

# МІЖНАРОДНЕ ПРАВО. ПОРІВНЯЛЬНЕ ПРАВознавство

UDC 341.1/8

DOI <https://doi.org/10.32782/2521-6473.2022-4.23>

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## UNDERSTANDING ASEAN LEGAL FRAMEWORK OF EXTERNAL RELATIONS IN THE CONTEXT OF UKRAINE – ASEAN PARTNERSHIP

*During 2021–2022, Ukraine and the Association of Southeast Asian Nations laid a solid legal basis for cooperation. The two most significant results of bilateral relations were the acquisition by the Parliament of Ukraine of observer status in the ASEAN Inter-Parliamentary Assembly in August 2021 and the accession of Ukraine to the Treaty of Amity and Cooperation in Southeast Asia in November 2022.*

*Taking into account the new challenges for Ukraine related to Russia's aggression against Ukraine and the need to attract political and military support from ASEAN and the development of trade relations with ASEAN member states, it was decided to investigate the issues that will determine the further institutionalization of relations between Ukraine and ASEAN. Using the applied legal research methodology, comparison, and modeling, the author investigated in this article 5 specific problems that are interdependent among themselves, namely: 1) the legal basis, types, and differences of ASEAN external partnerships; 2) the concept of centrality in external relations; the authority of ASEAN to conclude international instruments; 3) the legal position of ASEAN, as a subject of international law, and the sovereign positions of the states of Southeast Asia concerning Russia's aggression; 4) the current state of cooperation between Ukraine and ASEAN; 5) proposals for the strategy of effective Ukraine – ASEAN cooperation for 2023.*

*First, to outline the specific legal foundations of ASEAN's external relations, binding agreements are analyzed: the ASEAN Charter, the 2011 Rules of Procedure, and soft law: the ASEAN Vision 2040 and the Report of the Group of Eminent Persons. Secondly, the author provides specific examples of regulatory legal acts adopted by ASEAN as a single body, as a collective body, and each ASEAN state separately.*

*The concept of the centrality of ASEAN is analyzed through the prism of the practical implementation of external relations. Thirdly, the voting of the 10 ASEAN states in the UN General Assembly regarding Russia's aggression in 2022 and the Statement of the Foreign Ministers of the ASEAN was investigated. Hypotheses have been made regarding the reasons for the neutrality of the ASEAN states in voting at the UN General Assembly and the soft position in ASEAN's Foreign Ministers statements. Next, the author presents the results of cooperation between ASEAN and Ukraine and explains the significance of Ukraine joining the Treaty of Amity and Cooperation in Southeast Asia. Finally, having modeled the scope and sectors of cooperation between Ukraine and ASEAN, the author makes suggestions for the roadmap of the Ukraine – ASEAN working group with the aim of Ukraine acquiring the status of a sectoral dialogue partner.*

*Key words: ASEAN, Ukraine, external relations, sectoral dialogue partnership.*

### **Д. О. Дейнеко. Розуміння правової основи зовнішніх зносин АСЕАН у контексті партнерства Україна – АСЕАН**

*Протягом 2021–2022 років Україна та Асоціація держав Південно-Східної Азії заклали міцну правову основу співробітництва. Двома найбільш визначними результатами двосторонніх відносин стало набуття Верховною Радою України статусу спостерігача в Міжпарламентській Асамблеї АСЕАН у серпні 2021 року та приєднання України до Договору про Дружбу і співробітництво в Південно-Східній Азії у листопаді 2022 року.*

*Зважаючи на нові виклики для України пов'язані з агресією Росії проти України та необхідність залучення політичної, військової підтримки від АСЕАН та розвитку економічних зв'язків з державами-членами АСЕАН було вирішено дослідити питання що визначатимуть подальший характер інституалізації зносин України та АСЕАН. Використовуючи системно-структурний метод, порівняння та моделювання автор дослідив у статті 5 конкретних проблем, що взаємозалежні між собою, а саме: 1) правова основа, види та відмінності зовнішніх партнерств АСЕАН; 2) концепція центральності у веденні зовнішніх зносин; повноваження АСЕАН укладати міжнародні договори; 3) правова позиція АСЕАН, як суб'єкта міжнародного права, та суверенні позиції держав Південно-Східної Азії щодо російської агресії; 4) поточний стан співпраці між Україною та АСЕАН; 5) пропозиції до стратегії ефективної співпраці України і АСЕАН на 2023 рік.*

