



REPORT OF THE EMINENT PERSONS GROUP ON THE ASEAN CHARTER

DECEMBER 2006

THE EMINENT PERSONS GROUP ON THE ASEAN CHARTER



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EXECUTIVE SUMMARY

1. ASEAN Leaders mandated us, the Eminent Persons Group (EPG) on the ASEAN Charter to consider bold and visionary ideas to strengthen ASEAN. We highlight below some of our key recommendations which are more fully elaborated in our Report of the EPG to ASEAN Leaders, which contains our Recommendations for Inclusion in the ASEAN Charter.
2. After 40 years ASEAN is now at a critical turning point. Although ASEAN is one of the most successful regional organisations today, there is no guarantee that it will continue to be relevant in the coming decades and remain the driving force in regional cooperation. While the ASEAN Charter will bring about a long overdue legal framework, ASEAN must reposition itself. It must address the growing challenges and opportunities of regional integration, the major shifts in the Asian landscape brought about by the rise of China and India and Asia's widening links with the rest of the world.

Fundamental Principles and Objectives

3. The principles and objectives enshrined at ASEAN's founding have served us well and are integral to ASEAN's future success. At the same time, the Charter should update ASEAN's principles and objectives in line with the new realities confronting ASEAN, and to strengthen regional solidarity and resilience. The EPG recommends that these principles and objectives be reflected in the Charter which broadly cover the following areas:
 - *Promotion of ASEAN's peace and stability through the active strengthening of democratic values, good governance, rejection of unconstitutional and undemocratic changes of government, the rule of law including international humanitarian law, and respect for human rights and fundamental freedoms.*
 - *Promotion of ASEAN's prosperity and resilience through closer cooperation and integration namely the ASEAN Economic Community, Single Market, greater economic linkages, regional connectivity and narrowing the development gap.*
 - *Promotion of ASEAN's timely and effective responses to non-traditional and transboundary challenges and crises through mutual assistance or regional and international cooperation. ASEAN may need to calibrate the*

traditional policy of non-intervention in areas where the common interest dictates closer cooperation.

- *Promotion of an ASEAN identity through greater awareness of ASEAN's cultural heritage, investment in learning, empowering the lives of the people and communities and engagement with civil society.*
- *Expressing the resolve to realise an ASEAN Community and ultimately an ASEAN Union.*

Towards an ASEAN Community

4. Regional integration in ASEAN is accelerating and expanding far beyond that envisaged in the ASEAN Declaration of 1967. ASEAN economies are growing and are now more inter-linked. This broader scope of cooperation entails the need for greater political commitment to realise the vision of an ASEAN Community. The EPG recommends that:

- *ASEAN Leaders should meet more often to give greater political impetus to ASEAN's community building. The ASEAN Summit should also be renamed the ASEAN Council with provisions for Leaders to meet at least twice a year.*
- *Formation of three Ministerial-level Councils reporting to ASEAN Leaders to oversee the three key aspects of building an ASEAN Community (political-security, economic, and socio-cultural) and resolve many of the issues requiring inter-sectoral coordination.*
- *Creation of a Single Market with free movement of goods, ideas and skilled talent along with efforts to harmonise regional economic policies and strengthen regional linkages and connectivity.*

Resource Mobilisation and Narrowing the Development Gap

5. The key to ASEAN's future is being competitive, growing the overall size of the economic pie and leveraging on various opportunities for win-win cooperation with ASEAN's Dialogue Partners and friends. To ensure that ASEAN can grow collectively, the development gap must not be left unaddressed, as this could adversely affect ASEAN's ability to achieve its goals. To do all this and to build an ASEAN Community requires substantial resources. While ASEAN faces certain resource constraints, it will be necessary to review ASEAN's budget to see how best it can support

the new demands. In this regard, the EPG recommends that:

- *ASEAN shall continue to uphold the principle of equal contribution in line with the equal treatment accorded to all Member States.*
- *A Special Fund for narrowing the development gap shall be established with voluntary contributions from Member States.*
- *Other creative and sustainable ways of raising funds should also be explored and put in place, so that ASEAN can rely more on its own income to carry out cooperation activities.*
- *Mobilise funds and support from private business sector.*

Taking Obligations Seriously

6. ASEAN's problem is not one of lack of vision, ideas, or action plans. The problem is one of ensuring compliance and effective implementation. ASEAN must have a culture of commitment to honour and implement decisions, agreements and timelines. The EPG recommends:
 - *Dispute Settlement Mechanisms (DSM) be established in all fields of ASEAN cooperation which should include compliance monitoring, advisory, consultation as well as enforcement mechanisms.*
 - *The ASEAN Secretariat be entrusted with monitoring compliance with ASEAN agreements and action plans, with the Secretary-General of ASEAN reporting its findings to the ASEAN Council and the Community Councils on regular basis.*
 - *ASEAN should have the power to take measures to redress cases of serious breach of ASEAN's objectives, major principles, and commitments to important agreements. Failure to comply with decisions of the dispute settlement mechanisms should be referred to the ASEAN Council. Such measures may include suspension of any of the rights and privileges of membership. Unless otherwise decided by the ASEAN Council in exceptional circumstances, there shall be no recourse to expulsion of membership.*

Strengthening Organisational Effectiveness

7. The Secretary-General and the ASEAN Secretariat play a pivotal role in carrying out the goals of the ASEAN Community. The ASEAN Secretariat was last restructured in the early 1990s. However, ASEAN's scope of activities has increased tremendously. It is essential to strengthen the ASEAN Secretariat and enhance its policy analysis and planning, administrative, and monitoring capabilities. The EPG recommends:

- *The Secretary-General be empowered to take on a greater role to meet the growing expectations of Member States as ASEAN steps up its regional integration and international cooperation efforts.*
- *The Secretary-General be supported by four instead of the current two Deputy Secretaries-General (DSG). They will assist the Secretary-General in overseeing political-security, economic, socio-cultural cooperation as well as external relations, and administrative and budgetary affairs.*
- *Establishment of full time Permanent Representatives of Member States to ASEAN, based in Jakarta.*
- *ASEAN's Dialogue Partners can also accredit Ambassadors to ASEAN.*
- *Recruitment and development of a body of dedicated professional staff to serve in the ASEAN Secretariat.*
- *Step up efforts to streamline ASEAN, in particular to improve the efficiency of ASEAN meetings.*
- *ASEAN to be conferred legal personality and be able to engage in legal proceeding.*
- *Invigorate the ASEAN Foundation to play a more active role in promoting public awareness of ASEAN.*
- *Establishment of an ASEAN Institute to support the Secretary-General in research, policy analysis, strategic planning, and outreach programmes as well as collaboration with the Track II.*

More Effective Decision-making

8. ASEAN's consensus style of decision making has served ASEAN well and should be preserved as the guiding principle. Consensus should aid, but not impede, ASEAN's cohesion and effectiveness. As the range of activities within ASEAN increases, ASEAN should consider alternative and flexible decision-making mechanisms. In this connection, the EPG recommends:

- *Decision-making by consultation and consensus should be retained for all sensitive important decisions. However, if consensus cannot be achieved, decisions may be taken through voting, subject to rules of procedure determined by the ASEAN Council.*
- *The flexible application of "ASEAN minus X" or "2 plus X" formula may be applied, subject to the discretion of the relevant ASEAN Community Councils.*

Towards A People-Oriented ASEAN

9. ASEAN needs to shed its image of being an elitist organisation comprising exclusively diplomats and government officials. More should be done to strengthen people-to-people ties among ASEAN Member States, and to develop channels to consult ASEAN institutions, Parliamentarians in ASEAN Member States (AIPA) and the people of ASEAN in all sectors of society. Their inputs can help strengthen cultural awareness, forge closer common ASEAN identity, and improve human social development in ASEAN. The EPG recommends:

- *Cultivate ASEAN as a people-centred organisation 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 (AIPA), representatives of the civil society organisations, the private business sector, human rights groups, academic institutions and other stakeholders in ASEAN.*
- *The Principal Organs of ASEAN shall undertake regular consultations with all of the parties mentioned above through appropriate channels.*

10. Strong political will is necessary if we are to succeed. ASEAN Member States must make conscious efforts to promote the benefits of closer regional integration as well as accord higher national priority to ASEAN in their domestic agendas.

