tiered theory of citizenship, which divided the concept into civil, political, and social rights, later received extensive criticism (Isin and Turner, 2007), this three-tiered theory still influences research on the formation of citizenship in different political communities (Hanagan and Tilly, 1999; Jenson, 2007; Mengisteab and Bereketeab, 2012). This article explores this first dimension by examining different civil, political, and social rights. Here, civil rights encompass the right to movement, residence, freedom, and human rights. Political rights refer to the right to political procedures, association, and assembling as well as the right of participation. Lastly, social rights refer mainly to social protection, healthcare, and education.

The second dimension is access to participation in a political community. Different terms describe this participatory element of citizenship, such as political participation (Bloemraad, 2018) and participatory practices (Schlenker and Blatter, 2014). Moreover, access commonly takes two primary forms – constitutional and practice-based. The first refers to access to participation through direct voting and holds a legalistic connotation. The second refers to access to participation through political forums, civil society organisations (CSOs), or non-governmental organisations (NGOs). The latter is characterised as practise-based and often developed through social interaction over time (Wiener, 1998), but it can also be the result of political decisions allowing for organisations to access and partake in the political discussions, which is the case in ASEAN. This article examines access to participation by exploring the relationship between ASEAN and non-state organisations and the institutional mechanisms that provide access to the political forum.

The third dimension refers to the feeling of belonging to a political community. This dimension includes both the narrow notion of (legal) identity, which is established through passports or ID cards, and the more dynamic concept of belonging (Fourot et al., 2018). The dimension of belonging is analysed through the conditions put in place by ASEAN that are made to generate a sense of shared identity with and to the region and

the organisation via the implementation of policies and practices. Contrary to other regional citizenship regimes such as the EU and the ECOWAS, the legalistic notion of identity, established through a regional passport or ID card, is not present in ASEAN. Instead, it is forged through different policies, practices, and symbols, which are meant to develop a shared sense of belonging to the organisation.

The fourth dimension is the responsibility mix, which allocates citizenship-related responsibilities to different institutional sectors and between different actors in a community. The formation of citizenship-related policies beyond a nation state means that citizenship is no longer exclusively the responsibility of the state. Instead, as argued by Élise Auvachez (2009), the responsibility of the governing polity such as a regional organisation co-exists with responsibilities of non-state actors, third-sectors, and with different national and regional governing bodies. In ASEAN, the new responsibility mix emerges through the increasing facilitation of access to participation through non-state actors such as NGOs. As such, ASEAN's inclusion of non-state actors has opened for new and different responsibilities of the NGOs. In the article, the responsibility mix is identified by exploring which ASEAN institutions have developed new citizenship-related responsibilities towards the ASEAN citizens.

Research Methods

The article draws on the methods of semi-structured interviews and document analysis. The documents examined are broadly divided into two main groups: legally binding and non-binding. In the first group, we find the ASEAN Charter, agreements, protocols, statutes, conventions, and Acts. The documents in the second group are plans of action, statements, reports, and declarations as well as information from the ASEAN web page. A majority of the documents were accessed at the ASEAN library, located at the ASEAN Secretariat in Jakarta, Indonesia. The information from the documents was used to analyse the official citizenship-related policies. However, in order to grasp the development of the highly informal and atypical ASEAN citizenship regime that is not framed in any official citizenship policy, the document analysis was supported by twenty-two semi-structured interviews. The interviews were conducted during fieldwork in five ASEAN Member States – Myanmar, Thailand, Singapore, Malaysia, and Indonesia – between November 2018 and February 2019.

The rationale for conducting interviews in the five selected Member States is that each one of them holds different normative and political positions in the organisation. This allows for the interviews to represent not just a one-sided opinion of ASEAN, but rather, a more comprehensive and nuanced perspective on the development of the ASEAN citizenship regime. Indonesia is considered the de facto leader and a key norm-setting Member State of ASEAN (Pero and Apandi, 2018). Moreover, Singapore is one of the critical voices in ASEAN and therefore provides an interesting perspective together with Malaysia, which also played a prominent role during the enlargement of ASEAN in the 1990s (Pero and Apandi, 2018). Myanmar joined the organisation in 1997 and continues to struggle with a national configuration of citizenship and nationality

laws. Thus, the historical legacy of the country and its late entering into ASEAN provides a nuanced perspective – often challenging the views of the founding countries – on ASEAN policies. Lastly, Thailand often takes the role as the link between the founding Member States in the South and East, and the newer Member States of the North. Thus, the perspectives provided by ASEAN representatives from Thailand combine the geographical concerns of the North with the political opinions expressed by the Member States of the South. These sometimes contradictory views influence the ASEAN community-building agenda and how the ASEAN citizenship regime is built.

