

Media Release
ASEAN Leaders Sign ASEAN Charter

Singapore, 20 November 2007

The ASEAN Charter was signed today, 20 November 2007, by the Leaders of the 10 ASEAN Member States at the 13th ASEAN Summit in Singapore. It comes as ASEAN celebrates its 40th anniversary of its founding in 1967.

SIGNIFICANCE OF THE ASEAN CHARTER

For the first time after 40 years of regional cooperation, ASEAN Member States have codified organic Southeast Asian diplomacy, listed key principles and purposes of ASEAN

The Charter represents a momentous occasion for ASEAN Member States to reiterate their commitment to community-building in ASEAN, as can be seen in the Preamble, and to reposition ASEAN to better meet challenges of the 21st century with new and improved ASEAN structure, as shown in Chapter IV.

ASEAN Secretary-General Ong Keng Yong says that “the ASEAN Charter will serve the organisation well in three interrelated ways, such as, formally accord ASEAN legal personality, establish greater institutional accountability and compliance system, and reinforce the perception of ASEAN as a serious regional player in the future of the Asia Pacific region”.

HISTORIC AGREEMENT

The ASEAN Charter is, therefore, an historic agreement among the ten Member States to establish the legal and institutional framework for ASEAN as the premier inter-governmental organization of the region.

There are 13 Chapters, 55 Articles, and 4 annexes in the ASEAN Charter.

It was drafted by the High Level Task Force on the Drafting of the ASEAN

Charter, consisting of one representative from each of the 10 Member States.

After its signing, the Charter will have to be ratified (or formally accepted to be bound) in every Member State.

It will come into force on the 30th day after the deposit of the tenth instrument of ratification (or instrument of acceptance) with the Secretary-General of ASEAN.

After that, the Charter will be registered with the Secretariat of the United Nations.

PEOPLE-ORIENTED ASEAN

ASEAN is moving from being State-centric to be more people-oriented. At least 10 of the 15 stated purposes of ASEAN in Chapter I concern the livelihood and well-being of peoples in ASEAN.

DEMOCRACY, HUMAN RIGHTS, FUNDAMENTAL FREEDOMS

Adherence to democratic values, and respects for human rights and fundamental freedoms are stipulated in three separate places in the Charter : the Preamble, the Purposes, and the Principles.

This is to emphasize that all ASEAN Member States share the same aspiration and common desire to promote democracy, human rights, fundamental freedoms, rule of law, and good governance.

ASEAN Human Rights Body

The Charter calls for the establishment of an ASEAN human rights body as a new organ of ASEAN. This is a new and important commitment in ASEAN as far as promotion and protection of human rights and fundamental freedoms of peoples in ASEAN are concerned.

The terms of reference for the ASEAN human rights body shall be determined by the ASEAN Foreign Ministers Meeting.

ADDITIONAL PRINCIPLES

The Charter includes these two among the key principles of ASEAN : “shared commitment and collective responsibility in enhancing regional peace, security and prosperity“ and “enhanced consultations on matters seriously affecting the common interest of ASEAN”.

LEGAL PERSONALITY

In Chapter II, ASEAN Member States confer on ASEAN a legal personality, which is separate from theirs.

Details of what ASEAN can or cannot do with its legal personality will be discussed and stated in a supplementary protocol after the signing of the Charter.

MEMBERSHIP CRITERIA

The membership criteria are stated in Chapter III, Article 6.

IMPROVED STRUCTURE

There are interesting institutional changes that the ASEAN Charter will bring about include. See details in the attachment.

Essentially, the improved structure will enable ASEAN to improve coordination, ensure prompt implementation of decisions and agreements, and speedy response to new opportunities and challenges.

Important changes include :

- Convening ASEAN Summit twice a year, instead of once a year
- ASEAN Foreign Ministers to serve as the ASEAN Coordinating Council
- Single Chairmanship for key high-level ASEAN bodies
- Appointment of Member States’ Permanent Representatives to ASEAN, to form a Committee of Permanent Representatives, in Jakarta
- Establishment of an ASEAN human rights body

ENTITIES ASSOCIATED WITH ASEAN

Chapter V of the Charter concerns engagement with entities associated with ASEAN. Five categories of these entities are listed in Annex 2. First on the

list is the ASEAN Inter-Parliamentary Assembly (AIPA), which is the key partner in government of ASEAN.