REPORT OF THE EMINENT PERSONS GROUP (EPG) ON THE ASEAN CHARTER

Introduction

1 ASEAN has reached a critical milestone in its development. Since its formation in 1967, ASEAN has grown and expanded into a regional grouping of ten Southeast Asian nations comprising Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam. Despite their different backgrounds and history, ASEAN Member States have set aside their differences to work together to promote regional peace, security and prosperity in the spirit of cooperation and development. This by itself has been a major achievement.

2 Today, ASEAN is not only a regional force to be reckoned with but is also deepening its integration efforts on all fronts. The challenges facing ASEAN are many: a more complex and dynamic international environment, stiffer economic competition, greater regional interdependence and the need to narrow the development gap. An ASEAN Charter will enable ASEAN to better position itself to overcome these challenges. It presents an opportunity for ASEAN to take stock of its achievements and shortcomings, reaffirm ASEAN's relevance, and forge a new path for ASEAN integration. Besides conferring a legal personality on ASEAN, the Charter seeks to infuse ASEAN with a renewed sense of purpose, to reaffirm and codify key objectives and key principles, to strengthen its institutions and organisational structure, and to strive to narrow the development gap, so that ASEAN can retain its role as a driving force in regional dialogue and cooperation.

3 Given the importance of this undertaking, ASEAN Leaders have tasked an Eminent Persons Group (EPG) on the ASEAN Charter comprising senior statesmen to come up with recommendations for an ASEAN Charter that is forward-looking and progressive. This effort was launched at the 11th ASEAN Summit in Kuala Lumpur in December 2005. In his letter to the EPG

Members on the EPG's Terms of Reference, Malaysian Prime Minister H.E. Dato' Seri Abdullah Ahmad Badawi said that "the EPG could be bold and visionary" in proposing major steps that could be taken to achieve an ASEAN Community as envisaged in the Declaration of ASEAN Concord II (2003) and its plans of action, the Vientiane Action Programme (2004-2010), as well as the Vision 2020 (1997).

4 The ASEAN Charter EPG met altogether eight times and actively consulted ASEAN's various partners and stakeholders. The EPG also held two meetings with members of civil society and the ASEAN Inter-Parliamentary Organisation (AIPO) in Ubud, Bali, from 17-20 April 2006, and with private business sector representatives and academics in Singapore from 27-29 June 2006. The EPG also made a visit to Brussels to study the integration experience and problems in the European Union (EU) from 10-11 July 2006. The study visit afforded EPG Members a better understanding of these issues as ASEAN contemplates its own integration. The EPG considered many ideas. In making its final recommendations, the EPG has emphasised proposals that will be practical to implement.

5 This Report outlines the EPG's thinking and recommendations for the Charter. It should be read in conjunction with the "Recommendations for Inclusion in the ASEAN Charter", initially prepared by H.E. Ali Alatas, the EPG Member from Indonesia, and subsequently revised and endorsed by the EPG Members (see **Part III**). In proposing the key components of an ASEAN Charter, this Report has sought to ask: What are the challenges confronting ASEAN over the next fifteen to twenty years? How should ASEAN respond to these challenges? What shape should ASEAN take? What more can be done to strengthen cooperation? What changes are necessary for ASEAN's institutions and processes to support the realisation of the ASEAN Community by the year 2020 and beyond. The ASEAN Charter seeks to reposition ASEAN to respond to these challenges.

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PART I: STRATEGIC STOCKTAKING

A Review of ASEAN: Four Decades of Peace and Stability

6 ASEAN will celebrate its 40th anniversary in 2007. This is a major milestone, considering that when ASEAN was founded in 1967, the Cold War was raging and insurgencies were threatening the stability of several countries in Southeast Asia. The five Founding Member States of ASEAN aspired to promote regional peace and stability, independence, freedom, and non-interference. ASEAN's Founding Fathers from Indonesia, Malaysia, the Philippines, Singapore, and Thailand envisaged that without interference by external powers, countries in Southeast Asia would be able to concentrate on nation-building, strengthen their societies and economies as well as develop solidarity through regional cooperation.

7 The Founding Fathers of ASEAN intended it to be an association of "all States in the Southeast Asian region subscribing to the aforementioned [ASEAN's] aims, principles and purposes" wishing 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."¹ These objectives remain as relevant today as they were in 1967. To this end, ASEAN adopted the Zone of Peace, Freedom and Neutrality Declaration (ZOPFAN, 1971)², the Treaty of Amity and Cooperation in Southeast Asia (TAC, 1976)³ and the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ, 1995)⁴ to preserve peace and stability in the region. The principles underlying these agreements, such as mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations, non-interference in the internal affairs of one another, renunciation of the threat or use of force, settlement of disputes by peaceful means, and effective cooperation, have served ASEAN well even though the Cold War has ended.

¹ Articles 5 and 6, the ASEAN Declaration, signed in Bangkok on 8 August 1967.

² The ZOPFAN Declaration was concluded in Kuala Lumpur on 27 November 1971 to secure the recognition of, and respect for Southeast Asia as a Zone of Peace, Freedom and Neutrality, free from any form or manner of interference by outside powers.

³ The TAC, signed in Bali on 24 February 1976, was conceived as an instrument to foster friendship and cooperation among Southeast Asian countries and to strengthen the comprehensive security of the region.

⁴ The Treaty on the SEANWFZ, signed in Bangkok on 15 December 1995, commits signatory States not to develop or possess nuclear weapons, and to make use of nuclear energy responsibly as well as to dispose of radioactive wastes in accordance with IAEA standards and procedures.

8 With the end of the Cold War, international developments renewed the impetus for international and regional cooperation. During this period, ASEAN consolidated itself and expanded its membership from the original five to ten Member States. Brunei Darussalam joined in 1984; Viet Nam in 1995; Lao PDR and Myanmar in 1997; and Cambodia in 1999. Consequently, ASEAN's internal dynamics and the nature of its cooperation became more complex; interdependence among ASEAN Member States increased, as reinforced by recent events particularly the 1997 Asian Financial Crisis, the epidemic of the Severe Acute Respiratory Syndrome (SARS) in 2003, and the Asian tsunami disaster in 2004. ASEAN meetings and its early stages of functional cooperation helped to foster mutual understanding, greater trust and confidence among ASEAN Member States. They learned to capitalise on their collective strength in negotiating with major trading partners, such as Japan and the European Economic Community, for better market access for their exports.

9 Apart from internal consolidation, the earlier phase was also marked by the development of ASEAN's external linkages. ASEAN began the process of spinning an intricate and elaborate web of external linkages with external players, who were and still are mostly major trading partners of ASEAN Member States. Gradually, Dialogue Partnerships were established with Australia, Canada, China, the EU, India, Japan, the Republic of Korea (RoK), New Zealand, the Russian Federation, the United States of America (USA), and the United Nations Development Programme (UNDP). ASEAN also has a Sectoral Dialogue Partnership with Pakistan. In 1994, it established the ASEAN Regional Forum (ARF), engaging the Dialogue Partners and other like-minded countries in strengthening peace and security in the Asia-Pacific region through dialogue and cooperation. Another significant initiative of ASEAN was the establishment in 1997 of the ASEAN Plus Three process for East Asia cooperation with China, Japan and the RoK. In 2005, in shaping the evolving regional architecture, ASEAN played a pivotal role in launching the inauguration of the First East Asia Summit (EAS).

10 Despite its diversity, ASEAN has managed to be united and has maintained peace, security and stability in the region. ASEAN's achievements are recognised internationally. Notwithstanding its success, ASEAN cannot rest on its laurels and must endeavour to maintain its influence and relevance in the changing geostrategic environment.

Greater Momentum Towards Building an ASEAN Community

11 In recent years, efforts at building an ASEAN Community have been gaining strength and greater momentum. In 2003, ASEAN took an important step forward with the Declaration of ASEAN Concord II (Bali Concord II), which established three key pillars for integration: security, economic, and socio-cultural. Regional cooperation has broadened to include many sectors as diverse as agriculture and forestry, trade, finance, investment, services, energy, science and technology, tourism, the environment, culture, information, transport, information and communications technology (ICT), health, transnational crime, counter-terrorism, disaster management, education, and defence. Today, there are more than seven hundred ASEAN meetings a year at various levels, which cut across the aforementioned sectors.