In order to capture a nuanced perception of the ASEAN citizenship regime, the interviews were divided into two main groups. The first represents the ASEAN officials, and the second, the stakeholders, CSOs, and international organisations that work closely together with ASEAN on citizenship-related policies. Because none of the ASEAN institutions work explicitly on citizenship policies, but rather the citizenship-related issues are scattered between ASEAN departments and divisions, interviewees were identified based on their significance in outlining and implementing citizenship-related policies. Access to the ASEAN officials was initiated through a personal gatekeeper. Later, interviews were conducted based on recommendations and networks established through participating in events at the ASEAN Secretariat, and by visiting its library and café. These different avenues provided a "way in" and facilitated further interviews mainly by the use of the snowball technique (Bleich and Pekkanen, 2013).

During the fieldwork, interviews were held at each of the three ASEAN Community pillars, with a majority of the interviews taking place with persons working in the Political-Security Community and the Socio-Cultural Community. More specifically, interviews were held with national representatives of the ASEAN Intergovernmental Commission on Human Rights (AICHR), with the External Relations Division (border management), and with the ASEAN Human Rights Division, all located under the Political-Security Community. Moreover, interviews were conducted with representatives of the Labour and Civil Service Division, the Poverty Eradication and Gender Division, and national representatives to the ASEAN Commission on Women and Children (ACWC) as well as the ASEAN Foundation.

The interviews conducted with the national representative to the AICHR provided information on the rights and duties of the ASEAN citizens and access to the ASEAN decision-making forums. Moreover, the formation of an ASEAN school curriculum and the harmonisation of ASEAN standardisation of education were discussed with representatives to the Socio-Cultural Community. Furthermore, regional mobility and labour rights are the key policy areas under the ASEAN Labour and Civil Service Division, and meetings with the ASEAN Foundation and the officials working on the ASEAN Connectivity agenda provided important information on the aspect of belonging.

The organisations clustered under the second group of interviews were selected because they collaborate with ASEAN and due to their often more sceptical perception of the ASEAN policies and practices. The organisations include international organisations such as the International Labour Organisation (ILO), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme

(UNDP), and the International Organisation for Migration (IOM) as well as more region-specific organisations and CSOs such as the Asia Foundation, the ISEAS-Yusof Ishak Institute, the ASEAN Think Centre, which is a task force on the rights and well-being of ASEAN migrant workers, and the Statelessness Network Asia Pacific (SNAP). These interviews provided more critical perceptions on the specific citizenship-related policies and a nuanced perception on the development of the ASEAN Community, as many of the organisations are long-standing donor organisations and stakeholders.

The empirical data and the findings obtained from the document analysis and the interviews are used in two main ways for the analysis of the ASEAN citizenship regime. First, the article draws on direct quotes and specific policy information obtained from the interviews and the documents in order to outline the content of citizenship-related policies and the opinions on these policies from the persons representing ASEAN at large. Second, the empirical information, opinions, critiques, historical facts, statements, and events inspire the argument and the broader discussion of the article and thus are used as new, added-on empirical knowledge complementing the secondary literature when discussing the development of the ASEAN citizenship regime.

Identifying Institutional Changes: Implications for the Building of the ASEAN Citizenship Regime

In this section, the article provides a brief overview of the most prominent institutional changes that took place during the creation of the ASEAN Community. These changes initiated the development of regional citizenship-related policies and are therefore important milestones in the development of, what is here termed, an unintentional ASEAN citizenship regime. ASEAN has refrained from adopting a citizenship vocabulary in its institutional framework, which makes these radical and gradual changes important parts of the examination of how the informal and atypical ASEAN citizenship regime developed.

The ASEAN Vision of 1997 is the earliest document referring to the ASEAN Community (ASEAN, 1997). Therefore, the nascent steps towards what later became the informal and atypical ASEAN citizenship regime dates to this time, and the early regional integration initiatives of the 1990s. The Bali Concord II, built on the objectives of the Vision of 1997, emphasised that "an ASEAN Community shall be established comprising three pillars, namely political and security co-operation, economic co-operation, and socio-cultural co-operation that are closely intertwined and mutually reinforcing for the purpose of ensuring durable peace, stability and shared prosperity in the region" (ASEAN, 2003). In order to fulfil the objectives of the Bali Concord II, the Vientiane Action Programme (VAP) was created with specific milestones on how to establish the ASEAN Community (ASEAN, 2004). Thus, the VAP became an important institutional document paving the way for the establishment of the ASEAN Charter in 2007, which came into force in 2008 (ASEAN, 2008). The ASEAN Charter transformed the organisation into a legal entity, intensified the community-building agenda, established a set of regional rights, and outlined the obligation of ASEAN towards its citizens (ASEAN,

2008). These political and normative developments thus paved the way for framing citizenship-related policies at the regional level.