The Secretary-General of ASEAN is in charge of updating the list, upon the recommendation of the Committee of Permanent Representatives in Jakarta.

CONSULTATION AND CONSENSUS

The Charter reaffirms as “a basic principle” decision-making in ASEAN by consultation and consensus.

Where consensus cannot be achieved, the ASEAN Summit may decide on how a specific decision can be made.

If there is a serious breach of the Charter or non-compliance, the matter will be referred to the ASEAN Summit for decision.

FLEXIBLE PARTICIPATION IN ECONOMIC SCHEMES

The Charter permits flexible participation in the implementation of economic commitments in ASEAN, including the use of the ASEAN Minus X formula where there is a consensus to do so.

Under the ASEAN Minus X formula, a Member State may opt out from certain economic schemes that it is not yet ready to participate, although it has taken part in determining and approving such economic schemes in the first place.

NEW DISPUTE SETTLEMENT MODALITIES

ASEAN may establish new dispute settlement mechanisms where necessary.

Disputes in the ASEAN Economic Community may be referred to the 2004 ASEAN Protocol on Enhanced Dispute Settlement Mechanism for some solution.

The ASEAN Chairman and the Secretary-General of ASEAN can be requested to provide good offices, conciliation or mediation in a dispute. This is a new initiative in ASEAN.

Unresolved disputes shall be referred to the ASEAN Summit for its decision.

SINGLE CHAIRMANSHIP

Chair of the ASEAN Summit will be the same Chair of other key ASEAN bodies, including the three Community Councils, the ASEAN Coordinating Council, the ASEAN Foreign Ministers Meeting, and the ASEAN Defence Ministers Meeting (ADMM), as well as their respective Senior Officials Meetings (SOMs), and also the Committee of Permanent Representatives to ASEAN, to be established in Jakarta.

It is possible that the ASEAN Economic Ministers Meeting (AEM) may also be included under the Single ASEAN Chairmanship.

The ASEAN Chairmanship will start on 1 January and end on 31 December.

ENGLISH AS THE WORKING LANGUAGE OF ASEAN

The Charter reaffirms that English is the working language of ASEAN.

(This is one of the few things that ASEAN has outdone the European Union, where every official EU document must be written in at least three languages.)

ASEAN IDENTITY

Under Chapter XI, the following will add to the creation of ASEAN identity:

- ASEAN Motto : “One Vision, One Identity, One Community”
- ASEAN flag
- ASEAN emblem
- ASEAN Day : 8 August
- ASEAN anthem (there shall be one)

(Two more things that ASEAN has outdone the EU : ASEAN will have the motto and anthem; whereas the EU has already abandoned its earlier plan to adopt “United in Diversity” as the European motto, and Beethoven’s Ode to Joy as the European anthem.)

ACCREDITATION OF AMBASSADORS TO ASEAN

States that are Dialogue Partners of ASEAN and relevant inter-governmental

organizations, such as the EU, may appoint and accredit Ambassadors to ASEAN. But there is no Jakarta residency requirement for these Ambassadors to ASEAN.

ABOUT ASEAN:

The Association of Southeast Asian Nations or ASEAN was established on 8 August 1967 in Bangkok by the five founding Member States, namely, Indonesia, Malaysia, Philippines, Singapore, and Thailand. Brunei Darussalam joined on 8 January 1984, Viet Nam on 28 July 1995, Lao PDR and Myanmar on 23 July 1997, and Cambodia on 30 April 1999.

The ASEAN region has a population of about 567.5 million, a total area of 4.5 million square kilometres, a combined gross domestic product of over US\$1 trillion, and a total foreign trade of over US\$ 1.4 trillion.

The ASEAN Secretariat is in Jakarta. It was established in 1976, 10 years after the organization was founded.

Its homepage is at www.aseansec.org

The five-year term of the incumbent Secretary-General of ASEAN, H.E. Ong Keng Yong from Singapore, will end on 31 December 2007. He will be succeeded by H.E. Dr. Surin Pitsuwan, a former Foreign Minister of Thailand.