12 The security pillar is becoming more important given the growing need for a stable region for economic growth. The TAC, ZOPFAN, SEANWFZ and ARF have been important components of this pillar. But there is also a need for ASEAN to further strengthen its relations with Dialogue Partners, and deal with the increasing number of transnational challenges. In this connection, ASEAN has spared no effort to promote human security, notably respect for human rights and international humanitarian law. ASEAN is instrumental in mobilising international support and cooperation to tackle international terrorism, transnational crime, SARS, the 2004 Asian tsunami disaster, and now avian influenza. These transnational threats to human security cannot be handled effectively by any single country or government in this region alone.

13 ASEAN is intensifying cooperation at all levels to combat international terrorism. Of special importance is the effort to draft an ASEAN Convention on Counter-Terrorism. In tackling transnational crime, ASEAN has been focusing on tackling illicit drug trafficking, trafficking in persons, money laundering, arms smuggling, sea piracy, international economic crime, and cyber crime. Recently, ASEAN also launched the ASEAN Defence Ministers Meeting (ADMM). ASEAN defence officials will now have a greater opportunity for closer interaction.

14 The economic pillar remains the cornerstone of ASEAN's integration efforts. Not surprisingly, it is the most developed of all the three pillars in the ASEAN Community. ASEAN launched the ASEAN Free Trade Agreement

(AFTA) in 1993 and significantly by 2003, AFTA in the ASEAN-6 Member States (Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand) was fully realised.⁵ There is now a commitment to remove all tariffs in intra-ASEAN trade by the year 2010 for the ASEAN-6 and by 2015 for the four new ASEAN Member States, namely Cambodia, Lao PDR, Myanmar, and Viet Nam, thus paving the way for a truly open market for the region. In 2002, ASEAN commissioned McKinsey & Co to conduct a study on ASEAN competitiveness. The McKinsey Study highlighted ASEAN's fragmented markets, high transaction costs, and unpredictable policy environment as obstacles to further growth. If ASEAN is to remain attractive and competitive in the global race for foreign direct investment (FDI) and export market share, it will need to step up its integration efforts.

15 One of the main recommendations of the McKinsey Study was the need for ASEAN to promote deeper economic integration, starting with the liberalisation and integration of a few priority sectors in which ASEAN had clear comparative advantage. Subsequently, at the 9th ASEAN Summit in Bali in October 2003, 11 priority sectors were agreed upon in order to accelerate market integration.⁶ More recently, the ASEAN Economic Ministers have recommended accelerating the realisation of the ASEAN Economic Community from 2020 to 2015. But even as ASEAN embarks on further integration, it must be mindful of the importance of narrowing the development gap. Concerted efforts are being undertaken and resources mobilised to narrow the development gap under the Initiative for ASEAN Integration (IAI). Particular attention should be given to strengthening economic linkages, ensuring infrastructure and ICT connectivity between ASEAN Member States, as well as alleviating economic dislocation and promoting human resources development.

16 On the socio-cultural front, even before the Bali Concord II of 2003, the process of building the ASEAN Community had been quietly taking place in several social development sectors. Social safety nets and social protection issues are now being taken up in earnest. ASEAN Labour Ministers can now discuss sensitive issues such as cross-border labour movement and industrial relations. In coping with the HIV epidemic, ASEAN Governments have worked very closely with civil society organisations (CSO) and international

⁵ All the tariff lines in their Inclusion Lists have been brought down to the range of 0 – 5%. Viet Nam is scheduled to achieve the same this year; and Lao PDR and Myanmar will follow suit in 2008, and Cambodia in 2010.

⁶ They were: wood-based products, automotives (Indonesia to coordinate); rubber-based products, textiles and apparel (Malaysia); agro-based products, fisheries (Myanmar); electronics (the Philippines), e-ASEAN, healthcare (Singapore); and air travel, tourism (Thailand). In mid-May 2006, logistics services (Viet Nam) was adopted as the 12th priority integration sector.

organisations such as the Joint United Nations Programme on HIV and AIDS (UNAIDS) and the World Health Organisation (WHO). Considerable progress has also been made in other sectors like education, youth development, culture, information and the arts, among others.

17 Increasingly, ASEAN Leaders recognise that there is a need to rally the people of ASEAN – not just government officials or diplomats – to support ASEAN's objectives because it is the socio-cultural pillar which underpins the ASEAN Community. Moreover, this will become increasingly important given that people-to-people relations can bind ASEAN closer together. Recent initiatives to promote public awareness of ASEAN included the ASEAN Day speech by ASEAN Heads of State/Government or ASEAN Foreign Ministers, and a region-wide celebration theme for the annual ASEAN Day on 8 August.

18 ASEAN's progress in building the ASEAN Community may be attributed to the spirit of cooperation and the time-tested principles of consultation and consensus, with due consideration to the diversity of ASEAN Member States. But to accelerate regional integration, ASEAN would need to improve on the “ASEAN Way”, although it has worked well in the past. Recent events such as the Asian Financial Crisis, the SARS epidemic and the Asian tsunami disaster of 2004 remind ASEAN Member States that their well-being and future are now more intertwined. This will require ASEAN Member States to calibrate their traditional approach of non-interference in areas where the common interest dictates closer cooperation. More effective decision-making processes are also necessary to deal with less sensitive issues as well as to respond to urgent crises.

19 To build the ASEAN Community, Member States require strong political will and work together in advancing the common interest. It is only with stronger political will that ASEAN Member States will be prepared to think and act more regionally, and implement ASEAN-wide commitments and obligations in an effective and timely manner. In short, the vision of “One Identity and One Community” can only be realised if Member States accord higher national priority to ASEAN within their domestic contexts and cooperate more effectively at the regional level.

ASEAN at a Critical Turning Point

20 Looking ahead, ASEAN will face a very different strategic environment from that of the last four decades. Externally, the post-Cold War order has given way to a new multilateral order where rapid globalisation and greater interdependence among nations has created new challenges and prospects for cooperation. The rise of China and India, coupled with the resurgence of Japan, is also changing the economic landscape of the region, with profound implications for the rest of the world. Southeast Asia is well-poised to benefit from these developments, provided that ASEAN Member States strengthen cooperation among themselves and with the rest of the region and the world.

21 In order to deal with these challenges, the EPG recommends a multi-pronged approach to strengthening ASEAN through the ASEAN Charter, which covers ASEAN's vision, objectives, principles, organisational structure, decision-making processes, the roles of the Secretary-General of ASEAN and the ASEAN Secretariat. In doing so, the EPG was mindful of the need to streamline the Organisation and its meetings, and to efficiently mobilise and use resources to meet ASEAN's objectives.

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PART II: TOWARDS A NEW ASEAN

Realising ASEAN's Vision

22 ASEAN's vision of an ASEAN Community and a Single Market by 2020 remains relevant. In fact, ASEAN Member States are now exploring the possibility of accelerating the realisation of the ASEAN Community in all three pillars by 2015. The EPG Members strongly welcome this development.

23 Given the growing momentum towards building an ASEAN Community and accelerating its realisation by 2015 instead of 2020, ASEAN cooperation will expand to many more areas that will require changes in the way ASEAN works. Beyond ASEAN Community, Member States should ultimately advance to form an ASEAN Union comprising the three pillars of security, economic, and socio-cultural integration, that are closely intertwined and mutually reinforcing, in which human rights and fundamental freedoms of all shall be protected by the rule of law and regional integration, and human security is guaranteed to every ASEAN citizen. This would ensure enduring peace, stability, security, equitable prosperity and human dignity in the ASEAN region for every individual to enjoy and to pursue the worthy aspirations of human potential in the 21st century. Realising this longer-term goal would require strong political will of ASEAN Leaders, and active support of the ASEAN people.

24 Events today are fast paced. ASEAN Leaders have to be more involved as a group and meet more often. The EPG recommends that ASEAN Leaders meet more often to give greater political impetus to ASEAN's efforts at building an ASEAN Community. The ASEAN Summit should be renamed the ASEAN Council with provisions for Leaders to meet at least twice a year. In addition, more opportunities should be provided for ASEAN Leaders to interact freely among themselves, by improving the format of ASEAN Council meetings to allow more time for candid exchanges and discussions of significant strategic issues as well as to take stock of the progress of ASEAN integration. The EPG further recommends the formation of three Ministerial-level Councils reporting to ASEAN Leaders to oversee the three key pillars of the ASEAN Community, and to resolve the many issues requiring inter-sectoral coordination.