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*По-перше, для окреслення конкретних правових основ зовнішніх зносин АСЕАН аналізуються обов'язкові до виконання угоди: Статут АСЕАН, Правила процедури 2011 року та м'яке право: Бачення АСЕАН 2040 та Звіт групи видатних осіб. По-друге, автор надає конкретні приклади нормативно правових актів, які ухвалила АСЕАН як єдине утворення, колективний орган та кожна держава АСЕАН окремо.*

*Поняття центральності АСЕАН аналізується через призму практичної реалізації зовнішніх зносин – укладання угод. По третє, досліджено голосування 10 держав АСЕАН в ГА ООН щодо агресії росії в 2022 році та зміст заяв міністрів закордонних справ країн АСЕАН. Висловлено припущення щодо причин нейтральності держав АСЕАН у голосуванні на ГА ООН та м'якої позиції у заявах міністрів закордонних справ АСЕАН. Далі автор представляє результати співпраці АСЕАН та України, роз'яснює значимість приєднання України до Договору про дружбу і співробітництво в Південно-Східній Азії. Наостанок, змодельовавши обсяг та сектори співпраці між Україною та АСЕАН автор висловлює пропозиції до роботи робочої групи Україна - АСЕАН з метою набуття Україною статусу секторального діалогового партнера.*

Ключові слова: АСЕАН, Україна, зовнішні зносини, секторальне діалогове партнерство.

**Introduction.** To secure a clear understanding of external relations between ASEAN and Ukraine the author first identifies the binding instruments and guidelines that govern ASEAN external relations. The second domain examined in this article is ASEAN's legal and political powers in its external relations with international organizations and states. Finally, cooperation between Ukraine and ASEAN is analyzed from the point of view of utilitarianism. This article presents multiple approaches to Ukraine - ASEAN cooperation. The author identifies the most promising areas of cooperation, also clearly points out disadvantages and suggests measures for fruitful political and economic dialogue between the two subjects of international law. Bearing in mind the legal trends and Russia's aggression against Ukraine, a short-term strategy beneficial for both parties is proposed.

**Purpose of the article and methods.** This article investigates 5 specific issues that are interdependent among themselves via applied legal research methodology, comparison, and modelling, particularly: 1) the legal basis, types, and differences of ASEAN external partnerships; 2) the idea of centrality in foreign relations of ASEAN; the authority of ASEAN to conclude international agreements; 3) the legal position of ASEAN, as a subject of international law, and the approaches of the states of Southeast Asia towards Russia's aggression against Ukraine; 4) the current state of Ukraine - ASEAN cooperation; and 5) proposals for an effective Ukraine-ASEAN cooperation for 2023.

**Main body.** There is a huge variety of ASEAN external relations as every relation of ASEAN with a foreign subject regardless of the field of interest falls within the framework of external relations. In economic relations (trade, investment, competition) ASEAN often relies on a mix of hard and soft laws to ensure that every party does not undertake a burden while others benefit. According to Article 2.2 (b) of the ASEAN Charter in security and protection matters, ASEAN just like the EU (Article 6 TFEU) is entitled only to supplement the actions of member states [1][2]. Hence, there is no exclusive competence of the ASEAN. Notwithstanding that cultural relation, agriculture, energy, and transport areas are mostly regulated by soft law, cooperation in these fields is evident for every visitor of ASEAN states.

ASEAN conducts its external relations with international organizations (United Nations, Pacific Alliance, Economic Cooperation Organization), sui generis entities (European Union), states and territories of the world, non-governmental organizations, and, of course, the private sector (international businesses and investors).

What are the principles and motivations for ASEAN to pursue mentioned types of external relations? Does ASEAN engage as one block in its external relations or 10 member states act collectively?

One of the main principles of external cooperation is ASEAN centrality. This idea is incorporated in Article 41.3 of the ASEAN Charter to define what ASEAN is for the rest of the world [1]. ASEAN dynamically interacts with states and international entities which supports that ASEAN has a legal personality, de facto, and de jure in Article 3 of the ASEAN Charter. In terms of ASEAN's external relations. It is correct to say that ASEAN engages with external parties, but the types of that law that govern ASEAN's multilateral relations is rarely discussed. The main documents are the 2007 ASEAN Charter and the 2011 ASEAN Rules of the procedure for conclusion of international agreements [3]. Worth mentioning here external engagement institutions for ASEAN and its partners: East Asia Summit, ASEAN regional forum (ARF), and ASEAN+3.

