

GUIDELINES ON THE MODALITIES FOR ENGAGEMENT OF ASEAN WITH HIGH CONTRACTING PARTIES UNDER THE TREATY OF AMITY AND COOPERATION IN SOUTHEAST ASIA

I. Background

1. *The Guidelines on the Modalities for Engagement of ASEAN with High Contracting Parties (HCPs) under the Treaty of Amity and Cooperation in Southeast Asia (TAC)* is proposed to establish modalities of engagement aimed at deepening cooperation with HCPs that do not yet maintain formal partnerships with ASEAN¹, with the TAC serving as the foundational basis for such engagement. The Guidelines seek to provide structured but flexible modalities for engagement between ASEAN and such HCPs, consistent with the principles and purposes of the TAC, the ASEAN Outlook on the Indo-Pacific (AOIP), and the ASEAN Charter.
2. As of February 2026, there are 58 HCPs to the TAC, 47 of whom are non-ASEAN countries and an organisation². While 24 ASEAN formal partners are also HCPs to the TAC, it is important to note that two ASEAN formal partners are not HCPs to the TAC³.
3. With the number of HCPs continuing to grow every year, there is a compelling reason to consider how the interest in accession to the TAC can be translated into meaningful, practical and mutually beneficial engagement by the HCPs with ASEAN.
4. The 50th Anniversary of the TAC in 2026 is a timely opportunity to encourage HCPs to deepen engagement with ASEAN, including by promoting further cooperation, ensuring that such engagements are ASEAN-driven, strategic, relevant, mutually beneficial, and responsive to current and emerging challenges, in line with the ASEAN Foreign Ministers' Decision on Enhancing ASEAN Relations with External Parties.

II. Obligations of the HCPs Under the Provisions of the TAC

5. The TAC serves as a foundational code of conduct for interstate relations in the region and a cornerstone of regional peace and stability. As stipulated in Article 2 of the TAC, in their relations with one another, the HCPs will be guided by the following principles:
 - a) Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
 - b) The right of every State to lead its national existence free from external interference, subversion or coercion;
 - c) Non-interference in the internal affairs of one another;
 - d) Settlement of differences or disputes by peaceful means;

¹ To date, the HCPs that are not formal partners of ASEAN are Argentina, Bahrain, Bangladesh, Colombia, Cuba, the Democratic People's Republic of Korea, Egypt, Greece, Iran, Kuwait, Mongolia, Oman, Panama, Papua New Guinea, Qatar, Saudi Arabia, Serbia, Sri Lanka, and Ukraine.

² 46 countries and the European Union

³ Italy and Switzerland

- e) Renunciation of the threat or use of force; and
- f) Effective cooperation among themselves.

III. Cooperation under the TAC and Its Guiding Principles

6. Recalling that the TAC provides a basis for a wide-range area of cooperation under Chapter III on Cooperation, ASEAN provides a platform of cooperation on a case-by-case basis for HCPs which are not ASEAN formal partners in line with Article 4 of the TAC. This cooperation will be pursued to the fullest extent, grounded in the principles of equality, non-discrimination, and mutual benefit, as stipulated in Article 5 of the TAC.

7. The conduct of cooperation between ASEAN and non-ASEAN HCPs under the TAC (referred hereafter as “TAC-based cooperation”) shall be guided by the following principles:

- The Guidelines is primarily aimed at providing options for the non-ASEAN HCPs with no existing formal mechanism of engagement, to engage with ASEAN;
- Non-ASEAN HCPs with existing formal mechanism of engagement with ASEAN is not precluded from opting to make use of this Guidelines;
- TAC-based cooperation may take the form of mutually agreed initiatives on an *ad hoc* and voluntary basis in line with the purposes and principles of the TAC;
- The initiatives should be mutually beneficial, contributing to ASEAN Community-building goals, regional development, economic growth, and enhanced political, economic and socio-cultural relations between ASEAN and the HCPs;
- The initiatives should be ASEAN-driven aligned with ASEAN priorities and needs, including the ASEAN Community Vision 2045, the ASEAN Outlook on the Indo-Pacific (AOIP), and in line with the ASEAN Foreign Ministers' Decision on Enhancing ASEAN Relations with External Parties.