25 In order to improve coordination, the EPG recommends the single ASEAN Chairmanship in which one Member State shall assume leadership of ASEAN, hosts and chairs meetings of the ASEAN Council, and chairs meetings of each of the three proposed Ministerial Councils, as well as the meetings of ASEAN Foreign Ministers. The single ASEAN Chairmanship shall rotate annually, based on the alphabetical order of the English names of Member States. Any difficulty that could arise from the annual rotation of the single ASEAN Chairmanship shall be discussed and settled by the ASEAN Council.

Objectives and Principles

26 ASEAN has evolved dramatically beyond what was envisaged in the ASEAN Declaration of 1967. ASEAN's cooperation now covers the political-security, economic and finance, and socio-cultural fields. The founding objectives of ASEAN would need to be updated and brought in line with the new realities confronting ASEAN. The EPG recommends that the Charter's objectives should incorporate the vision of a Single Market with free movement of goods, ideas and skilled talent, along with efforts to harmonise regional economic policies and strengthen regional linkages and connectivity. Member States shall also cooperate to promote and ensure a high level of protection of the interests of consumers in ASEAN.

27 The Charter should include, among ASEAN's objectives, the strengthening of democratic values, ensuring good governance, upholding the rule of law, respect for human rights and international humanitarian law, and achieving sustainable development.

28 ASEAN Member States are committed to common principles as enshrined in ASEAN's fundamental documents, such as the ASEAN Declaration (1967), the ZOPFAN Declaration (1971), the TAC (1976), the Declaration of ASEAN Concord (1976), the Treaty on the SEANWFZ (1995), the ASEAN Vision 2020 (1997), and the Bali Concord II (2003). These principles have served ASEAN well for four decades. They have safeguarded ASEAN's common interests and formed the foundation upon which Member States have developed mutual trust and a *modus vivendi* which we all accept. ASEAN's principles are universally recognised, and are found in the Charter of the United Nations and other basic international treaties, conventions, concords and agreements subscribed to by ASEAN Member States. Other principles of ASEAN relate to the Bandung

Conference of 1955, and to the unique circumstances of ASEAN's founding and the importance of building trust and cooperation among Member States. These principles have been integral to the success of ASEAN, and they will continue to be so.

29 ASEAN's consensus style of decision-making has allowed Member States to be comfortable with ASEAN decisions, and to be satisfied that the ASEAN membership does not compromise their sovereignty or national interests. Consensus decision-making is especially appropriate for decisions in more sensitive areas of security and foreign policy. However, while decision-making by consultation and consensus should be kept for all important decisions, majority voting can be used in less sensitive and non-controversial areas. The ASEAN Council and the relevant Community Councils shall prescribe the rules of procedure for voting.

30 While consensus should always be sought as a first step, it should not be allowed to hold up decisions or create an *impasse* in ASEAN cooperation. Consensus should aid, but not impede, ASEAN's cohesion and effectiveness. In this regard, economic cooperation is an example of one area where we can adopt a more flexible approach. For instance, the "ASEAN minus X" or "2 plus X" formula of flexible participation could be used in such situations, subject to the decision of the relevant Community Councils.

ASEAN Membership

31 The ASEAN Charter should seek to preserve and strengthen the ASEAN membership, cohesion and unity. ASEAN Leaders should take appropriate measures to help Member States fully comply with ASEAN's objectives, principles, and commitments under the Charter and important ASEAN agreements. At the same time, the Charter should also include provisions for measures to redress non-compliance and serious breaches. Such measures may include, among others, the temporary suspension of rights and privileges of membership, such as withholding the right to participate in ASEAN activities, and to chair ASEAN bodies and their meetings.

32 The EPG discussed the question of whether such measures should include the expulsion of a Member State from ASEAN. The EPG recommends that unless otherwise decided by the ASEAN Council in exceptional circumstances, there shall be no recourse to expulsion of membership.

Resource Mobilisation and Narrowing the Development Gap Among ASEAN Member States

33 ASEAN's efforts at building the ASEAN Community will require considerable resources. As ASEAN deepens its integration efforts, it will be necessary to review ASEAN's budget to see how best it can support the new demands, taking into account the resource constraints. The EPG recommends that the principle of equal contribution be retained for ASEAN's operational expenditure, in line with the equal treatment accorded to all Member States. Efforts should also be made to attract more resources from the private business sector, international organisations and ASEAN's friends and partners.

34 The development gap within ASEAN has to be addressed as it could otherwise adversely affect ASEAN's ability to achieve its goals. In this regard, the EPG proposes that a Special Fund be established to help narrow the development gap. For the purpose of this Special Fund, as well as to support other ASEAN regional development efforts, a new funding model with innovative mechanisms should be explored. Such mechanisms could include, *inter alia*, ASEAN's raising its own income through some forms of fixed contribution; a share of sales or excise taxes; airport taxes or visa fees collected in Member States. Given the implications of such measures, they should be further studied by financial and fiscal experts.

Strengthening ASEAN's Organisational Structure

35 During the first 10 years, ASEAN operated without a central secretariat. Even after the ASEAN Secretariat was established in Jakarta in 1976, Member States were initially reluctant to create a strong central secretariat. Subsequently, this cautious approach resulted in a gradual and rather piecemeal development of the whole ASEAN structure, emphasising consensus-based decision-making, which has not kept up with the needs of the Organisation, given the rapid regional developments. First, the scope and number of ASEAN meetings at different levels have increased. Second, ASEAN does not have a mechanism in place to oversee and coordinate the progress of the three pillars of the ASEAN Community. Third, the current institutional framework is not sufficiently well-structured to deal with the increasing number of transnational and trans-sectoral issues. For example, an

issue like avian influenza cuts across the health and agricultural sectors as well as immigration, and thus requires strong inter-agency coordination. However, ASEAN lacks effective coordination among its various bodies. The key challenge is to adopt a holistic approach to establish an overall structure that can provide unity in purpose, focus and effective implementation of ASEAN Leaders' decisions, and ASEAN agreements.

36 Achieving closer integration and addressing new transboundary challenges, such as natural disasters, new pandemics, transnational crimes, and terrorism, require stronger regional efforts and timely responses. This puts new demands on the Secretary-General of ASEAN and the ASEAN Secretariat. Clearly, the Secretary-General cannot do this alone. He needs to be supported by a stronger team and Secretariat endowed with appropriate resources. In order for the Secretary-General and the Secretariat to effectively discharge their functions, the EPG recommends that the Secretary-General be empowered with a greater role to meet the growing expectations of Member States as ASEAN steps up its regional integration and international cooperation efforts. The Secretary-General should continue to be appointed on rotation and equal opportunity for all Member States to assume this high office, with due consideration to capability and experience. The Secretary-General shall be accorded Ministerial rank and due recognition.

37 The EPG further recommends that the Secretary-General should be empowered to play a greater role in managing external relations for ASEAN, given the importance of ensuring ASEAN centrality. The Secretary-General shall be delegated the authority to sign non-sensitive agreements on behalf of ASEAN Member States. The Secretary-General shall also represent ASEAN as observer or as otherwise designated at the United Nations and at other international, regional and sub-regional forums. In addition, the Secretary-General shall be supported by four, instead of the current two, Deputy Secretaries-General (DSG). Collectively these four DSG will assist the Secretary-General in overseeing political and security, economic and finance, socio-cultural cooperation; and one of the DSG to look after external relations, budget and administrative affairs.

38 The EPG recommends the accreditation of Permanent Representatives to ASEAN to represent ASEAN Member States' respective Governments, particularly at meetings of ASEAN Committees. The ASEAN Ambassadors to Indonesia may be concurrently accredited as Permanent Representatives to ASEAN for this purpose.

