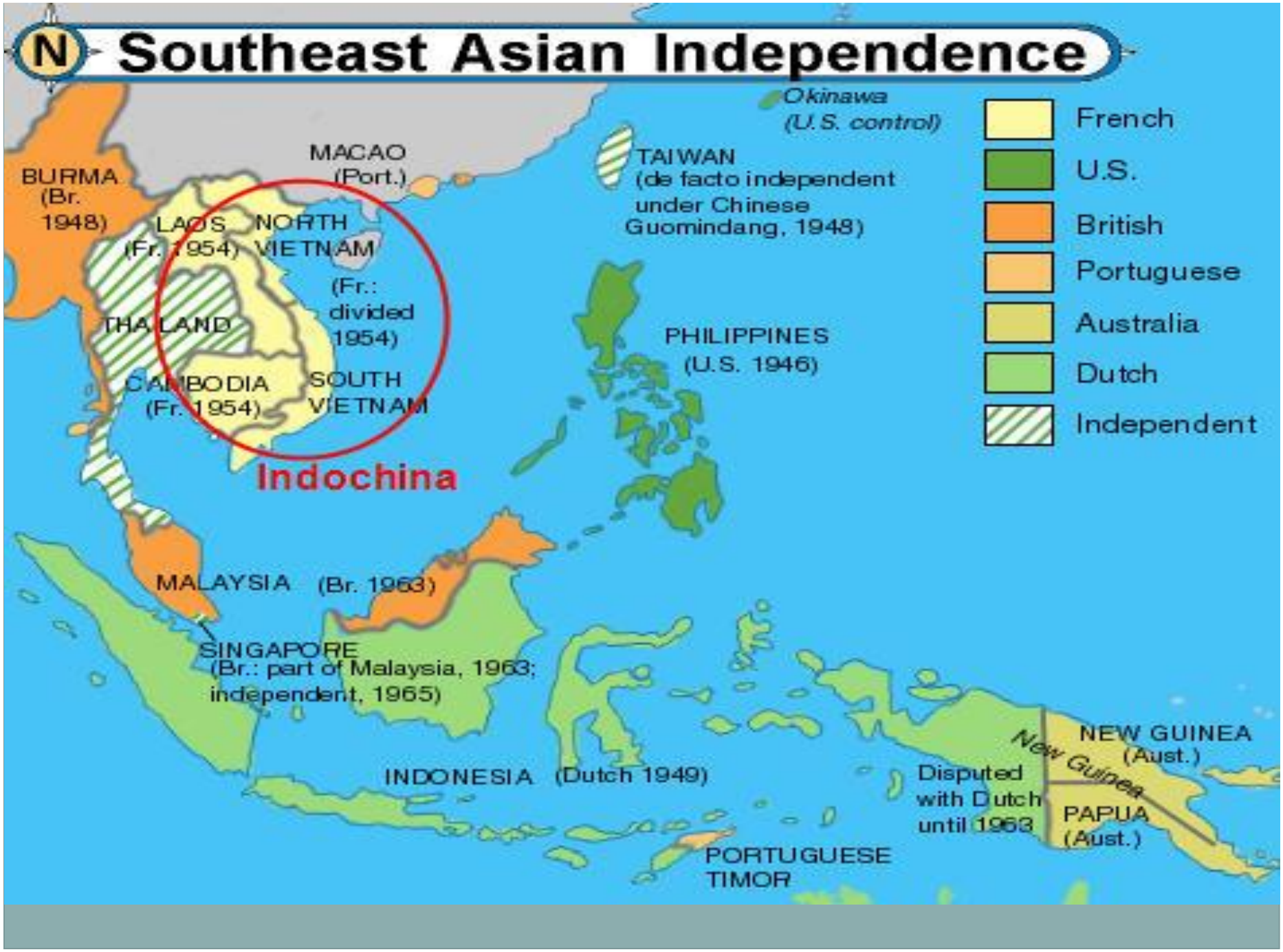
Understanding ASEAN: its Systems & Structures


Southeast Asian Independence
N
Okinawa
(U.S. control)
French
U.S.
British
Portuguese
Australia
Dutch
Independent
MACAO
(Port.)
TAIWAN
(de facto independent
under Chinese
Guomindang, 1948)
BURMA
(Br.
1948)
LAOS
(Fr. 1954)
NORTH
VIETNAM
(Fr.:
divided
1954)
THAILAND
PHILIPPINES
(U.S. 1946)
CAMBODIA
(Fr. 1954)
SOUTH
VIETNAM
Indochina
MALAYSIA (Br. 1963)
SINGAPORE
(Br.: part of Malaysia, 1963;
independent, 1965)
NEW GUINEA
(Aust.)
New Guinea
INDONESIA (Dutch 1949)
Disputed
with Dutch
until 1963
PAPUA
(Aust.)
PORTUGUESE
TIMOR

Regional Inter-governmental Organization

10 members

4.5million sq kms

Over 600 million people (growth1.5%)