To find why external relations are an essential link for ASEAN to attract investments and technology the author highly recommends using the report of the ASEAN Eminent Persons Group (EPG) [4]. Looking at ASEAN's history it is known that friendly relations are very important to the peace and security of this region. Stability in each region of the world provides a good environment for us to pursue our economic development. According to the EPG, the main types of external relations for ASEAN are dialogue partnerships, ARF, ASEAN+ 3, and East Asia Summit. Obviously, there are other types of external relations, but above mentioned are the leading ones. All these useful external links are meant to help ASEAN to manage its transboundary challenges, such as transnational crimes, natural disasters, energy issues, etc.

In paragraph 51 of the EPG, it's emphasized that all major powers are ASEAN's dialogue partners. Thus those are very strategic. This answers the question of whether ASEAN is welcome to any state (*that is not so important*

to ASEAN) or whether ASEAN chooses states whose power and influence are critical to prosperity and peace in the South-East Asia region. To conduct effective external relations a block of states should maintain non-discriminatory, equitable practices among all the participating members and ASEAN needs to retain centrality. This means that ASEAN should be the driving force in all types of external relations and bear accountability. The EPG recommends empowering the secretary-general as a representative to participate more in the international community and devote more attention to nurturing cooperation with Dialogue Partners, Sectoral Dialogue partners, and other IO (*maintain close cooperation with the UN*).

The EPG in para. 53 reiterates that the Association's interests should be paramount. The idea of centrality is to speak with one clear and authoritative voice. It also means that a single understanding for all 10 states should be projected. To achieve this aim para. 37 of the EPG further recommends that diplomacy shouldn't be the single task of the ASEAN Secretary-General (SG). The SG should be delegated the authority to sign non-sensitive agreements on behalf of Member States and exercise the will of ASEAN centrality of the 10 member states.

From the EPG report, it's all melding into the ASEAN Charter Article 41 [1]. This Article defines how ASEAN as a treaty obligation conducts its external relations. The strategic policy direction emanated from the summit upon the recommendations of the foreign ministers (Article 41.6 ASEAN Charter). After the decision is reached according to Article 41.7 of the ASEAN Charter, the Association concludes agreements with subjects of international law in conformity with the 2011 Rules of Procedure. It should be stressed that there is no "one state leading power" in ASEAN. Hence the states endeavour to pursue joint actions and develop common visions. It is well known that to ensure peace in the world, including russia's withdrawal from the territory of Ukraine joint actions and common efforts of ASEAN are highly expected.

In the way ASEAN conducts its external relations, the status of external parties should be examined. The 2007 ASEAN Charter solidified the external ties and clarified their obligations. According to Article 44 of the ASEAN Charter, the ASEAN foreign ministers may confer on a state the formal status of a dialogue partner, sectoral dialogue partner, development partner, special observer, and guest. Even if the external parties do not have the formal status they may be invited to participate on the sidelines of ASEAN meetings as long as they fall within the scope of the procedure.

Why does ASEAN rarely conclude ASEAN-only types of agreements? If it's rare that ASEAN as one signatory signs an agreement with an external party, what types of external legal relations does ASEAN conduct?

There are at least 6 academically defined modalities of ASEAN external relations. The most common practice for the ASEAN member states (MS) is to conclude agreements and declarations individually, not as a single legal entity e.g. 2003 ASEAN-Japan framework for economic partnership; the 2010 ASEAN-China Air Transport Agreement. There is a significant amount of 10 signatory instruments and not only in the economic sphere but also in political and security fields of cooperation. Another modality of legal external relations is when one member state concluded on behalf of all member states. However this does not happen anymore as this experience was terminated by the adoption of the ASEAN Charter. The third option is to entitle the Secretary-General to conclude an agreement on behalf of all member states. It is not common, but still, there is evidence - 2007 ASEAN Secretariat - China Memorandum of Understanding on agricultural cooperation. In the presented case all member states expressed their will for the Secretary-General to sign an instrument.