39 The EPG strongly urges efforts be stepped up to streamline ASEAN, particularly to improve the efficiency of ASEAN meetings. The EPG understands the concerns of Member States about the rising costs and human resource requirements to attend the growing number of ASEAN meetings. On the other hand, the EPG also sees the need for ASEAN to keep up the growing momentum and meet all the challenges ahead. Management of ASEAN meetings will be crucial as interactions in ASEAN will intensify if the ASEAN Community is to be achieved by 2015, five years ahead of its original schedule. In this connection, the EPG believes that the recommended single ASEAN Chairmanship is most relevant here. At the operational level, ASEAN Permanent Representatives in Jakarta, together with the empowered Secretary-General and the strengthened ASEAN Secretariat, can be instrumental in the streamlining of ASEAN. Holding ASEAN meetings, including those involving Dialogue Partners and other external parties, at the ASEAN Secretariat can help cut down the travel expenses of the ASEAN side without restricting the number of meetings. Modern information and communications technologies, including tele-conferencing, should be used to facilitate preparations of ASEAN meetings and improve coordination.

40 At the level of the ASEAN Secretariat, more openly-recruited professional staff may need to be employed. The Secretariat must also be upgraded in terms of its capacity to carry out research and analytical work in addition to the current administrative and technical support. A well-defined career path should be outlined by the Secretary-General to motivate its staff as a means of enhancing its capability. This will contribute towards a more efficient and professional Secretariat.

41 The ASEAN Foundation, which was founded by ASEAN Leaders in 1997, should be reinvigorated to play a more active role in promoting public awareness of ASEAN and in involving people in functional cooperation activities in ASEAN. The EPG strongly endorses refocusing the priorities of the ASEAN Foundation on raising awareness of ASEAN among the youth and defining their role in building as well as sustaining the ASEAN Community, and in promoting greater access to ICT by various social groups as a means to empower people and at the same time help narrow the development gap still prevailing in the region.

42 An ASEAN Institute should be established as an ASEAN organ outside of the ASEAN Secretariat. It shall be directly under the Secretary-General and support the Secretary-General in research, policy analysis, strategic planning, and outreach programmes as well as collaboration with Track II organisations (academic institutions, civil society organisations, and

private business sector groups, etc.). It may receive funding support from the private business sector and other sources outside of ASEAN Member Governments.

Legal Personality

43 By embarking on building the ASEAN Community, ASEAN has clearly signalled its commitment to move from an Association towards a more structured Intergovernmental Organisation, in the context of legally binding rules and agreements. In this regard, ASEAN should have legal personality. ASEAN shall enjoy in the territory of each Member State such privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its objectives. ASEAN Member States shall ensure that they put in place measures, including legislation, to give effect to such privileges and immunities to ASEAN.

Effective Monitoring, Compliance and Dispute Settlement Mechanisms

44 ASEAN must establish a culture of honouring and implementing its decisions and agreements, and carrying them out on time. Delays and non-compliance will be counter-productive, undermine ASEAN's credibility and disrupt ASEAN's efforts in building the ASEAN Community. It is clear from the EPG's consultations with the incumbent Secretary-General and his two predecessors that ASEAN's problem is not one of lack of vision, ideas, and action plans. The real problem is one of ensuring compliance and effective implementation of decisions. As ASEAN steps up its integration efforts, appropriate monitoring, compliance and dispute settlement mechanisms should be established.

45 The EPG therefore recommends that Dispute Settlement Mechanisms (DSM) be established in all fields of ASEAN cooperation, which should include compliance monitoring, advisory, consultation as well as enforcement mechanisms. Failure to comply with decisions of the DSM should be referred to the ASEAN Council for possible measures to redress non-compliance. The Secretary-General should be entrusted with the role of monitoring and reporting cases of non-compliance.

Promoting ASEAN as a "People-Centred Organisation"

46 ASEAN remains a diverse grouping of ten nations with different socio-cultural identities, norms, and varied historical experiences. But this diversity is also our strength. As ASEAN strives towards building One Community, ASEAN Leaders have recognised the importance of rallying the people of ASEAN behind ASEAN's goals. More needs to be done to promote greater awareness of ASEAN among the people, particularly through media and communications programmes. While this idea may be difficult to include in the Charter, ASEAN Leaders, the Secretary-General, the ASEAN Secretariat, and the ASEAN Foundation should consciously adopt this objective as part of their work and mission.

47 The EPG believes that ASEAN should continue to develop democracy, promote good governance and uphold human rights and the rule of law. The EPG discussed the possibility of setting up of an ASEAN human rights mechanism, and noted that this worthy idea should be pursued further, especially in clarifying how such a regional mechanism can contribute to ensuring the respect for and protection of human rights of every individual in every Member State. In addition, the idea of establishing some consultative/advisory councils for interacting with the civil society and Parliamentarians from ASEAN Member States were also discussed. The EPG recommends that the ASEAN Charter should provide channels at different levels for regular consultations through appropriate mechanisms that may be established for this purpose.

48 ASEAN should engage representatives of civil society, think-tanks and the ASEAN Inter-Parliamentary Assembly (AIPA, previously known as AIPO), among others, who can assist to better communicate the objectives and activities of ASEAN to the public, and to provide feedback on their current concerns. They could also be encouraged to participate in ASEAN activities and programmes revolving around the commemoration of key ASEAN activities to promote greater regional identity and consciousness, such as the ASEAN Day celebration, activities in culture, sports, arts, heritage, museum exchanges, exhibitions, publications, students and youth exchanges, and women programmes, etc. In this regard, the EPG recommends that ASEAN should strengthen its links with civil society organisations and draw upon their networks and strengths as strategic partners for ideas and initiatives to develop the ASEAN Socio-Cultural Community. In particular, the Secretary-General and the ASEAN Secretariat should establish

consultative mechanisms with civil society organisations to interact regularly with these groups.

49 To reflect the unity of ASEAN and promote a sense of one common ASEAN identity among the people of ASEAN Member States, the EPG recommends that ASEAN shall have a flag, emblem, anthem, and motto.

External Relations

50 ASEAN has, over the years, developed useful linkages with countries beyond the region through its dialogues and forums, such as the Dialogue Partnerships, ARF, ASEAN Plus Three, and EAS. Each of these arrangements brings unique strengths to the relationships and must therefore be nurtured. ASEAN can build on such links to ensure that it remains outward-looking and successfully pursues friendly relations and mutually beneficial cooperation with its partners and friends. This will help forge a regional architecture that is open and inclusive, as well as strengthen regional cooperation to deal with the growing number of transboundary challenges ranging from terrorism, transnational crimes, and maritime security to natural disasters and humanitarian aid, pandemics, and energy cooperation.

51 All major powers are ASEAN's Dialogue Partners, and they engage with ASEAN on regional and international affairs of common concern as well as contribute to development activities within ASEAN. In its undertakings with its Dialogue Partners, ASEAN shall maintain the principles of non-discrimination and equitable practice. The EPG recommends that the Charter allow for Dialogue Partners to appoint their Ambassadors to be accredited to ASEAN and based in Jakarta to facilitate and develop their Dialogue Partnerships with ASEAN. ASEAN should also seek to retain its centrality and strengthen its role as the driving force in regional cooperation. To do so, the EPG recommends empowering the Secretary-General to represent ASEAN's interests and to devote more attention to nurturing cooperation with Dialogue Partners, Sectoral Dialogue Partners and other regional and international organisations.

52 Furthermore, ASEAN must maintain close cooperation with the United Nations (UN) and its system, ensure ASEAN's official representation in the UN as Observer, and enhance the role of the ASEAN Chair in regional processes such as the ARF to preserve ASEAN's role as the primary driving force. In addition, ASEAN should also strengthen the coordination and

support role of the ARF Unit within the ASEAN Secretariat.

53 ASEAN's interests must be paramount and Member States should endeavour to uphold the Organisation's interests in external relations on key issues. To be able to achieve this, ASEAN must improve its internal coordination and speak with one clear and authoritative voice.

PART III : RECOMMENDATIONS FOR INCLUSION IN THE ASEAN CHARTER

54 Arising from the EPG's deliberations, the following are specific proposals for incorporation into the ASEAN Charter.

Preamble

55 The Preamble should *inter alia*:

- * Briefly recall ASEAN's foundation (by the ASEAN Declaration of 1967), and its *raison d'être*;
- * Recall its growing achievements since its establishment, as well as some of its basic principles and objectives;
- * Include among these basic principles and objectives : ASEAN's commitment to democracy, respect for human rights and fundamental freedoms and the rule of law, including international humanitarian law, as an indispensable condition for the stability, peace and development of the region;
- * Express the resolve to realise an ASEAN Community, and ultimately an ASEAN Union, comprising three pillars, namely political and security cooperation, economic cooperation, and socio-cultural cooperation, that are closely intertwined and mutually reinforcing, for the purpose of ensuring durable peace, stability, security, and equitable prosperity in the region;
- * Towards that purpose, to establish a constitutional foundation for ASEAN that would serve as the legal basis and institutional framework for common actions.