Overview

- 8 August 1967 in Bangkok, Thailand, with the signing of the ASEAN Declaration (Bangkok Declaration)
- Founding Fathers of ASEAN: 5 Foreign Ministers - Adam Malik (**Indonesia**), Narciso R. Ramos (**Philippines**), Tun Abdul Razak (**Malaysia**), S. Rajaratnam (**Singapore**) and Thanat Khoman (**Thailand**)

The Context: 1960s

- **Conflict**:
  - Indonesia-Malaysia (Konfrontasi 1962-66),
  - Philippines-Malaysia (over Sabah)
  - Singapore secession from Malaysia
  - Mindanao, Southern Thailand
  - Thailand was brokering reconciliation among Indonesia, the Philippines and Malaysia
- **Poor**
- **Communism**
  - Cold War, arms race, proxy wars
  - Indochina War: Vietnam, Laos Cambodia
  - Burma: 1962
- **Club of dictators**: Marcos, Suharto, Thanom, Lee Kwan Yew, Abdul Rahman

Bangkok Declaration

- **cooperation** in the economic, social, cultural, technical, educational and other fields,

- promotion of **regional peace and stability** through abiding respect for justice and the rule of law and adherence to the principles of the UN Charter.

- Representing the collective will of the nations of Southeast Asia to bind themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of **peace, freedom and prosperity**

Fundamental Principles

- Feb. 1967 - Treaty of Amity and Cooperation (TAC) :
  - **Mutual respect for the independence, sovereignty**, equality, territorial integrity, and national identity of all nations
  - The rights of every state to **lead its national existence free from external interference, subversion, and coercion**
  - **Non-interference** in the internal affairs of one another
  - **Settlement of differences or disputes** by peaceful manner
  - **Renunciation of the threat or use of force**; and
  - **Effective cooperation** among themselves.

ASEAN Today: 2000s

- Diversity
  - Political systems: Democracies, Dictatorships, Monarchy
  - Economic development
    - HDI (2004): Rank 25 to 133
    - GDP (2006): $208 to $29,499
  - Economic systems
- Power dynamics:
  - Traditional most influential member – Indonesia
  - The shift of power from ‘older 5’ to ‘newer 4’ (CLMV)?
- Shift from state-centric to people-oriented?

ASEAN in the last 4 decades

- A state-led project driven by the region's elites (top-bottom) – exclusive club for Southeast Asian foreign ministers
- A tool to advance the political-security interests of its member states, but later expanded to economic and socio-cultural co-operation
- Developed norms and values: 'ASEAN Way' - diplomatic norms that encourages the member countries of ASEAN to seek an informal and incremental approach to co-operation through lengthy consultation and dialogue (consensus, least common denominator, non-interference, etc.)
- 'National interests' and 'sovereignty' still prevails despite the deepening of regionalization process
- Limited participation of civil society in its decision-making processes

ASEAN Charter

- Ratified by 10 ASEAN member states
- Came into force: 15 Dec 2008, Jakarta
- Gives legal personality to ASEAN
- Clarifies common objectives and principles
- Defines structure, Mechanisms, Operations

What's new in the Charter for ASEAN?

- The Charter
- Regional Vision
- Blueprints of Cooperation
- Human Rights Commission

Charter: ASEAN Objectives

- Enhance peace, security stability
- Political, security, economic, socio-cultural cooperation
- Preserve as nuclear weapons free zone
- Peace with the world, harmonious environment
- Single market and production base
- Alleviate poverty, narrow development gap
- Strengthen democracy, protect and promote human rights
- Respond to common threats
- Promote sustainable development
- Develop human resources
- …

Charter: ASEAN principles

- Respect for independence, sovereignty, territorial integrity
- Shared commitment: peace, security stability
- Renounce use of force
- Peaceful settlement of disputes
- Non-interference in internal affairs
- Freedom from external interference, subversion, coercion
- Respect for fundamental freedoms, protect and promote human rights, promote social justice
- Respect UN Charter, international law, IHL
- Abstain from participation in activities which threaten members
- Respect cultures, religions, languages
- Centrality of ASEAN in economic, political, social, cultural relations
- Adherence to rules towards integration, and market driven economy

Charter: Critics

- Market-oriented language
- Does not acknowledge the centrality of redistribution and economic solidarity to the goals of poverty eradication, social justice and lasting peace
- Non-participatory drafting process
- Codifies past agreements
- All about governments and not interaction with the people
- Unclear spaces of how civil society can participate
- Lack of disciplinary and dispute resolution mechanisms

Charter: Positive values

- Legal personality: more accountable, stronger (?)
- Human Rights, democracy as principles
- Human Rights body (Article 14)
- Recognition of civil society participation

For CSO Strategic Values:

- A space to stake claims and accountability
- An anchor to discuss ASEAN
- Possibility to transform ASEAN to work for the mutual benefit of the governments and the peoples

New Charter: New ASEAN?