One institutional change that occurred as part of the broader community-building agenda that had a direct impact on the building of the ASEAN citizenship regime was the establishment of an ASEAN human rights body. Already in 1993, the Joint Communique of the 26th ASEAN Ministerial Meeting stated that

> the Foreign Ministers welcomed the international consensus achieved during the World Conference on Human Rights in Vienna, 14–25 June 1993, and reaffirmed ASEAN's commitment to and respect for human rights and fundamental freedoms as set out in the Vienna Declaration of 25 June 1993. (ASEAN, 1993)

This statement initiated a "rights-turn" in ASEAN, which came to underpin the future community-building process. Consequently, a series of meetings were held on the establishment of an ASEAN human rights body. In the process of drafting the ASEAN Charter, the organisation opened for including human rights in the institutional framework (ASEAN, 2005). Thus, an article that mandated the establishment of the AICHR was added (ASEAN, 2008). Although the establishment of the AICHR was met with criticism, especially concerning the Terms of Reference (ToR) that align with ASEAN's non-interventionist standards (Davies, 2017), scholars have also argued that the establishment of the ASEAN human rights body was an essential step towards more significant improvement of human rights in the region (Tan, 2011).

After the establishment of the ASEAN Charter and the AICHR, rights were increasingly taken more serious in ASEAN. This "rights-turn" led to significant institutional changes, which influenced the development of the ASEAN citizenship regime. For example, the Roadmap for an ASEAN Community (2009–2015) was completed by the ASEAN Secretariat and the ASEAN Leaders (ASEAN, 2009a), replacing the VAP. In 2015, the Kuala Lumpur Declaration on the Establishment of the ASEAN Community was signed, formally establishing the ASEAN Community (ASEAN, 2015a). After the official founding, a set of visions and action plans were created to enhance the regional integration agenda. During the ASEAN Summit of 2015, the Kuala Lumpur Declaration on ASEAN 2025: Forging Ahead Together adopted the ASEAN Community Vision 2025, and the Blueprint 2025 for each of the three pillars were created (ASEAN, 2015a).

Although the establishment of the ASEAN Community brought with it important institutional changes and created a legal identity, institutions such as a regional court or a parliament are still today lacking, and the governance structure is different from many other regional organisations (Beeson, 2013). This is especially important for the analysis of the responsibility mix, which identifies the citizenship-related responsibilities allocated to different institutions and actors. The institutional characteristics of ASEAN have led scholars to use the term "soft regionalism" when describing ASEAN (Acharya, 2016). This type of regionalism, informal and with few legal institutions, has been heavily criticised (Dosch, 2017). However, some scholars also emphasise that what matters for regional integration is not so much the legality of institutions but to what extent

the institutions manage to forge a collective identity and regional cohesion (Acharya, 2009; Khong, 2004). Applying a citizenship regime lens, the development of new institutions and divisions has not resulted in the ASEAN citizenship regime being defined legally. Instead, as the next section will outline, the changes have contributed to the development of nascent dimensions of an ASEAN citizenship regime based on informality and built on citizenship-related policies that were initially formed as part of the broader ASEAN Community agenda.

The ASEAN Citizenship Regime

This section examines the four dimensions of the ASEAN citizenship regime by exploring each of the dimensions separately. ASEAN does not have an official policy on citizenship. Instead, the analysis is based on institutional documents and practices that relate to the four dimensions of a citizenship regime. Thus, it includes an analysis of different rights, the opening of ASEAN decision-making to non-state actors, the extensive attention to forging a regional belonging, and the changes of institutional citizenship responsibilities.

Rights and Duties

The establishment of the ASEAN Charter in 2007 provided ASEAN with a legal identity and resulted in a "turn to rights" (Ginbar, 2010; Langlois, 2012; Nesadurai, 2017). This turn is seen in the work by the AICHR and with the creation of the ASEAN Human Rights Declaration (AHRD). Moreover, the institutional changes within ASEAN that led to the establishment of the three community pillars outlined in the previous section created new divisions and departments focusing on identifying, promoting, and protecting rights of citizens within the ASEAN Community, as part of the broader regional integration agenda. For example, the AICHR has provided a framework for rights co-operation among the ten Member States contextualised to fit the nation states' perceptions on human rights. This contextualisation is manifested in the AHRD (ASEAN, 2012b), which emphasises "Asian values" and traditions as guiding the understanding, promotion, and protection of rights of the ASEAN citizen.

The development of the ASEAN Community brought with it increasing attention to improving civil and economic rights. In 2006, the ASEAN Member States signed the ASEAN Framework Agreement on Visa Exemption, which established the right of all ASEAN citizens to travel intra-regionally for up to fourteen days without a visa (ASEAN, 2006). The right of movement liberalised under the community-building agenda and the possibility of connecting people within ASEAN took yet another step with the development of the ASEAN Open Sky Policy set to establish an ASEAN Single Aviation Market. The Open Sky Policy is a part of the objective of the ASEAN Economic Community (AEC) to establish a single market based on "four freedoms," the movement of products, services, labour, and capital (ASEAN, 2015c).