The other 3 types of modalities are based on ASEAN as a party signing up for other instruments. Type 1 - ASEAN as a single entity enters into an agreement e.g. ASEAN signed the 2005 ASEAN-US Vision statement. An emphasis here should be made that ASEAN Charter requires conducting external relations as a single entity and sealing agreements as a subject of international law. A small number of instruments signed by ASEAN as a single entity informs about the lack of political will and a complex issue of accountability in case any of the parties breaches a treaty. Type 2 - Secretary-General of ASEAN concludes instruments on behalf of ASEAN e.g. 1992 ASEAN-UNESCO cooperation agreement. Type 3 - Secretary-General concludes an agreement on behalf of the ASEAN Secretariat e.g. 2005 Memorandum of understanding with the Shanghai Cooperation organization [5].

This analysis supported by cases leads to the conclusion that 1) ASEAN does act as one entity; 2) ASEAN acts as a collective union of ten entities; 3) states sign both hard and soft law instruments. This also raises a question of how good is ASEAN centrality. One more time Article 41 of the ASEAN Charter suggests that ASEAN should sign as ASEAN rather than all representatives of its member states.

Can ASEAN cooperate with its external partners as a collective unit? To put it mildly, acting collectively is difficult. All members should be willing and it takes time to negotiate, reach a consensus. However, even if ASEAN concluded a treaty as 10 member states the Association does not dilute its centrality. The two reasons for such an opinion: 1) it sustains the legal personality; 2) it serves the interests of member states to ensure friendly and equal cooperation. Studying the external relations of ASEAN one should keep in mind that sensitive areas are always the individual member states' foreign policy.

What is the position of ASEAN member states and ASEAN as a single entity regarding russia's planned military aggression against Ukraine?

Table 1

## Voting of the ASEAN member states at the UN General Assembly concerning russia`s aggression

<i>ASEAN Member States</i>	<b>UN GA Resolution Aggression against Ukraine</b> (A/RES/ES-11/1   2022-03-02)	<b>UN GA Resolution Humanitarian consequences of the aggression against Ukraine</b> (A/RES/ES-11/2   2022-03-24)	<b>UN GA Resolution Territorial integrity of Ukraine</b> (A/RES/68/262   2014-03-27)	<b>UN GA Territorial integrity of Ukraine: defending the principles of the Charter of the UN</b> (A/RES/ES-11/4   2022-10-12)	<b>UN GA Resolution Furtherance of remedy and reparation for aggression against Ukraine</b> (A/RES/ES-11/5   2022-11-14)
<b>Brunei</b>	In favour	Abstain	Abstain	In favour	Abstain
<b>Cambodia</b>	In favour	In favour	Abstain	In favour	Abstain
<b>Indonesia</b>	In favour	In favour	In favour	In favour	Abstain
<b>Laos</b>	Abstain	Abstain	Non-Voting	Abstain	Abstain
<b>Malaysia</b>	In favour	In favour	In favour	In favour	Abstain
<b>Myanmar</b>	In favour	In favour	Abstain	In favour	In favour
<b>the Philippines</b>	In favour	In favour	In favour	In favour	In favour
<b>Singapore</b>	In favour	In favour	In favour	In favour	In favour
<b>Thailand</b>	In favour	In favour	In favour	Abstain	Abstain
<b>Vietnam</b>	Abstain	Abstain	Abstain	Abstain	Abstain

Undoubtedly, the reasons for each state's vote are economic, security, and political situation in each country. However, according to the nature of the common reasons, states that abstained or voted against mentioned resolutions can be divided into several groups. After studying the presented voting results in the UN General Assembly and taking into account objective and hidden interests, there are 4 groups of motives for voting against or abstaining:

- 1) superiority of the economic interests of particular states over the value of human life and the fear of losing the sales market for goods or not receiving investments;
- 2) balancing interests, taking into account the positions of the hegemon state in the region of Southeast Asia;
- 3) close historical political ties with russia and fear of the unknown in case of a change in the balance of power in the world;
- 4) formal reference to the neutrality of the state to continue trade in goods and services both with a terrorist state russia and exemplary democratic Ukraine.