56 The Preamble is recommended to end with the following phrase:

“Do hereby agree on the present Charter of ASEAN as an Intergovernmental Organisation with the following objectives, principles, membership, organisational structure, and other substantive, procedural, and institutional arrangements.”

Chapter I: Objectives

57 The proposed ASEAN Charter should reaffirm and codify the principal objectives as contained in ASEAN's milestone declarations, agreements, concords, and treaties, in particular: the ASEAN Declaration (1967), the ZOPFAN Declaration (1971), the Declaration of ASEAN Concord (1976), the TAC (1976), the Treaty on the SEANWFZ (1995), the ASEAN Vision 2020 (1997), and the Bali Concord II (2003).

58 In particular, the objectives should not fail to include the following references:

- * To enhance peace, security, stability, democracy, good governance and equitably shared prosperity in Southeast Asia through the building of the ASEAN Community that is open, dynamic and resilient;
- * To bring ASEAN's political and security cooperation to a higher plane to ensure that countries in the region live at peace with one another and with the world at large in a just, democratic and harmonious environment;
- * To maintain ASEAN's centrality and proactive role as the primary driving force in its relations and cooperation with its external partners in a regional architecture that is open, transparent and inclusive;
- * To resolve long-standing disputes in the region through peaceful means based on a set of socio-political values and principles that the Member States have developed;
- * To enhance regional cooperation and mutual assistance in dealing with such non-traditional transnational threats as terrorism, sea piracy, smuggling including drugs and people smuggling, counterfeiting, money laundering, infectious diseases, and natural and other disasters;
- * To realise a stable, prosperous and highly competitive region, functioning as a Single Market and production base in which there is a free flow of goods, services, investment and skilled labour, and a freer flow of capital, along with equitable economic development;

- * To promote economic growth and financial stability in the region through measures such as the harmonisation of economic policies and regulations; introduction of company laws and corporate governance; enhanced domestic financial sector regulations, intellectual property law, elimination of tax obstacles and the developing regional competition policies; and ensuring a high level of consumer protection;
- * To promote increased economic linkages and regional connectivity by facilitating seamless movement of peoples and goods; enhancing integration and efficiency of multimodal transport infrastructures; facilities and services; accelerating open sky arrangements and advancing liberalisation in air and maritime transport services;
- * To provide gainful employment and to ensure sustained and sustainable development for its people, alleviating poverty, thereby enabling them to increasingly benefit from globalisation;
- * To narrow the development gap among its Member States through bilateral, regional and international cooperation;
- * To promote the full potential and effective participation of the disadvantaged sectors and migrant workers in the productive workforce and increase their access to training, microfinance and information systems;
- * To cultivate ASEAN as a people-centered Organisation and to strengthen the sense of ownership and belonging among its people, including enhancing the participation of and interaction among Parliamentarians (AIPA), civil society organisations, academic institutions and private business sector and other non-governmental organisations of its Member States;
- * To actively cultivate ASEAN's diverse cultural heritage and strengthen a common ASEAN identity among its people through increased participation of and interaction among ASEAN scholars, professionals, artists, writers and media practitioners in the activities of ASEAN;
- * To create, maintain and enhance environmental sustainability, particularly in relation to pollution, biodiversity conservation, coastal and marine environment, fisheries and forest resources

management, mineral resources development, freshwater and sanitation, and urbanisation by strengthening regional and global environmental agreements and capacity development;

- * To foster and develop a culture of science and technology in ASEAN which will upgrade human resources skills in the region, sustain economic growth, enhance community well-being and industrial planning, as well as strengthen the infrastructure of Member States;
- * To build one caring and sharing community where strong families as the basic units of society are empowered to tend to their members particularly children, youth, women and the elderly;
- * To strive to create conditions conducive to the promotion of peaceful cooperation among ASEAN Member States and between them and their external partners on the basis of mutual respect and mutual benefit;
- * To develop or establish effective regional institutions for advancing the above objectives, and
- * Such other objectives as the ASEAN Council may agree upon to set down for the Organisation.

Chapter II: Principles

59 As with the objectives, the proposed ASEAN Charter should reaffirm and codify the fundamental principles as already contained in ASEAN's various declarations, agreements, concords, and treaties.

60 Apart from the fundamental principles referred to above, the following principles and ideas are recommended to be included in the Chapter on Principles in the proposed Charter:

- * Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all States;
- * Mutual respect for the right of every State to lead its national existence free from external interference, subversion and coercion;

- * Respect for and protection and promotion of human rights and fundamental freedoms, including self-determination and the right to development, without distinction as to race, creed, gender or ethnicity;
- * Renunciation of aggression and the threat or the use of force in inter-State relations;
- * Faithful observance of the principles contained in the Charter of the United Nations and other basic international treaties, conventions and agreements subscribed to by Member States;
- * Promoting and upholding generally accepted principles of international law, including international humanitarian law;
- * Exclusive reliance on peaceful processes in the settlement of intra-regional disputes;
- * Rejection of unconstitutional and undemocratic changes of government;
- * Abstention from practicing policies and adopting measures that have serious adverse effects on the development of the other Member States;
- * Abstention from participating in any activity which constitutes a threat to the sovereignty, territorial integrity or political and economic stability of other Member States;
- * Rejection of acts of genocide, ethnic cleansing, torture, the use of rape as an instrument of war, and discrimination based on gender, race, religion or ethnicity;
- * Fulfillment and implementation in good faith of all obligations and agreed commitments to ASEAN and maximum efforts in participating in ASEAN's activities;
- * Maintaining in Southeast Asia the nuclear weapon-free zone which will also be free of all other weapons of mass destruction;
- * Achieving ASEAN's collective economic potential through closer integration on the basis of mutual benefit and cooperation,

and the building of an open and outward-looking ASEAN Economic Community based on strong linkages with all of ASEAN's trading partners;

- * Regional solidarity through “prosper thy neighbour” policies and joint efforts to narrow the development gap and facilitate regional integration;
- * Better harmonisation and coordination of Member States' policies for greater socio-economic benefit;
- * Cooperative action in national and regional development programmes, utilising as far as possible the resources available in the ASEAN region to broaden the complementarity of ASEAN Member States;
- * Active mutual assistance in time of major natural disasters or economic crises;
- * Maintaining unity in diversity and respect for the national identity of all Member States in a cohesive and harmonious community;
- * Commitment to develop democracy, promote good governance and uphold human rights and the rule of law, and to establish appropriate mechanisms for these purposes;
- * Outward-looking ASEAN Community that is friendly to all and hostile to none;
- * Non-discrimination of any Member State in ASEAN's external relations and cooperation activities; and
- * ASEAN Community as a responsible member of the international community to create just and lasting peace all over the world based on the common fundamental values and universal principles.

Chapter III: Membership

61 The ASEAN Charter should seek to preserve and strengthen ASEAN membership, cohesion and unity based on the following :

- * All States in the recognised geographical region of Southeast Asia can become Member States of ASEAN. In addition, all Member States are required to subscribe to and faithfully implement all the Objectives, Principles and Commitments as contained in this Charter, and in the existing ASEAN Declarations, Agreements, Concords, and Treaties as well as the norms and values adhered to by ASEAN;
- * As of the establishment of this Charter, the membership of ASEAN consists of: Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam;
- * Membership of any aspirant State, upon fulfillment of the criteria set above, shall be decided on the basis of unanimity by the ASEAN Council, upon the recommendation of ASEAN Foreign Ministers;
- * The ASEAN Council may consider taking any measure, including, among others, the suspension of rights and privileges, upon the proposal of Member States concerned and the recommendation of the ASEAN Foreign Ministers, for any serious breach by any Member State of the objectives, principles, and commitments as contained in the existing ASEAN declarations, agreements, concords, and treaties as well as the norms and values adhered to by ASEAN; the exercise of these rights and privileges will be restored by the ASEAN Council upon the recommendation of ASEAN Foreign Ministers based on the progress made by the Member State or Member States concerned;
- * A decision to take any measure under this Chapter shall be taken by unanimity, without the participation of the Member State or Member States to which the measure will be applied;
- * Unless otherwise decided by the ASEAN Council in exceptional circumstances, there shall be no recourse to expulsion of membership.