8. TAC-based cooperation will be on issue-specific, mutually agreed initiatives in areas that are practical, strategic in value, and aligned with ASEAN priorities. Initiatives undertaken with HCPs are without prejudice to existing ASEAN mechanisms or formal partnership frameworks, as they may apply.

IV. Modalities for TAC-based Cooperation

A Conference of the High Contracting Parties at the Foreign Ministers Level

9. A Conference of the HCPs at the Foreign Ministers Level may be convened at the discretion of the ASEAN Chair during milestone years of the TAC, or when deemed necessary upon ASEAN consensus. The Conference is an important platform for HCPs to engage in comprehensive discussions in promoting awareness, understanding and adherence to the underlying principles of the TAC and exchange perspectives on how the Treaty can continue to guide cooperative action on emerging global challenges in line with Article 4 of the TAC.

10. The Conference may be structured as a high-level exchange of views where HCPs may deliver interventions on thematic issues identified by the ASEAN Chair, in

consultation with ASEAN Member States. The first Conference of the HCPs at the Foreign Ministers Level will be convened during the 50th Anniversary of the TAC in 2026.

Conference of the Committee of Permanent Representatives

11. The ASEAN Chair may convene a gathering of the Committee of Permanent Representatives to ASEAN (CPR) with their non-ASEAN HCP counterparts in Jakarta to reaffirm commitments embodied in the TAC and further promote TAC-based cooperation.

Modalities

12. The format, programme, and agenda of the Conference of the HCPs regardless of the level will be upon the prerogative of the Chair, in consultation with ASEAN Member States.

13. In addition, activities may be convened at an appropriate level with a view to promoting understanding and fostering closer cooperation between the ASEAN Member States and HCPs, in accordance with Article 9 of the TAC.

Procedures in Initiating TAC-based Cooperation Initiatives

14. The CPR will assist the ASEAN SOM in overseeing the implementation of TAC-based cooperation initiatives through its coordination function under Article 8(b) of the Terms of Reference of the CPR, as revised in 2023, which stipulates for the CPR to facilitate ASEAN's external relations, including *“coordinating cooperative activities, within the role and functions of the CPR, with external parties that do not have any formal status in accordance with Article 44(2) of the ASEAN Charter, including countries that are High Contracting Parties to the Treaty of Amity and Cooperation in Southeast Asia (TAC)”*. The ASEAN Secretariat will keep non-ASEAN HCPs informed of this arrangement.

(i) Initiating a Project Proposal

15. Proposals for TAC-based cooperation will be initiated by HCPs through a Note Verbale regarding their proposed initiative, accompanied by a duly accomplished ASEAN Cooperation Project Proposal template⁴, outlining the objectives, scope, proposed activities, modalities of implementation, resource implications, and expected outcomes, to the CPR Chair or to the ASEAN Secretariat for ASEAN's consideration.

(ii) Funding Mechanisms

16. The initiatives will be funded by the initiating HCPs for the implementation of the project.

(iii) Approval Process

17. The TAC-based cooperation initiatives shall adhere to the main elements of ASEAN Standard Operating Procedures (SOP) on project appraisal and approval, which consists of the review by the ASEAN Secretariat, approval of the relevant sectoral body and the CPR.

18. The CPR will continue to update the ASEAN Coordinating Council (ACC) on the progress and development of ASEAN's engagement with External Partners, including

⁴ Accessible through the ASEAN Website

project completion reports of any TAC-based cooperation with HCPs, through the annual report of the CPR to the ACC, if applicable.

(iv) Implementation of TAC-based Cooperation

19. Upon approval, the implementation of TAC-based cooperation initiatives shall be undertaken in close coordination with the relevant ASEAN sectoral body(ies), the ASEAN Secretariat, and the initiating HCPs.

V. Safeguards

20. TAC-based Cooperation will not confer formal partnership status nor create legal obligations beyond those provided under the TAC. It will likewise be subject to periodic review to ensure continued relevance and effectiveness.