The development of the different rights within ASEAN under the community-building agenda was also discussed during an interview with the Singaporean representative to

the AICHR, who emphasised the expansion of especially community rights over individual civil and political rights:

> If you look at human rights, we have made progress in ASEAN. However, when it comes to individual civil and political rights, the progress is much slower. Where progress is happening, is on social, cultural, and economic rights. In other words – community rights, referring to for example the rights of the disabled, of women, of children, and of the ageing population. By improving rights gradually, we are trying to build pieces of confidence too. (Ambassador Barry Desker, Singapore's representative to AICHR, 31 January 2019, Singapore)

As stated by Barry Desker, economic rights emerged over the past decades in the ASEAN institutional framework. One example is the increased attention to facilitating access to work within the region for labour migrants and to harmonise standards in order to facilitate better intra-regional trade (ASEAN, 2017). Moreover, as emphasised by Barry Desker, the rights of women and children also received increased attention during the community-building process. Thus, the institutional changes that happened during this process outlined in the previous section led to the formation of the ACWC, which reports to the ASEAN Ministerial Meeting on Social Welfare and Development (AMMSWD) located under the ASEAN Socio-Cultural Community pillar.

One of the most outstanding achievements of the ACWC is the work on establishing regional policies on the rights of women and children (ASEAN, 2012a), especially concerning the challenge of human trafficking. The most notable regional rights policy under the Community is the legally binding ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) (ASEAN, 2015b). In the Convention, the Member States reaffirm a "stronger and more effective regional cooperation" (ASEAN, 2015b), and in adopting a legally binding declaration, ASEAN is agreeing to "realising the need to establish a regional instrument that deals especially with trafficking in persons as a legal framework for regional action in preventing and combating trafficking in persons" (ASEAN, 2015b).

The work on establishing exclusive rights for migrant workers and developing social protection schemes is also an example of the "rights-turn." The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN, 2018) is set to implement the commitments of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers adopted at the 12th ASEAN Summit in 2007 in Cebu, the Philippines. The emerging steps towards more legally binding declarations and new attention to rights – often framed as group rights rather than individual – challenges the "soft regionalism" of ASEAN. The increasing attention to rights, therefore, stands as an example of the ongoing process of regionalisation in ASEAN, re-configuring the relationship between citizens and the polity.

ASEAN has previously argued that law is a fundamental backbone of the organisation's governance structure (National University of Singapore (NUS), 2017). However, ASEAN law is built on myriad agreements, memoranda of understandings, protocols,

and other overlapping institutional documents and characterised as bilateral, multi-lateral, and regional. Thus, as observed during the interviews at the ASEAN Secretariat and emphasised in previous research by Jönsson (2010) on ASEAN integration, ASEAN policies are often developed within informal spaces and decisions are reached mainly through dialogue and informal meetings in order to reach a consensus. Therefore, the legal instruments remain unsystematic and sometimes ambiguous, which is why the ASEAN citizenship regime can be described as informal and part of the broader "ASEAN Way" discourse.

As emphasised by Collins (2019: 423), "the ASEAN Way describes the process of engagement between the members, and it emphasises informality, consultation and consensus-decision making and the avoidance of unwanted interference in the domestic affairs of other members." Maybe precisely because of this understanding of the ASEAN Way and that citizenship in Southeast Asia is still today strongly tied to the sovereignty of the nation state, establishing citizenship-related policies is the only way in which a regional citizenship regime can be constructed in ASEAN. The principles of the ASEAN Way influence the building of the citizenship regime, as citizenship is built through informal institutionalisation and legally non-binding documents, which also similarly characterise the organisation's community-building process more widely (Jönsson, 2010). Furthermore, state-centrism is prevalent in ASEAN and dominates the policies and practices examined in this article. As pointed out by Davies (2014), many ASEAN policies and protocols emphasise the respect of national sovereignty and non-interference, which influence the characterisation of the ASEAN citizenship regime as more informal and built on mutual understandings and norms rather than a legal framework with the possibility of holding the Member States accountable for their promises.

The increasing attention to regional rights in ASEAN also developed a sense of regional duties. In an interview with Indonesia's representative to the AICHR, this attention was reaffirmed; she stated:

> In Southeast Asia, broadly speaking, people do not see themselves as "alone", as an "individual", and that a state needs to guarantee individuals rights. Instead, they care about households, and they care about a group of people and their collective duties and well-being. (Dr. Dinna Wisnu, Indonesia's representative to AICHR, 9 January 2019, Jakarta, Indonesia)

The statement by Dr. Wisnu draws attention to community rights and the importance of duties, and it illustrates what is also outlined in the AHRD, namely, the importance of community rights and responsibilities towards the collective polity and the people within it. Thus, in ASEAN, the "rights-turn" that took place in the establishment of the ASEAN Community brought attention not only to rights but also equally to the notion of community responsibility. Article 6 of the AHRD states that "the enjoyment of human rights and fundamental freedoms must be balanced with the performance of corresponding duties as every person has responsibilities to all other individuals, the community and the society where one lives" (ASEAN, 2012b). Moreover, by framing that "[…] the realisation

of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds" (ASEAN, 2012b) under Article 7, ASEAN emphasises the contextual importance and that rights are not necessarily equal in the regional community.