- Legal, (rules based) therefore accountable
- Greater Recognition
  - within ASEAN (leverage against governments)
  - Regional partners (international leverage)
- Mechanisms to address regional issues: Human rights, migrant workers, women and children
- Recognition of Civil Society - the right to participate

ASEAN: Stages of Development

- First 10 years (1967-1976): **establishment**, solidarity, dialogue partners
- The next 20 years: (1977-1997): **expansion** - Brunei (1984); Vietnam (1995); Lao PDR and Myanmar (1997); and Cambodia (1999)
- The next 10 years: (1998-2007): vision, **formalization**
- The next 7 years: (2008-2015): **Community building**

ASEAN regionalism

- 1976 – Bali Concord I – formally adopted political co-operation as part of ASEAN regular activities
- 1992 – ASEAN Free Trade Agreement
- 1997/98 – economic crisis – acceleration of economic integration initiatives – ASEAN Vision 2020
- 2003 - Bali Concord II – the launch of ASEAN Community by 2020
- 2005 – the launch of ASEAN Charter process
- 2006/07 – the acceleration of ASEAN Community to 2015
- 2007 – ASEAN Charter drafting and the ASEAN Economic Community Blueprint
- 2008 – ASEAN Charter ratification
- 2009 ASEAN Political Community and Socio-Cultural Community Blueprints

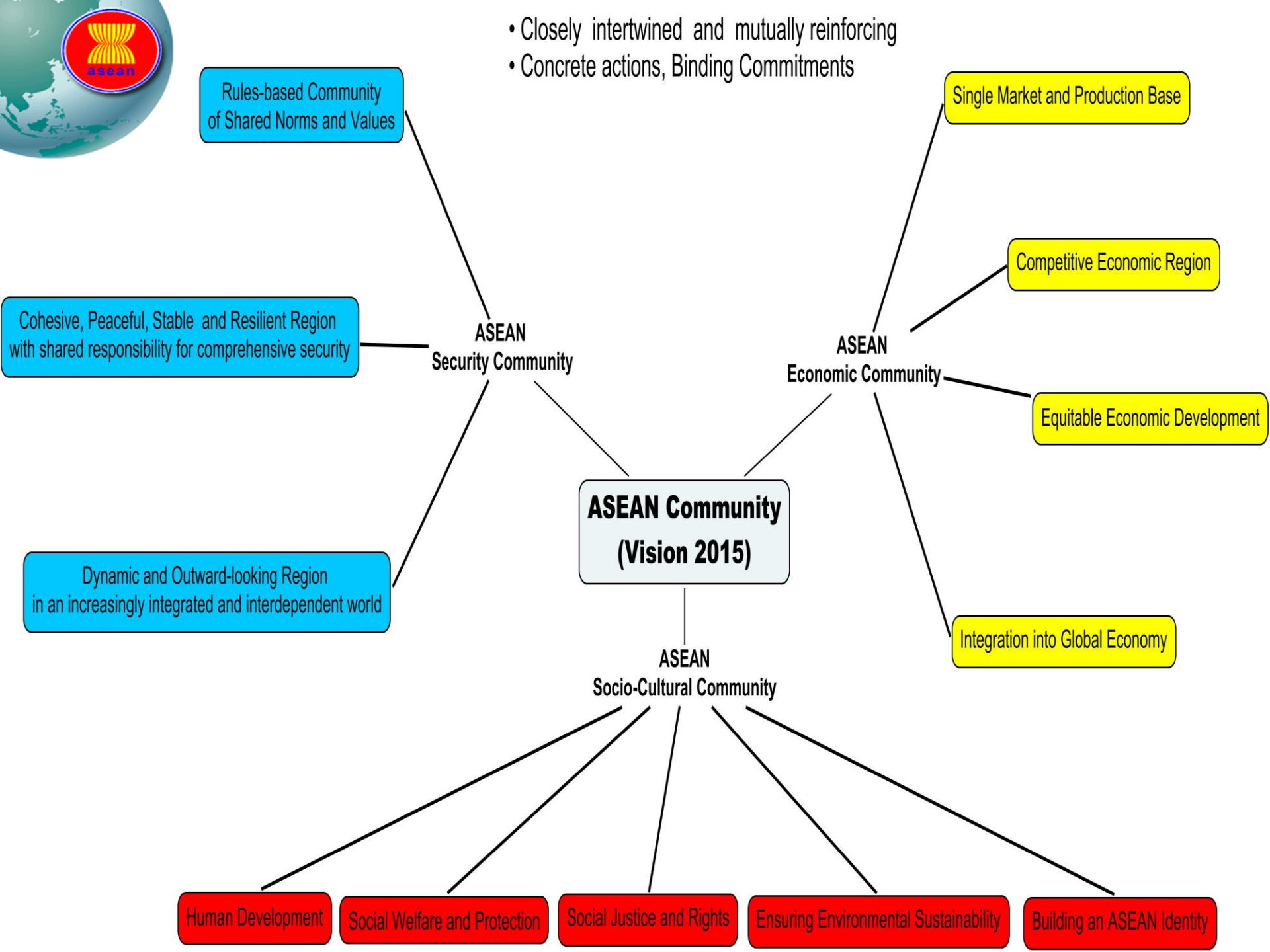
ASEAN Community

- **ASEAN Political-Security Community** – peaceful processes in the settlement of intra-regional differences and it has the following components: political development, shaping and sharing of norms, conflict prevention, conflict resolution, post-conflict peace building, and implementing mechanisms