Chapter IV: Organisational Structure

62 The ASEAN Charter should put in place a strong structure for the Organisation as follows:

The Principal Organs of ASEAN

The Principal Organs of ASEAN shall comprise the following:

1. ASEAN Council
2. Councils of the ASEAN Community
3. Secretary-General of ASEAN

Other Organs of ASEAN

4. ASEAN Committees
5. ASEAN Secretariat
6. ASEAN Permanent Representatives
7. ASEAN National Secretariats
8. ASEAN Committees in non-ASEAN Countries
and International Organisations
9. ASEAN Foundation
10. ASEAN Institute

(The recommended organisational structure for ASEAN appears as **Annex A.**)

ASEAN Council

- The Heads of State/Government of the Member States of ASEAN shall constitute an ASEAN Council, which will be the supreme policy-making organ of ASEAN.
- It shall convene at least twice a year or whenever deemed necessary, and be chaired by the Head of State/Government of the Member State holding the ASEAN Chairmanship.
- The ASEAN Council shall deliberate, provide guidance and take policy decisions on all issues pertaining to the realisation of the objectives as described in the relevant Article(s) of the ASEAN Charter and on all issues contained in the relevant declarations, agreements,

accords, and treaties, and other agreed documents of ASEAN.

- The ASEAN Council shall authorise the establishment of new ASEAN Ministerial bodies and appoint the Secretary-General of ASEAN and the Deputy Secretaries-General (DSG).
- The ASEAN Council shall on its own and through appropriate channels undertake regular consultations with Parliamentarians in ASEAN Member States (AIPA), representatives of the private business sector, civil society organisations, human rights groups, and other stakeholders. (See the recommended consultative process in **Annex B**.)
- The ASEAN Council shall determine its own rules of procedure.
- The ASEAN Council meetings will be prepared by ASEAN Foreign Ministers, with support from the ASEAN Standing Committee, the Secretary-General of ASEAN, and cooperation from all the Councils of the ASEAN Community.
- The ASEAN Council meetings shall be convened in the Member State holding the ASEAN Chairmanship.
- Special or ad hoc meetings of the ASEAN Council may be convened at venues that are agreeable to all Member States.

Councils of the ASEAN Community

- The three Councils of the ASEAN Community shall be the organs entrusted with implementing and attaining the purposes and objectives of the three pillars of the ASEAN Community.
- All the existing Ministerial bodies will continue to function, but they shall report to one of the three Council

of the ASEAN Community that is most relevant to their respective areas of responsibility.

- The Councils of the ASEAN Community shall consist of the Council of the ASEAN Security Community, the Council of the ASEAN Economic Community, and the Council of the ASEAN Socio-Cultural Community.
- The Council of the ASEAN Security Community, meeting at Ministerial level, shall implement decisions and submit policy recommendations to the ASEAN Council on matters relating to political, security, legal affairs, and external relations.
- The Council of the ASEAN Economic Community, meeting at Ministerial level, shall implement decisions and submit policy recommendations to the ASEAN Council on matters relating to economic and financial affairs.
- The Council of the ASEAN Socio-Cultural Community, meeting at Ministerial level, shall implement decisions and submit policy recommendations to the ASEAN Council on matters relating to socio-cultural and functional affairs.
- The three Councils of the ASEAN Community shall undertake regular consultations with Parliamentarians in ASEAN Member States (AIPA), representatives of the private business sector, civil society organisations, human rights groups, and other stakeholders.
- Meetings of the Councils of the ASEAN Community shall be convened at the ASEAN Secretariat and chaired by the appropriate Ministers from the Member State holding the ASEAN Chairmanship.
- Each of the three Councils of the ASEAN Community may determine its own rules of procedure.

Secretary-General of ASEAN

- The Secretary-General of ASEAN shall be appointed unanimously by the ASEAN Council. He or she will be

chosen from among nationals of the ASEAN Member States, based on rotation and equal opportunity for all Member States to fill this high office, with due consideration to capability and experience.

- The term of office of the Secretary-General shall be five years and is non-renewable. The Secretary-General shall be accorded the Ministerial rank.
- The Secretary-General will be assisted by four DSG, one each for the three pillars of the ASEAN Community, and one for external relations, budget and administrative affairs, to be appointed from nationals of the ASEAN Member States on the basis of capability and experience, for a term of four years, which is renewable for one four-year term, with due consideration to distributing equitably the senior posts in the ASEAN Secretariat among Member States.
- The DSG shall be accorded the Vice Ministerial or Deputy Ministerial rank.
- The Secretary-General will be the Chief Administrative Officer of ASEAN and shall:
 - * be responsible for the discharge of all the functions and responsibilities entrusted to him by the ASEAN Council, and the Councils of the ASEAN Community;
 - * serve all meetings of the ASEAN Council, and the Councils of the ASEAN Community;
 - * assist ASEAN Foreign Ministers in preparing for meetings of the ASEAN Council;
 - * assist the ASEAN Council as well as the Councils of the ASEAN Community in their regular consultations with Parliamentarians in ASEAN Member States (AIPA), representatives of the private business sector, civil society organisations, human rights groups, and other stakeholders;

- * undertake regular consultations with Parliamentarians in ASEAN Member States (AIPA), representatives of the private business sector, civil society organisations, human rights groups, and other stakeholders;
- * attend or designate a representative to attend meetings of the ASEAN Committees;
- * harmonise, facilitate and monitor progress in the implementation of all approved ASEAN activities and submit an annual report, including cases of non-compliance, to the ASEAN Council on the work of ASEAN;
- * initiate plans and programmes of activities for ASEAN regional cooperation in accordance with approved policy guidelines;
- * bring to the attention of the ASEAN Council, the Councils of the ASEAN Community, and the ASEAN Committees important issues regarding regional developments in ASEAN;
- * exercise the administrative and financial power vested in the Secretary-General under the provisions of this Charter and other relevant documents as well as such other rules and regulations as may hereafter come into effect;
- * prepare the annual operational budget estimates of the ASEAN Secretariat for the approval of the ASEAN Council;
- * administer and develop ASEAN's documentation system;
- * represent ASEAN as Observer or as designated otherwise at the United Nations and at other international, regional and sub-regional forums;

- * conduct discussions and negotiations on behalf of ASEAN with other States or international, regional and sub-regional organisations, as mandated by the ASEAN Council or the Councils of the ASEAN Community;
- * be the depository of all ASEAN declarations, agreements, concords, treaties and the custodian of other important documents and reports;
- * perform other functions as entrusted by the ASEAN Council and the Councils of the ASEAN Community.

(The recommended organisational structure of the ASEAN Secretariat is in **Annex C**.)

ASEAN Committees

- The ASEAN Committees shall consist of the ASEAN Standing Committee, the Committee of the ASEAN Security Community, the Committee of the ASEAN Economic Community, and the Committee of the ASEAN Socio-Cultural Community.
- The ASEAN Standing Committee shall meet at least once a year, at the level of Senior Official and Permanent Representative, especially prior to the meeting of ASEAN Foreign Ministers when preparing a meeting of the ASEAN Council, and whenever deemed necessary.
- The ASEAN Standing Committee shall facilitate the work of the ASEAN cooperative mechanisms on external relations.
- The ASEAN Standing Committee shall also deliberate and submit policy recommendations on budgetary and administrative matters to ASEAN Foreign Ministers.

- The ASEAN Committees, meeting at the level of Senior Official and Permanent Representative, shall have within their respective areas of responsibility the following tasks:
 - a) support the work of the Councils of the ASEAN Community;
 - b) implement the decisions/resolutions adopted by the Councils;
 - c) submit policy recommendations to the Councils; and
 - d) assist the ASEAN Standing Committee in supporting ASEAN Foreign Ministers when preparing for a meeting of the ASEAN Council.