Indicative for further research is the fact that ASEAN Foreign Ministers issued a joint statement on the situation in Ukraine only on the 3rd day of Russia's full-scale war against Ukraine [6]. In the two-paragraph statement, ASEAN is very cautious about the war. There is no definition of russia as a state that attacked Ukraine, an unclear situation in Ukraine is described, which requires some diplomatic settlement by the parties. In the meantime these parties of conflict are not specified. When the whole world publicly saw the signs of the genocide, hundreds of deaths, and plenty of evidence of russia's planned war, on March 3, ASEAN foreign ministers again called for a ceasefire and emphasized the importance of negotiations in the "ASEAN Foreign Ministers' Statement Calling For A Ceasefire In Ukraine" [7]. Someone can say that negotiations are an excellent tool for, firstly, delaying time and, secondly, for determining the enemy's weaknesses. It is likely that in case of providing not verbal, but technical and humanitarian assistance from ASEAN to Ukraine, partners could contribute to the quicker de-occupation of the territory of Ukraine from russian terrorists. Similar statements from ASEAN were made later, but tangible assistance to Ukraine was provided only by certain ASEAN member states, which are committed to the rule of law in the world and human rights.

It is apparent to every ASEAN member state that russia`s war against Ukraine is a breach of the international legal order. Not only multilateral instruments have been violated but also very valuable for ASEAN principles of independence, sovereignty, and territorial integrity which are laid down in key ASEAN agreements along with the ASEAN Charter and the Treaty of Amity and Cooperation in Southeast Asia. Currently, most decisions depend on the reasonableness of the actions of the governments of ASEAN member states and their values in the future international legal order, and, of course, the professionalism of Ukrainian diplomats and partners.

What is the current status of the cooperation between Ukraine and ASEAN? What steps should be taken to intensify relations between Ukraine and ASEAN?

Since the economic, political, and legal foundations of cooperation between Ukraine and ASEAN have already been researched by the author and are in the public domain, in this subsection, the current state of bilateral relations between ASEAN and Ukraine will be analyzed in detail [8] [9] [10].

Given the full-scale military aggression of russia against the civilian population of Ukraine, which has been ongoing since February 24, 2022, Ukraine has received new challenges, consisting of the need for close military-technical cooperation with allies to prevent new illegal acts by russia.

Having received approval from each of the ASEAN states, the Minister of Foreign Affairs of Ukraine Dmytro Kuleba signed on November 10<sup>th</sup>, 2022 the instrument on the accession of Ukraine to the Treaty of Amity and Cooperation in Southeast Asia during the summit of the Association of Southeast Asian Nations. The accession of Ukraine to the Agreement will contribute mainly to:

1) consolidation of the political and diplomatic efforts of the ASEAN to counter Russia's aggression and any manifestations of the use of force; obtaining Ukraine's written assurances not to use weapons to resolve conflicts in ASEAN.

2) establishment of close relations with the ASEAN Secretariat and the right for Ukraine to acquire the status of a partner with ASEAN;

3) effective communication with ASEAN MS regarding the mutually beneficial development of economic activities; the arrangement of new supply chains.

In response to the author's question regarding the promising type of cooperation between Ukraine and ASEAN the Minister of Foreign Affairs of Ukraine, Dmytro Kuleba expressed a vision of sectoral cooperation with ASEAN. Let's recall the difference between the status of dialogue partnership and sectoral dialogue partnership, which are provided for in Article 44.1 of the ASEAN Charter. "Dialogue Partnership" is the utmost and most meaningful mode that ASEAN grants to its international partners that play a major role in world politics *e.g. developed countries, and important transnational organizations*. ASEAN conducts dialogue with major powers mainly through the bilateral and ASEAN + 1, ASEAN+3 frameworks. Dialogue partnership involves the participation of heads of state during official events and is characterized by high economic and trade indicators.

The "sectoral dialogue partnership" is created for cooperation in the spheres of interest determined by the states, for example, medicine or security, instead of a wide range of spheres of cooperation and, accordingly, responsibility. As of December 18, 2022, there are 6 states with the status of ASEAN sectoral dialogue partners. To start the actual work, the legal basis of sectoral cooperation is the creation of the Joint Sectoral Cooperation Committee between the ASEAN and its sectoral partner and the agreement upon the Terms of Reference for the Joint Sectoral Cooperation Committee. For example, Brazil and ASEAN have determined food security, forestry, and agriculture, renewable energy as priority sectors for their partnership [11].