- **ASEAN Economic Community** - creating a stable, prosperous and highly competitive ASEAN economic region in which there is a free flow of goods, services, investment and a freer flow of capital, equitable economic development and reduced poverty and socio-economic disparities in year 2020;

- **ASEAN Socio-Cultural Community** - envisages a community of caring societies and founded on a common regional identity, with cooperation focused on social development aimed at raising the standard of living of disadvantaged groups and the rural population, and shall seek the active involvement of all sectors of society, in particular women, youth, and local communities

- Closely intertwined and mutually reinforcing
- Concrete actions, Binding Commitments



ASEAN Community

POLITICAL – SECURITY Blueprint

- Rules based, shared norms and values
- Cohesive, peaceful, stable, resilient with shared responsibility
- Dynamic and Outward looking

ECONOMIC Blueprint

- Single Market and production base
- Competitive economic region
- Equitable Economic development
- Integration into global economy

SOCIO-CULTURAL Blueprint

- Human Development
- Social Welfare and Protection
- Social justice and rights
- Environmental Sustainability
- ASEAN Identity

ASEAN Charter - One Vision, One Identity, One Caring and Sharing Community

Three Blueprints

- Three “integral” pillars of the ASEAN Vision 2015: AEC, ASC, ASCC (work in tandem)
- Clear targets and timelines for implementation
- Pre-agreed flexibilities to accommodate the interests of all ASEAN Member
- Binding
- General Content – Policy/Goals; technical, Action plan, Review mechanism

Critics:

- No participation, even secretive process
- All about governments (does not address corruption and repression)
- Whose community is ASEAN?

ASEAN Economic Blueprints

- a single market and production base,
- a highly competitive economic region,
- a region of equitable economic development, and
- a region fully integrated into the global economy
- Priority Integration Sectors: agro-based products; air travel; automotives; e-ASEAN; electronics; fisheries; healthcare; rubber-based products; textiles and apparels; tourism; wood-based products; and logistics (additional sector as may be identified by the Ministers after the agreement)

Economic Blueprint: critics

- Liberalization
- Only protects end-users (consumers)
- What about sustainability? Environment and livelihood
- Disregards existing bilateral economic agreements
- No detail on how the region acts as a whole

Socio-Cultural Blueprints

- promotion of human development and security
- narrowing the development gap
- ensuring environmental sustainability
- building an ASEAN identity
- Wide coverage of issues: Poverty, Health, Disaster Management, Education, Food security, Social impact of integration, Environmental sustainability, Migrant labor, Women and children’s rights, Science and Technology

Socio-cultural: Critics

- Social justice vs. social protection; systemic vs. symptomatic
- Systemic solutions to address social injustice: problems of access, conflicting interests with commercial/industrial interests
- Participation should not be limited to this sphere.
- Diversity and identity of peoples within member countries

Political Security Blueprints

- **Framework is based on political and security cooperation where countries live at peace with one another, and the ASEAN, with the world at large.**
- **Principles are *non-interference, consensus, national and regional resilience, and respect for sovereignty*.**
- **Elements of the Blueprint: *political development, shaping and sharing of norms on counter terrorism and nuclear free zones, inter-state conflict prevention and post-conflict peace-building; combating terrorism***

Political Security: Critics

- **State-centric in perspective (national security)**
  - ***Existing internal conflicts should be addressed: over resources, over self-determination/identity***
  - ***Governments (policies) are sources of conflict***
- **Does not provide for political participation and representation of civil society**
- **No reference to international human rights standards>adherence to international standards and principles**
- **No dispute mechanism on internal conflicts, intra-state conflicts, separatism.**
- **No recognition of internally displaced people (IDPs)**
- **Cultural diversity is not addressed >recognition of diversities in ethnicity and religion, and of marginalization**
- **Strengthen and monitor existing regional instruments on migrants, women, children, and CSO and public participation in processes**
- **Promote regional civilian peacekeeping forces**