Access

The institutional change of ASEAN and the creation of the ASEAN Community led to an opening towards including non-state actors in the political discussions within the organisation. This opening provides increased access to the polity, and according to Scott Turner, "the contemporary proliferation of NGOs and social movements represents a new type of opportunity for the exercise of citizenship." (Turner, 1998: 39). ASEAN's increased inclusion of non-state actors during and after the community-building process led CSOs and NGOs to engage more politically with the ASEAN policy-making procedures (Nesadurai, 2017).

The concept of access is, in citizenship studies, commonly divided into two different ideal types. The first refers to access as being direct, often expressed through voting. The second refers to an indirect type of access, which is commonly granted through NGOs or civil society groups that partake in political discussions and decision-making. The absence of an ASEAN parliament and court means that access is secured in the collaboration between ASEAN institutions and non-state actors. The process of creating the ASEAN Charter and the subsequent building of "people-oriented" regional policies and action plans has received both criticism and praise. One partner organisation emphasised during an interview that

> ASEAN does collaborate with civil society groups, and many groups are invited to partake at the Summits and ministerial meetings of ASEAN Leaders and Ministers. Over time, we have experiences that collaboration has become more accessible. (Sinapan Samydorai, Director of ASEAN Affairs and Convenor of Task Force on ASEAN migrant workers, 31 January 2019, Singapore)

Although the statement by Sinapan Samydorai informs of a willingness to open for access to participation in ASEAN, he also agrees that these meetings are often poorly coordinated and that no institutional mechanisms have yet been created with the specific purpose of facilitating civil society participation. The lack of a formal procedure follows the logic of informality in ASEAN more generally (Acharya, 2016). In her work on political participation, Gerard (2014) highlights two different modes of participation – apparent participation and effective participation. Her work emphasises that although the ASEAN leaders show a desire to commit to opening up and make ASEAN a less elitist organisation in its political decision-making, there are formal ASEAN channels for how to engage with civil society groups and who can participate in which meetings. Thus, Gerard (2014) concludes that although there is a real desire for a transparent and accessible ASEAN, the governance structure of non-interference and national sovereignty makes it a challenge to change.

Building on this critique, Collins (2008) emphasises that there is a general disappointment in the ASEAN Charter and its "people-centred" policies by CSOs. In examining the relationship between CSOs and ASEAN decision-making, he further states that "given the nature of the political regimes in ASEAN, their history of CSO engagement has been, at best, one of toleration and at worst one of out-right opposition" (p. 319). The CSOs express critique and disappointment despite the emphasis on strengthening access to political participation when creating the ASEAN Charter. During this process, one of the working groups that were established to provide consultancy on the ASEAN Charter emphasised the importance of allowing access to political participation. The 2006 report by the Eminent Persons Group emphasised that

> more should be done to strengthen people-to-people ties among ASEAN Member States […] and to strengthen the sense of ownership and belonging among its people, including enhancing the participation of and interaction among Parliamentarians in ASEAN Member States, representatives of the civil society organisations, the private business sector, human rights groups, academic institutions and other stakeholders in ASEAN. (Eminent Persons Group, 2006: 6)

That said, as emphasised by Collins (2008: 326), the final version of the ASEAN Charter

> makes no provision for an institutionalised role for CSOs. Indeed, the Charter provides no space for citizens of civil society to have any input into ASEAN decision-making process […] where civil society is noted – and noted only once – it is to act in collaboration with the ASEAN Foundation.

This point was also mentioned during the interview with Elaine Tan, the executive director of the ASEAN Foundation, who called for more interaction between CSOs and the different ASEAN institutions.

On a more encouraging note, access to the political community has been a central objective of the AICHR, which created a five-year work plan spanning from 2016 to 2020, outlining the new collaboration between ASEAN and non-state actors. The work plan states that the AICHR is enhancing dialogue with CSOs and that these organisations have gained a "consultative relationship on promotion and protection of human rights" (ASEAN Intergovernmental Commission on Human Rights (AICHR), 2015a). Moreover, the work plan led to the development of a website for the AICHR, accessible to the public, and enhancing the access to education for all ASEAN children by working with regional stakeholders (ASEAN Intergovernmental Commission on Human Rights (AICHR), 2015a). Under the institutional framework of the AICHR, the Guidelines on the AICHR's Relations with CSOs (ASEAN Intergovernmental Commission on Human Rights (AICHR), 2015b) outline the practices for collaboration between CSOs and the AICHR. These collaborative meetings commonly take the form of consultations, workshops, seminars, briefings, reports, studies, and projects.