According to the Minister of Foreign Affairs of Ukraine, priority areas for cooperation between Ukraine and ASEAN within the framework of sectoral partnership are information technologies and agriculture. Indeed, both subjects of international law have successfully implemented several digital tools to facilitate the receipt of government services *e.g. single window, diya application*. The author believes that the fields of biotechnology, health care, and military engineering are promising for cooperation in the mid-term strategy. Given the massive destruction of infrastructure facilities caused by Russian armed forces in Ukraine and frequent natural disasters in the Southeast Asia region, practical advice on the cost-effective restoration of critical infrastructure will be valuable.

Taking into account the successful accession of Ukraine to the Treaty of Amity and Cooperation in Southeast Asia, the assigned status of the observer of the Parliament of Ukraine in the ASEAN Inter-Parliamentary Assembly and the interest of the East Asian region in Ukraine, according to the author, in 2023, the following actions should be taken:

1) creation of a Ukrainian working group on the cooperation with ASEAN, which includes representatives of the military and political leadership of Ukraine, heads of diplomatic missions of Ukraine in the ASEAN States, scholars and entrepreneurs interested in the ASEAN market; determination of specific industries that are of interest for cooperation, designation of the necessary resources and time framework for the implementation of projects;

2) implementation of a set of measures of a political and informational nature by the heads of foreign diplomatic missions in ASEAN states and the Representative of Ukraine in ASEAN for the earliest detection by ASEAN of specific areas for cooperation with Ukraine; creation of the ASEAN Committee in Ukraine;

3) conducting political, business, and academic consultations directly between the ASEAN and Ukraine; establishment of an international Ukraine-ASEAN Working Group for coordination and supervision of cooperation; giving fresh impetus to the active work of bilateral trade commissions between Ukraine and ASEAN member states; initiation of the negotiation process regarding the conclusion of agreements on free trade in goods;

4) reciprocal granting of trade privileges, liberalization of the movement of specialists (labor), academic exchanges; introduction of ASEAN studies programs in Ukrainian universities and vice versa in ASEAN;

Simultaneously with the implementation of these measures, the missions of Ukraine in the ASEAN countries and neighboring countries should take measures to prevent the spread of Russian propaganda and attract humanitarian aid to Ukraine.

Additionally, to get into details of the legal basis of ASEAN sectoral partnerships and mechanisms of cooperation the cases of Norway, Pakistan, and Brazil as ASEAN sectoral dialogue partners were analyzed.

Pakistan became ASEAN's sectoral dialogue partner in 1993. In 2004 Pakistan signed the TAC with ASEAN. The sectoral dialogue relationship between ASEAN and Pakistan was institutionalized by convening the first meeting of the ASEAN-Pakistan Joint Sectoral Cooperation Committee on 5 February 1999.

In ASEAN-Pakistan Sectoral Dialogue Partnership: Practical Cooperation Areas 2019-2021 you will not find precise obligations of each party. The document has rather a soft law nature than a hard law as general phrases are

used e.g. "to explore" is used 17 times, "to support" is used 5 times, and "to promote" is used 5 times. The instrument defines the main lines of work to achieve the result, not the expected final results of cooperation. Nevertheless, the author believes that the commonly used term "sharing information and best practices" that was adopted by Pakistan and ASEAN in 2019 is directed toward the preparatory stage for tangible cooperation e.g. *tariff reduction and exchange of technology to combat cyber threats* [12].

Norway has conferred the status of Sectoral Dialogue Partner of ASEAN in August 2015. The state acceded to the TAC in 2013. Norway's accession to the TAC underscored the significance of the TAC as a code of habits that promotes regional peace and security.

The analysis of ASEAN-Norway Sectoral Dialogue Partnership: Practical Cooperation Areas 2025 (PCA) [13] led to 3 following conclusions:

1. Norway focuses on the institutionalisation of its relations with ASEAN through the participation in ASEAN Institute for Peace and Reconciliation, ASEAN Regional Mine Action Centre, ASEAN Centre for Energy, and others (para.1, 2, 13 of PCA);

2. Norway and ASEAN look at cooperation from the angle of gaining the best possible result by enforcing the already existing international legal instruments and programs. e.g. ASEAN Community Vision 2025; UN 2030 Agenda for Sustainable Development ASEAN Plan of Action for Energy Cooperation; United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (para. 6, 11, 39 of PCA);

3. A cross-cutting theme for cooperation between the two parties is a clean environment and security. Much attention is paid to the development of the economy, which takes into account the need to preserve the nature (para. 9, 12, 18 of PCA).