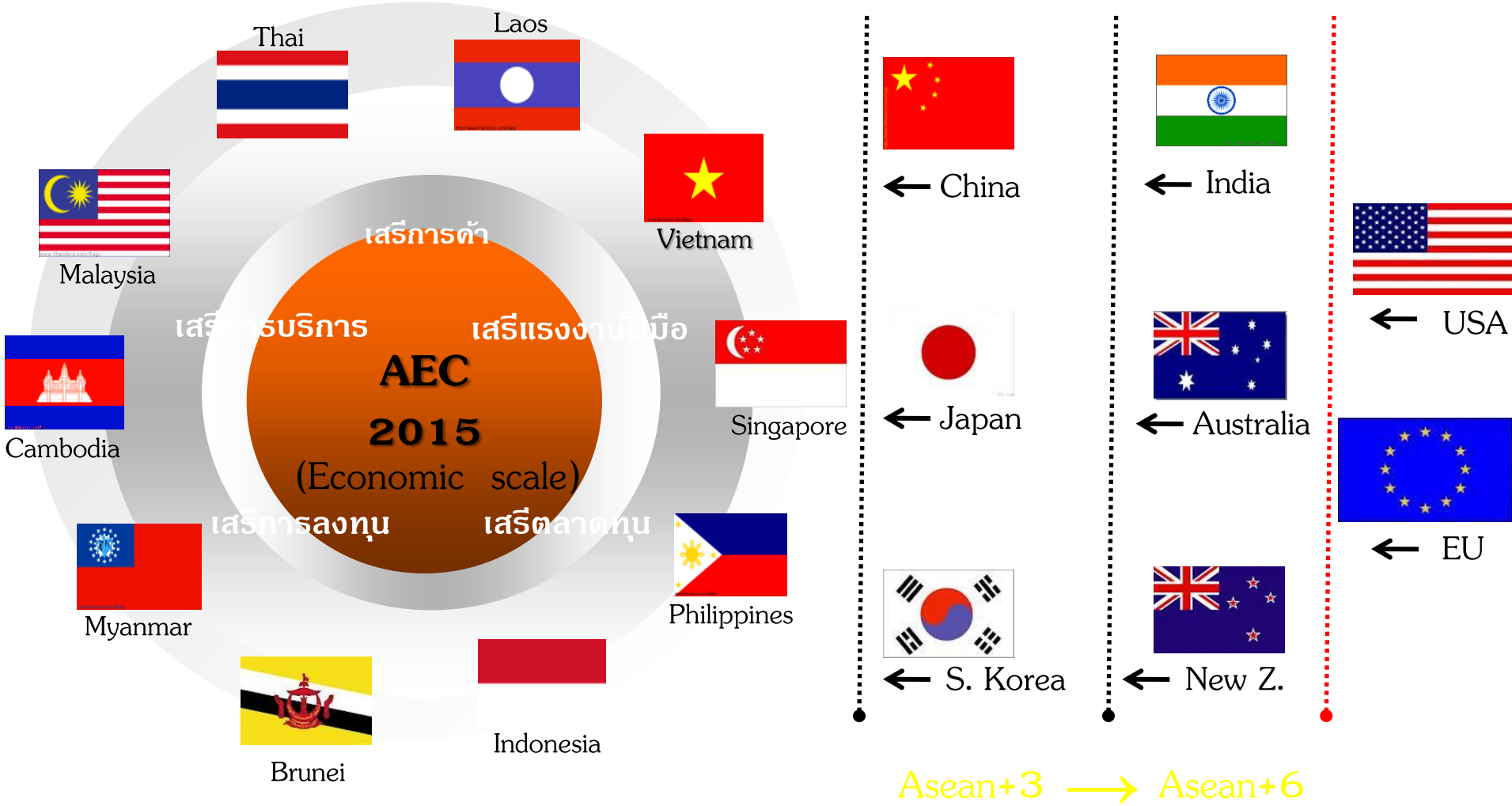
ASEAN Integration 2015

Economic Blue Print & Community	Political Security Blue Print & Community	Socio-Cultural Blue Print & Community
ASEAN Economic Community Council	ASEAN Security Community Council	ASEAN Socio-Cultural Community Council
Econ Min (AEM)	AMM + AICHR	Soc Welfare (AMMSWD) + ACWC
AFTA Council	ARF	DM (AMMDM)
Investment (AIA)	Defence (ADMM)	Environment (AMME)
Finance (AFMM)	Law (ALAWMM)	Labor (ALMM) + ACMW
Food, Agr, (AMAF)	Trans Crime (AMMTC)	Rural Dev (AMDPE)
		Education

ASEAN Coordinating Council

ประชาคมเศรษฐกิจอาเซียน (AEC) 2015

* ตลาดและฐานการผลิต รวมเป็นหนึ่งเดียว
* พัฒนาเศรษฐกิจอย่างเสมอภาค
* สร้างขีดความสามารถในการแข่งขัน
* การบูรณาการเข้ากับเศรษฐกิจโลก



ASEAN's Structure

- ASEAN Summit
- ASEAN Coordinating Council
- ASEAN Community Councils
- ASEAN Sectoral Ministerial Bodies
- Secretary General
- ASEAN Secretariat
- ASEAN National Secretariat
- Committee Permanent Representatives (CPR)
- ASEAN Intergovernmental Commission on Human Rights
- ACWC
- ACMW

ASEAN Summit (Art 7)

- Comprise the heads of States
- Supreme policy-making body of ASEAN
- Deliberate, provide policy guidance and take decisions on key issues pertaining to the realization of the objectives of ASEAN
- Instruct the relevant ministers in each of the councils concerned to hold ad hoc inter-ministerial meetings, address important issues concerning ASEAN that cut across the Community Councils
- Address emergency situations affecting ASEAN
- Appoint SG ASEAN

ASEAN Coordinating Council (Art 8)

- Comprise the ASEAN Foreign Ministers, meet twice a year
- Prepare the meetings of the ASEAN Summit
- Coordinate the implementation of agreements and decisions of the SAEAN Summit
- Coordinate with the ASEAN Community Councils to enhance policy coherence, efficiency and cooperation among them
- Coordinate the reports of the ASEAN Community Councils and the ASEAN Summit
- Consider the annual report of the Secretary-General on the work of ASEAN