Belonging

Perhaps the most substantial development of the ASEAN citizenship regime is witnessed in the extensive attention to establishing an ASEAN identity. As a regional organisation, ASEAN engages with both inclusion and exclusion – defining who belongs within the community. However, this notion of belonging has also undergone changes during the community-building process. For example, the sense of regional belonging is enhanced in the work of the AICHR and the creation of a collective human rights body. When ASEAN created the human rights declaration, it established a line between "us," the ASEAN citizens, and "them," the people living outside of the community. Moreover, the mandate of the AICHR is to foster a greater emphasis on community belonging, as stated by Dinna Wisnu:

> I believe that if you really care about people in your community and want to develop a sense of belonging among the people of ASEAN, then AICHR should discuss rights violations freely, as this will create a closer community. (Dr. Dinna Wisnu, Indonesia's representative to AICHR, 9 January 2019, Jakarta, Indonesia)

The establishment of an ASEAN identity and the push towards a regional sense of belonging in ASEAN demonstrates that the national and regional communities do not necessarily exist in opposition but often overlap. The overlap of the national and regional, leading to the formation of multi-levelled identity (Maas, 2013), shows the interconnectivity between the national and regional institutions. The AICHR is one such example, and by working on regional rights and access, the institution is creating a sense of cohesion, of a collectivity among the people subject to the same rights and possibilities of access. This is an example of what Bosniak (2000) means when she argus that the dimension of belonging is often dependent on the other citizenship dimensions. In other words, belonging is forged when people share other aspects in life, such as shared rights and responsibilities.

The formation of an ASEAN identity means that belonging is thought of not only in geographical terms, referring to the Member States belonging to ASEAN, but also in historical terms (Acharya, 2017). This has resulted in the increasing use of expressions such as "a sense of belonging" and "promoting ASEAN identity and awareness" (ASEAN, 2009b) under the motto "one vision, one identity, one community." In discussing the construction of belonging in ASEAN, Elaine Tan, executive director of the ASEAN Foundation, emphasised that forging ASEAN identity is a long-term and dynamic process. She further states:

> I think ASEAN is still quite young in terms of the development of a strong regional identity – at least compared to the EU. We are still connected very strongly to our national citizenship. Therefore, how do we navigate this newly established ASEAN identity? What we are saying is that you have multiple identities, but we want to make sure that ASEAN citizens see ASEAN as a regional organisation that will provide security and peace and that you belong to this region as

a citizen. (Elaine Tan, Executive Director of the ASEAN Foundation, 29 January 2019, Jakarta, Indonesia)

When it comes to the conceptualisation of identity in ASEAN, the official principles include the "respect for the different cultures, languages and religions of the peoples of ASEAN" (ASEAN, 2009a) and seeks to emphasise "unity in diversity" (ASEAN, 2008). Therefore, ASEAN identity could be seen as reflecting a wish for living closer together (Neuvonen, 2019). On consulting Elaine Tan on the nature of ASEAN identity and belonging to a region, she further emphasised the formal statement of ASEAN identity in the institutional framework:

ASEAN identity is about having roots to the region, appreciate the diversity, using this diversity as a strength, and most importantly, acknowledge our shared history and that we were connected also before colonialism and the nation-state model were introduced. (Elaine Tan, Executive Director of the ASEAN Foundation, 29 January 2019, Jakarta, Indonesia)

Although ASEAN identity is a concept difficult to pinpoint, the statement by Tan indicates that it denotes a sense of being a part of a community, seeing value in this identification, and understanding the diverse and complex history of the community. The conceptualisation of ASEAN identity by Tan shares how this concept is understood in the literature. According to Acharya (2017), the identity of ASEAN emerged out of notions of nationalism, regionalism, cultural norms, religion, and the developmental state approach. He further argues that "regional identity is not a cultural given, but something constructed out of self-conscious social interaction" (p. 29). This constructed and self-conscious interaction is also underpinning how Moe Thuzar speaks about ASEAN identity. She argues:

There is certainly an identification with the region […], and I see a group of young people who will become the responsible adults and start participating in the political life in the ASEAN countries and who identify more with the region than just thinking narrowly about their own country. (Moe Thuzar, Lead Researcher of the ASEAN Studies Centre, ISEAS, 1 February 2019, Singapore)

The building of the ASEAN Community is establishing a new relationship between the regional organisation and the citizens. ASEAN's attempt to formulate human rights in the regional context, its focus on certain – often group – rights, the opening up to the inclusion of non-state actors, and the shift in the institutional responsibilities during this community-building process forge a particular type of "top-down"-driven identity. One of the newest examples of the construction of belonging in ASEAN is *The ASEAN* magazine. The first issue was published in May 2020 under the headline "A shared identity – becoming ASEAN" (ASEAN, 2020). Thus, ASEAN is engaging substantially in the creation of a shared sense of belonging among the ASEAN citizens, which, as argued by Baba (2016: 96), helps "creates a notion of 'otherness', which both acts as a centripetal force intensifying the 'consciousness

of regional identity' and has an instrumental value, which consolidates identity among the 'in-group'."