Based on case study of ASEAN sectoral dialogue partnerships, 3 conclusions can be drawn:

1. ASEAN's interest in the perspective of developing relations through the prism of economic interests;

2. the need to prove to ASEAN the importance of long-term cooperation specifically with ASEAN, and not with a specific state within ASEAN. (*For example, if Cambodia and Vietnam have demining specialists communication with these countries directly is more effective in the short term strategy*);

3. cooperation programs agreed for 4 year term incline the parties to cooperate, but do not obligate them. Simultaneously with the approval of the cooperation roadmap between the ASEAN and Ukraine it is appropriate to sign contracts between business entities to enter the conditions and specific terms of cooperation.

Conclusion

As stipulated in Article 41.3 of the ASEAN Charter, one of the main tenets of ASEAN's external relations is centrality. The main documents that form the legal basis for external relations are the 2007 Charter and the 2011 Rules of Procedure for the conclusion of international agreements. As paragraph 51 of the EPG emphasizes, ASEAN focuses on foreign partners that have the power and influence to promote prosperity and peace in the Southeast Asian region.

To conduct effective diplomatic relations and maintain centrality the Association must uphold non-discriminatory and fair practices among all participating members. This means that ASEAN as an entity should be the driving force and accountable for all kinds of international acts or omissions. The idea of centrality is to speak with a clear and authoritative voice; a unified understanding should be projected across all 10 ASEAN member states.

There are at least six academically defined modalities of ASEAN's external relations. The most common practice of ASEAN member states is to enter into treaties individually rather than as a single entity. It should be stressed that the ASEAN Charter requires acting as one structure. The low number of documents signed by ASEAN as a union does not weaken its centrality because: 1) ASEAN maintains its legal personality; 2) ASEAN serves the interests of Member States to ensure friendly and equal cooperation. When looking at ASEAN external relations it should be noted that the sensitive areas are always controlled by individual policies.

It is clear to any ASEAN member state that Russia's war against Ukraine violates the international legal order. Not only has Russia violated multilateral agreements, but it has also violated the highly cherished ASEAN principles of independence, sovereignty, and territorial integrity enshrined in many important ASEAN instruments. ASEAN tries to balance interests between East and West, often refers to neutrality to continue its economic relations with partners in the time of Russia's bombardment of the civil infrastructure of Ukraine.

Ukraine is seeking close military-technical cooperation with its allies to prevent further wrongful acts from Russia. Ukrainians are facing new challenges of necessity. Considering the successful accession of Ukraine to the Treaty of Amity and Cooperation in Southeast Asia, the assigned observer status of the Ukrainian parliament in the ASEAN Inter-Parliamentary Assembly, and the interests of the East Asian region in Ukraine the following 4 measures should be implemented:

1) creation of the Ukrainian working group on cooperation with ASEAN; determination of specific industries that are of interest for cooperation, designation of the necessary resources and time framework for the implementation of projects;

2) determination by ASEAN of specific areas for cooperation with Ukraine; creation of the ASEAN Committee in Ukraine;

3) conducting political, economic, and consular consultations directly between the ASEAN and Ukraine; establishment of an international Ukraine-ASEAN Working Group for coordination and supervision of cooperation; giving fresh impetus to the active work of bilateral trade commissions between Ukraine and ASEAN; initiation of the negotiation process regarding the conclusion of agreements on free trade in goods;

4) reciprocal granting of trade privileges, liberalization of the movement of specialists (labor), academic exchanges; introduction of ASEAN studies programs in Ukrainian universities and vice versa in ASEAN.

Having analyzed sectoral partnership programs between foreign countries and ASEAN, Ukrainians should be aware that acquiring the status of a sectoral dialogue partner with ASEAN does not imply either the provision of a tranche of material aid or immediate results of solving economic issues. This type of cooperation is based on the mutual state of bilateral relations and the real efforts of the countries to achieve the declared goals. The author is convinced that along with the priority spheres of cooperation already set by the Minister of Foreign Affairs of Ukraine, at least 3 more principles from the formula for achieving peace presented by the President of Ukraine Volodymyr Zelensky should be the core of the plan of the Working Group Ukraine – ASEAN, namely:

1) promotion of nuclear safety; coordination of efforts with the International Atomic Energy Agency to ensure energy security;

2) joining efforts to counter terrorism in the world; restoration of the territorial integrity of Ukraine;

3) conclusion of instruments to strengthen food security in the world.

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