ASEAN Coordinating Council (Art 8)

- Consider the report of the Secretary-General on the functions and operations of the ASEAN Secretariat and other relevant bodies
- Approve the appointment and termination of the Deputy Secretaries-General upon the recommendation of the Secretary General

ASEAN Community Councils (Art 9)

- Comprise the ASEAN Political-Security Community Council, ASEAN Economic Community Council, ASEAN Socio-Cultural Community Council
- Each ASEAN Community Council shall have under its purview the relevant ASEAN Sectoral Ministerial Bodies
- Each Member State shall designate its national representation for each ASEAN Community Council meeting

ASEAN Community Councils (Art 9)

- Ensure the implementation of the relevant decisions of the ASEAN Summit, coordinate the work of the different sectors on issues which cut across the other Community Council, submit reports and recommendations to the ASEAN Summit
- ASEAN Community Council meet at least twice a year and chaired by the appropriate Minister from the Member State holding the ASEAN Chairmanship

ASEAN Sectoral Ministerial Bodies (Art 10)

- Shall function in accordance with their respective established mandates
- Implement the agreements and decisions of the ASEAN summit under their respective purview
- Strengthen cooperation in their respective fields in supports of ASEAN integration and community building
- Submit reports and recommendations to their respective Community Councils
- *Such as Senior Official Meeting (SOM), Senior Official Meeting on Social Welfare and Development (SOMSWD), ASEAN Committee on Women*

Secretary General of ASEAN

- Appointed by the ASEAN Summit for a non-reneweable term of office of the 5 years
- Carry out the duties and responsibilities of the office in accordance with the ASEAN charter
- Facilitate and monitor progress in the implementation of ASEAN agreements and decisions, and submit an annual report
- Participate in meetings of the ASEAN Summit, the ASEAN Community Councils, the ASEAN Coordinating Council and ASEAN Sectoral Ministerial Bodies and other relevant meetings

Secretary General of ASEAN

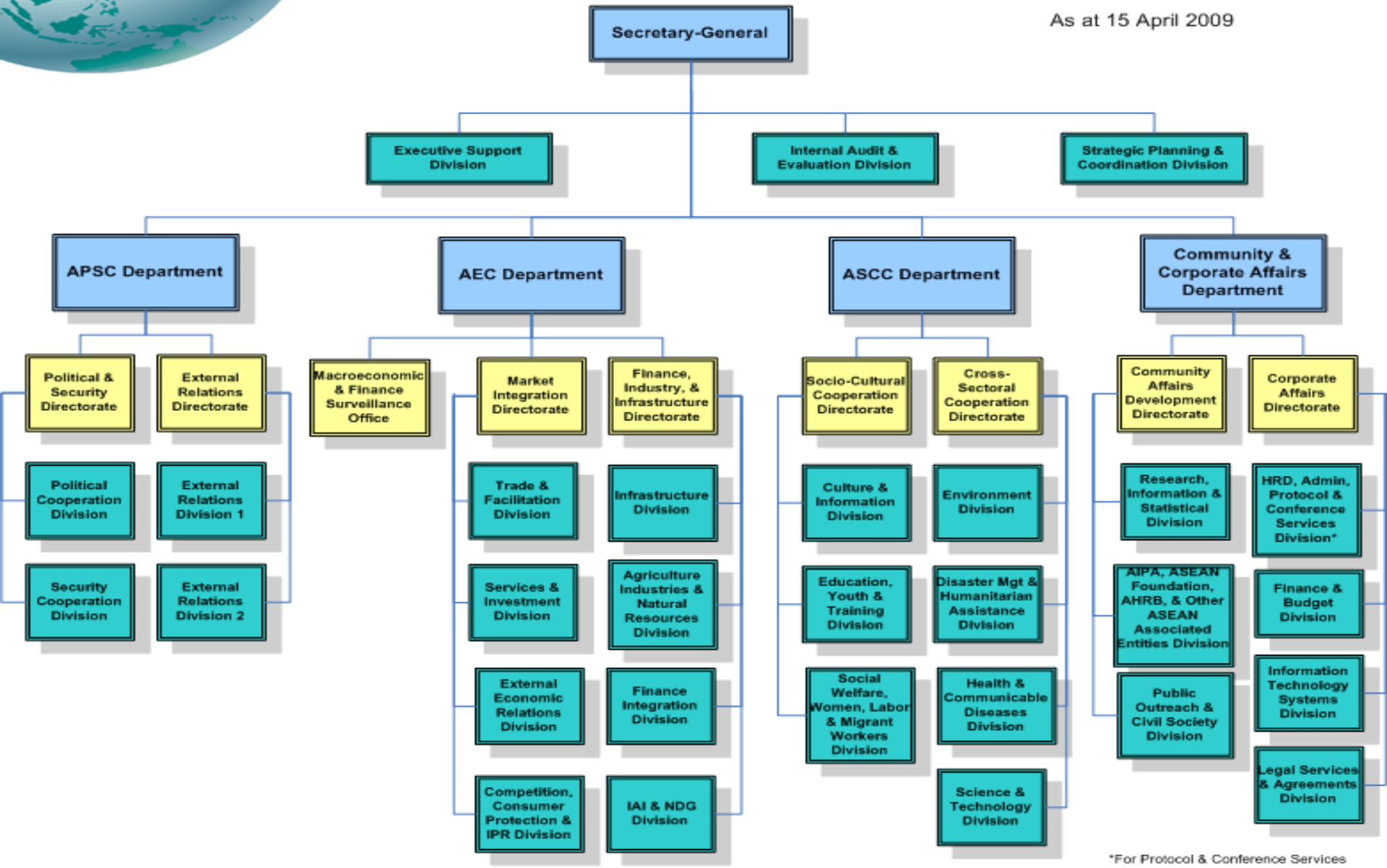
- Present the views of ASEAN and participate in meetings with external parties
- Recommend the appointment and termination of the Deputy Secretaries-General to the ASEAN Coordinating Council for approval
- SG shall also b the Chief Administrative Officer of ASEAN