The Responsibility Mix

With the establishment of the ASEAN Community and new institutions such as the AICHR, ASEAN has a new role with new responsibilities towards the citizens of the Member States. The fourth dimension of the concept of citizenship regime refers to this new role and is concerned with the institutions responsible for different citizenship-related policies. However, although ASEAN has taken on a new governing role by engaging in regional citizenship policies and practices, the national institutions in each Member State maintain their importance. That said, as the status of a regional citizen is an "added-on" status, rather than a status that undermines the status of a national citizen (Strumia, 2017), some ASEAN institutions have emerged as important actors in this new citizenship regime and have taken on new responsibilities towards the regional citizens.

The building of the regional human rights body AICHR provides an example for examining this interconnection of citizenship-related responsibilities in the ASEAN Community. The AICHR is the overarching institution responsible for the promotion and protection of rights of all ASEAN citizens (ASEAN, 2012b). Moreover, the new community founded under the structural change of ASEAN in 2015, the ACWC, has also taken on citizenship-related responsibilities. When discussing this new role with Indonesia's representative to the ACWC, she emphasised that

> ASEAN has shown a willingness to take on responsibilities, especially towards migrant workers because there are so many of them in the region. In ACWC, we are working with both regional and national actors and governments to ensure social protection. (Yuyum Fhahni Paryani, Indonesia's representative to the ACWC for Children's Rights, 9 January 2019, Jakarta, Indonesia)

This example illustrates that the establishment of new institutions, such as the ACWC, under the community-building agenda created new citizenship-related responsibilities beyond the nation state. Thus, the new role of the institutions can be read as steps in the process of building a citizenship regime – albeit a new and nascent one – in Southeast Asia. Moreover, the ASEAN citizenship regime emerging under the community-building process therefore relies on a logic where regional and national responsibilities can overlap, also confirming the multiplicity of the concept of citizenship (Maas, 2013).

Another example of new and overlapping citizenship-related responsibilities that have emerged during the community-building process is the increasing access for non-state actors to partake in ASEAN political decision-making. Thus, the right of political participation is now a shared responsibility of the AICHR and of the non-state actors who collaborate with this ASEAN institution. Thus, the growing involvement of non-state actors is contributing to the transformation of the responsibility mix, and by

allowing for NGOs and CSOs to partake in political discussions, the responsibility of providing citizenship-related policies co-exist between ASEAN and other sectors in the community.

The Informal, Developing, and Atypical ASEAN Citizenship Regime

The institutional choices of ASEAN since 1997 – and arguably before – have influenced how the ASEAN citizenship regime is built. These institutional choices will continue to modify citizenship rights, access to political participation, the sense of belonging, and the responsibility mix in the community. The analysis of the four dimensions of the citizenship regime shows that these dimensions developed alongside the building of the ASEAN Community. Moreover, they each individually developed at a different speed. However, the dimensions also stand in tension as well as reinforce each other. One way in which the relationship between the different dimensions is expressed in ASEAN has to do with the extensive focus on the creation of an ASEAN identity, which is a policy focus that cuts across most policy fields and documents in the organisation. This means that a majority of the policies aim to increase the "feeling of a shared identity" and establish a sense of belonging to and recognition with ASEAN. This aligns with the argument by Bosniak (2000: 479), who emphasises that "citizenship-as-identity is often approached as derivative of citizenship's other dimensions." This is particularly evident in the various ways in which the ASEAN institutions frame their policies to not only pertain to a specific policy field but also establish a sense of belonging in the community.

The intersection between the different citizenship regime dimensions is also evident when we look at the relationship between rights and access. The establishment of human rights and freedoms of all ASEAN citizens has also led to easier access for CSOs in the political discussions of ASEAN, of which the collaboration between CSOs and the AICHR is an example. The expansion of regional rights and the increased access to participation further reinforce a sense of regional belonging and show that ASEAN citizens are recognised within and by the community. Thus, the different dimensions have the potential to reinforce or undermine each other.