ASEAN Secretariat

- Uphold the highest standards of integrity, efficiency, and competence in the duties performance
- Not seek or receive instructions from any government or external party outside of ASEAN
- Refrain from any action which might reflect on their position as ASEAN secretariat officials

ASEC Structure

As at 15 April 2009



*For Protocol & Conference Services please click here

Committee of Permanent Representatives (CPR) (Art 12)

- Each ASEAN Member State shall appoint a Permanent Representative to ASEAN with the rank of Ambassador based in Jakarta
- Support the work of the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies
- Coordinate with ASEAN National Secretariat and ASEAN Sectoral Ministerial Bodies
- Liaise with SG of ASEAN and the ASEAN Secretariat on all subjects relevant to the work
- Facilitate ASEAN Cooperation with external partners
- Perform such other function

ASEAN National Secretariat

- Serve as the national focal point
- Be the repository of information on all ASEAN matters at the national level
- Coordinate the implementation of ASEAN decisions at the national level
- Coordinate and support the national preparations of ASEAN meetings
- Promote ASEAN identity and awareness at the national level
- Contribute to ASEAN community building

ASEAN Inter-governmental Commission on Human Rights (AICHR)

- To develop a long-term strategy for the promotion and protection of human rights and fundamental freedoms to complement the building of the ASEAN Community;
- To promote public awareness of human rights among the peoples of ASEAN through education, research and dissemination of information;
- To facilitate capacity building for the effective implementation of international human rights treaty obligations undertaken by ASEAN Member States;
- To encourage ASEAN Member States to consider acceding to and ratifying international human rights instruments;
- To develop an ASEAN Declaration on Human Rights and other ASEAN human rights instruments;

ASEAN Inter-governmental Commission on Human Rights (AICHR)

- To promote the full implementation of ASEAN instruments related to human rights;
- To engage in dialogue and consultation with other ASEAN bodies and entities associated with ASEAN, including civil society organizations and other stakeholders
- To consult, as may be appropriate, with other relevant institutions and entities concerned with promotion and protection of human rights;
- To obtain information from Member States on the promotion and protection of human rights;
- To prepare studies on thematic issues of human rights in ASEAN;
- To submit an annual report on its activities, or other reports if deemed necessary, to the ASEAN Foreign Ministers Meeting;

ASEAN Foundation

- Shall support SG ASEAN and collaborate with the relevant ASEAN bodies to support ASEAN Community building by promoting greater awareness of the ASEAN identity, people-to-people oriented and close collaboration among business sector, civil society, academia and other stakeholders
- Be accountable to the SG ASEAN

ACWC

- To promote the **implementation** of international instruments, ASEAN instruments and other instruments related to the rights of women and children.
- To **develop policies**, programs and innovative strategies to promote and protect the rights of women and children to complement the building of the ASEAN Community.
- To promote **public awareness** and education of the rights of women and children in ASEAN.
- To **advocate on behalf of women and children**, especially the most vulnerable and marginalized, and encourage ASEAN Member States to improve their situation.
- To **build capacities** of relevant stakeholders at all levels, e.g. administrative, legislative, judicial, civil society, community leaders, women and children machineries, through the provision of technical assistance, training and workshops, towards the realization of the rights of women and children.

ACWC

- To assist, upon request by ASEAN Member States, in preparing for **CEDAW and CRC Periodic Reports**, the Human Rights Council's Universal Periodic Review (UPR) and reports for other Treaty Bodies, with specific reference to the rights of women and children in ASEAN.
- To assist, upon request by ASEAN Member States, in **implementing the Concluding Observations of CEDAW and CRC** and other Treaty Bodies related to the rights of women and children.
- To encourage ASEAN Member States on the **collection and analysis of disaggregated data** by sex, age, etc., related to the promotion and protection of the rights of women and children.
- To promote **studies and research** related to the situation and well-being of women and children with the view to fostering effective implementation of the rights of women and children in the region.
- To encourage ASEAN Member States to undertake **periodic reviews of national legislations, regulations, policies, and practices** related to the rights of women and children.

ACWC

- To facilitate **sharing of experiences and good practices**, including thematic issues, between and among ASEAN Member States related to the situation and well-being of women and children and to enhance the effective implementation of CEDAW and CRC through, among others, exchange of visits, seminars and conferences.
- To propose and promote **appropriate measures, mechanisms and strategies for the prevention and elimination** of all forms of violation of the rights of women and children, including the protection of victims.
- To encourage ASEAN Member States to consider **acceding to, and ratifying**, international human rights instruments related to women and children.
- To support the **participation of ASEAN women and children** in dialogue and consultation processes in ASEAN related to the promotion and protection of their rights**.**
- To provide **advisory services** on matters pertaining to the promotion and protection of the rights of women and children to ASEAN sectoral bodies upon request

ACMW

- To ensure effective implementation of the commitments made under the Declaration
- Facilitate/work towards the development of an ASEAN instrument on MWs
- Composition: 10 member states
- ACMW Drafting Committee for Framework Instrument - 2 sending countries (Indonesia and the Philippines) and 2 receiving countries (Malaysia and Thailand)

Actors in ASEAN

- **Track 1**
  - State, ASEAN National Secretariats
- **Track 1.5**
  - ASEAN Inter-Parliamentary Assembly (AIPA)
  - ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC)
  - ASEAN Inter-Parliamentary Caucus on Good Governance (AIPCGG)
- **Track 2**
  - Academic/ Think Tank (ASEAN ISIS Network)
  - National Human Rights Institutions (NHRIs) (?)
- **Track 1.5-2.5**
  - Working Group for an ASEAN Human Rights Mechanism
- **Track 3**
  - Civil Society Organisations (Accredited or unaccredited)
  - SAPA Working Group on ASEAN, SAPA Task Force on ASEAN and Human Rights

Track 1.5: Parliamentarian

- ASEAN Inter-Parliamentarian Assembly (AIPA)
- ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC)
- ASEAN Inter-Parliamentary Caucus on Good Governance (AIPCGG)
- ASEAN Inter-Parliamentary Caucus on Freedom on Expression

1.5-2.5: WG for an ASEAN Human Rights Mechanism

- Indonesia WG: Mr. Marzuki Darusman
- Malaysia WG: Dato Param Cumaraswamy
- Philippines WG: Senator Wigberto Tanada
- Thailand WG: Professor Sriprapha Phetchamesree
- Singapore Interim Committee: Ms. Braema Mathi

Track 2: ASEAN ISIS

ASEAN Institute on Strategic and International Studies

- Brunei Darussalam Institute of Policy and Strategic Studies (BDIPSS)
- Cambodian Institute for Co-operation and Peace (CICP)
- Indonesian Centre for Strategic and International Studies (CSIS)
- Laos Institute for Foreign Affairs (IFA)
- Malaysian Institute for Strategic and International Studies
- Philippines' Institute for Strategic and Development Studies (ISDS)
- Singapore Institute of International Affairs (SIIA)
- Thailand's Institute for Security and International Studies (ISIS)
- Vietnam's Institute for International Relations (IIR)

Track 2: National Human Rights Institutions

ASEAN Four National Human Rights Institutions

- Commission of Human Rights Philippines (CHRP)
- KOMNAS HAM (Indonesia)
- SUHAKAM (Malaysia)
- National Human Rights Commission of Thailand (NHRCT)

Track 3: Civil Society Organizations

- SAPA (Solidarity for Asian People's Advocacy) Working Group on ASEAN
- Task Force on ASEAN and Human Rights
- Task Force on ASEAN and Migrant Workers
- Women's Caucus
- 60 plus NGOs accredited by ASEAN
- ASEAN Peoples' Center, Jakarta
- Trade Unions

Engaging ASEAN

1. Through ASEAN Secretariat's led events
   - ASEAN Community Forum
   - ASEAN Social Forum
2. Through ASEAN Governments' led events
   - Interface Meeting with ASEAN leaders during Summit
3. Through ASEAN Sectoral ministers' led events
4. Through ASEAN WG/Initiative led events
5. Through ASEAN Community councils
6. Through countries' Department of ASEAN/ National secretariat of ASEAN
7. Through Committee Permanent Representatives

Engaging ASEAN

8. Through ASEAN civil society forums:
   - ASEAN People's Assembly
   - ASEAN Civil Society Conference (ACSC)/ASEAN Peoples Forum
9. Affiliation: ASEAN accredited NGOs
10. Through AICHR, ACWC, ACMW
11. Engaging ASEAN foundation
12. Submitting reports/inputs/ position papers
13. Through Media discussion, i.e. op-ed

Engaging ASEAN

14. Through human rights specific forums:
    - ASEAN ISIS Colloquium on Human Rights
    - Workshop on the ASEAN Regional Mechanism on Human Rights (Working Group)
    - Roundtable Discussion on Human Rights in ASEAN (Working Group)
    - Regional Consultation on ASEAN and Human Rights (SAPA TFAHR)
    - ASEAN National Human Rights Institutions Forum (4NIs)

Thank You

CHINA
MYANMAR
LAOS
PHILIPPINES
THAILAND
VIETNAM
CAMBODIA
MALAYSIA
BRUNEI DARUSSALAM
SINGAPORE
INDONESIA