The development of a rights, access, belonging, and responsibility mix in ASEAN sheds light on ASEAN as, in the words of Charles Tilly (1996), an *association of citizenship*, where new social transactions are built between the organisation's institutions and the ASEAN citizens. However, as the analysis shows, this emerging citizenship regime is informal, developing, atypical, and the unintentional result of the community-building process. The ASEAN citizenship regime is informal because it is primarily built through informal institutionalisation, norms, and legally non-binding policies and agreements. The analysis further shows that the national and regional scales do not exist in opposition but rather overlap. However, whereas this is commonly the case for most regional citizenship regimes (Giupponi, 2017; Wiener, 1998), the ASEAN citizenship regime shows some atypical traits. In his comparative study of different citizenship regimes, Naujoks (2020) argued that an atypical citizenship regime is present when the label is there (*de*

jure citizenship) but not the full status (*de facto* citizenship). However, in the case of ASEAN, the label is not present but rather the status of regional citizen is forged through policies and practices on rights, access, and belonging.

The analysis furthermore shows the ASEAN citizenship regime as an emergent phenomenon, which has developed over time alongside the construction of the ASEAN Community. During this process, some citizenship dimensions have emerged quicker than others. For example, the establishment of rights of specific groups, such as labour migrants and women and children, accelerated with the creation of the AICHR and ACWC. Moreover, as citizenship is still today primarily thought of as a national concept in Southeast Asia, the ASEAN citizenship regime is not only informal and developing but also an unintentional outcome of ASEAN trying to fulfil its agenda on community-building.

While maintaining the logic of non-interference and national sovereignty, this unintentional citizenship regime has been constructed. This argument becomes evident in the analysis of the four citizenship regime dimensions. For example, belonging is established "unintentionally" through the practices of other regional policies, such as the fourteen-day visa-free travel policy, the creation of the ASEAN immigration line in all Member State airports, the various Mutual Recognition Agreements (MRAs), and even the ASEAN free trade area policy, all of which forge a closer integrated and cohesive region, unintentionally creating a nascent ASEAN citizenship regime. Moreover, the very structure of the ASEAN chairmanship that is passed on between the Member States every year also helps establish an understanding of ASEAN and ownership of the organisation and its policies among the citizens. Another example of this unintentionality is the Guidelines on the AICHR's Relations with CSOs, which outline the practices for collaboration between CSOs and the AICHR. These guidelines were created to establish collaboration on human rights abuses in the region but have also provided increased access for CSOs to the political decision-making procedures of ASEAN.

Conclusion

The analysis of the emerging citizenship regime in ASEAN shows that contrary to the common assumptions in citizenship studies (Strumia, 2017) and regionalism (Neuvonen, 2019), ASEAN is building a citizenship regime despite not having included citizenship in its institutional vocabulary. This citizenship regime, which has emerged through different policies and practises in ASEAN, is best described as informal, developing, and atypical. By deploying the concept of citizenship regime, the article examined how each of the four dimensions – rights, access, belonging, and responsibility mix – have developed alongside the community-building process. Through the method of semi-structured interviews and document analysis, the article shows that the reconfiguration of citizenship and the building of the emerging ASEAN citizenship regime took place during the establishment of the ASEAN Community, especially since 1997. The creation of the ASEAN Charter, the establishment of the AICHR, ASEAN's "turn to rights," the objective to forge an ASEAN identity, and the emerging steps towards allowing NGOs and CSOs to partake in political discussions all serve as such examples.

The analysis of the four citizenship regime dimensions and how these intersect or stand in tension with one another has provided new insight into the debate on citizenship reconfiguration in ASEAN, speaking to the contemporary debates on citizenship studies and ASEAN regionalism. It shows that emerging steps towards building citizenship rights, access, and belonging are taking place in ASEAN through citizenship-related policies and practices and that this reconfiguration of citizenship has established new responsibilities of ASEAN institutions and non-state actors towards the ASEAN citizens. Thus, the development of one citizenship regime dimension enabled another. Although Strumia (2017) and others (Auvachez, 2009; Bird, 2016) are correct in emphasising that other regional citizenship regimes are more advanced, the analysis shows that the nascent ASEAN citizenship regime resembles the pre-Maastricht Treaty EU citizenship regime and the legally non-defined citizenship regimes of several South American organisations (Giupponi, 2017). This finding challenges the current literature on supranational citizenship and ASEAN regionalism by showing the unintentional and "hidden" citizenship regime in ASEAN.

The emerging ASEAN citizenship regime furthermore shows a dynamic interconnection between the national and the regional scales and their subsequent institutional frameworks. The changes identified to the ASEAN institutions, which happened during the ASEAN community-building process show that the building of a regional citizenship regime is ongoing and dynamic. Moreover, in the case of ASEAN, the citizenship regime is built on citizenship-related policies and practices. Thereby, the article claims that while citizenship remains absent from the organisation's institutional vocabulary, the combined effort to establish an economically, politically, and socially integrated and cohesive region has also led to the formation of an atypical citizenship regime that aligns with the informality of the "ASEAN Way" and that is still developing today.

Declaration of Conflicting Interests

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