- Meetings of the ASEAN Committees shall be held at the ASEAN Secretariat and chaired by the appropriate Senior Official or Permanent Representative from the Member State holding the ASEAN Chairmanship.

- Each of the ASEAN Committees may determine its own rules of procedure.

ASEAN Secretariat

- There shall be an ASEAN Secretariat with Headquarters located in Jakarta, Indonesia, headed by the Secretary-General of ASEAN and comprising such a number of staff as may be required and deemed appropriate for the exercise of its functions and the fulfillment of ASEAN's objectives.

- In the performance of their duties, the Secretary-General, the DSG, and the staff of the ASEAN Secretariat shall uphold the highest standards of integrity, efficiency and competence.

- They shall not seek or receive instructions from any party outside of ASEAN, and shall refrain from any action that might negatively reflect on their position as impartial officials responsible only to ASEAN.

- Each Member State undertakes to respect the exclusively impartial responsibilities and integrity of the Secretary-General, the DSG and the staff of the ASEAN Secretariat and not to seek to influence them in the discharge of their responsibilities to ASEAN.
- The openly recruit staff (ORS) of the ASEAN Secretariat shall be appointed through open and competitive recruitment based on capability and experience as well as equal opportunity for nationals of all Member States.

ASEAN Permanent Representatives

- There shall be a Permanent Representation accredited to ASEAN, comprising a Permanent Representative from each Member State, appointed by the respective Government, at the rank of Ambassador, and such staff as may be required.
- The Permanent Representatives shall represent their respective Governments, particularly at meetings of the ASEAN Committees.

ASEAN National Secretariats

- An ASEAN National Secretariat is designated by each ASEAN Member State, which may organisationally and substantively be a part of the Foreign Ministry in each ASEAN Member State, or may be established as a separate national agency.
- ASEAN National Secretariats shall have the main responsibility of administering and coordinating the day-to-day conduct of ASEAN cooperation at the national level.

ASEAN Committees in non-ASEAN Countries and International Organisations

- An ASEAN Committee may be established in a non-ASEAN third country or international organisation,

comprising ASEAN's diplomatic representatives accredited to that country or international organisation.

- The ASEAN Committees in non-ASEAN Countries and International Organisations, apart from generally representing ASEAN, may determine their activities and their own rules of procedure.

ASEAN Foundation

- The ASEAN Foundation shall be tasked to raise awareness of ASEAN, especially among the youth.
- It shall also be given a greater role, in collaboration with the private business sector, in promoting greater access to ICT by various social groups as a means to empower people and at the same time to help narrow the development gap in ASEAN.

ASEAN Institute

- An ASEAN Institute shall be established outside of the ASEAN Secretariat.
- It shall be directly under the Secretary-General of ASEAN and support the Secretary-General in research, policy analysis, strategic planning, and outreach programmes as well as collaboration with the Track II (academic institutions, civil society organisations, and private business sector groups, etc.).
- It may receive funding support from the private business sector and other sources outside of ASEAN Member Governments.

ASEAN Chairmanship

- ASEAN shall have a single Chairmanship system by which a Member State shall assume leadership of ASEAN and chair the meetings of the ASEAN Council, the Councils of the ASEAN Community, the ASEAN Foreign Ministers, the ASEAN Standing Committee, and the

Committees of the Councils of the ASEAN Community within the period of Chairmanship.

- The Chairmanship shall rotate annually, based on the alphabetical order of the English names of Member States.
- The annual Chairmanship shall commence from the end of the regular second meeting of the ASEAN Council.

Chapter V: Decision-Making Process

63 The ASEAN Charter should institutionalise a more effective decision-making process.

- * The decision-making process in ASEAN shall, as a general rule, be based on consultation and consensus, especially on decisions in more sensitive areas of security and foreign policy.
- * On other areas, if consensus cannot be achieved, decisions may be taken through voting, either on the basis of a simple majority, or on the basis of a 2/3rd or 3/4th majority.
- * The ASEAN Council shall prescribe rules of procedure governing situations when there may be voting by a simple majority, a 2/3rd majority or a 3/4th majority.
- * On certain ASEAN cooperation issues or projects, the formula for flexible participation of “ASEAN minus X” or “2 plus X” may be applied, to be decided upon by the relevant Councils of the ASEAN Community.
- * Decisions on temporary suspension of rights and privileges of membership shall be taken by unanimity, without participation of the Member State or Member States to which the decision will be applied.

Chapter VI : Dispute Settlement Mechanisms

64 The ASEAN Charter should help establish a culture of honouring and implementing ASEAN commitments, decisions and agreements, and effectively resolve disputes arising from delays and non-compliance through peaceful means.

- * Dispute settlement mechanisms in all fields of ASEAN cooperation, especially in the political and economic fields, shall be established. They should include compliance monitoring, advisory, and consultative as well as enforcement mechanisms.
- * For disputes in the political and security field, the High Council of the Treaty of Amity and Cooperation in Southeast Asia as amended, and its Rules of Procedure, shall remain the pivotal instrument to resolve peacefully all differences, disputes and conflicts among the ASEAN Member States.
- * For disputes which concern the application or interpretation of ASEAN economic agreements, the ASEAN Protocol on Enhanced Dispute Settlement Mechanism (2004) will continue to provide the compliance monitoring, advisory, and consultative as well as enforcement mechanisms in respect of the covered agreements under the 2004 Protocol.
- * For disputes which concern the application or interpretation of other ASEAN agreements, ASEAN shall put in place effective dispute settlement mechanisms which include mechanisms similar to those available under the 2004 Protocol.
- * Where a Member State, after a dispute has been submitted for binding adjudication under an ASEAN dispute settlement mechanism, fails to comply with the findings, recommendations or decisions resulting from the dispute settlement mechanism, the Member State or Member States affected by such failure may refer the matter to the ASEAN Council for action under Chapter III : Membership.
- * Nothing in this Charter shall preclude recourse to the modes of peaceful settlement contained in Article 33(1) of the Charter of the United Nations, namely through negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Chapter VII: Budgetary and Financial Issues

65 The ASEAN Charter should ensure effective resource mobilisation and transparency as well as accountability in ASEAN's budgetary and financial matters.

- * ASEAN shall be provided with necessary resources to meet its objectives.
- * The operational budget of the ASEAN Secretariat shall be met by resources from within ASEAN only.
- * A strengthened ASEAN and an empowered ASEAN Secretariat will require increased operational and development budgets to levels commensurate to the objectives and envisaged programmes of ASEAN.
- * ASEAN shall continue to uphold the principle of equal contribution for the operational budget in line with the equal treatment accorded to all Member States. However, to support ASEAN's regional development efforts, the current budget funding could be transformed into a new funding model, with Member States making equal contributions for the operational expenditure of ASEAN, and voluntary contributions for regional development efforts.
- * A Special Fund for narrowing the development gap shall be established with voluntary contributions from Member States.
- * ASEAN's development budget and the Special Fund for narrowing the development gap may additionally be contributed by the private business sector and other external sources, upon approval from the ASEAN Standing Committee. Other creative and sustainable ways of raising funds should also be explored and put in place so that ASEAN can rely more on its own income to carry out cooperation activities, taking into careful consideration the diversity in its membership and the ability of Member States.
- * The ASEAN Secretariat shall administer all funds received by ASEAN under the supervision of the ASEAN Standing

Committee and in close consultation with the ASEAN Permanent Representatives.

Chapter VIII: Legal Status, Immunities and Privileges

66 The ASEAN Charter should strengthen the legal foundation of ASEAN as it becomes an Intergovernmental Organisation.

- * ASEAN shall have legal personality.
- * ASEAN shall enjoy in the territory of each Member State such privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its objectives and purposes.
- * Member States shall ensure that they give effect to the separate legal personality of ASEAN, within their respective legal systems. This includes granting ASEAN the capacity to own property, enter into contracts, and for ASEAN to sue and be sued.
- * Member States shall ensure that they put in place domestic measures, including legislation, to give effect to such privileges and immunities to ASEAN, officials of the ASEAN Secretariat including the Secretary-General and the DSG, and representatives of Member States attending ASEAN meetings in Member States.
- * The Secretary-General of ASEAN shall, where appropriate, negotiate on behalf of ASEAN, ASEAN officials and representatives of ASEAN Member States, to secure privileges and immunities necessary for the purpose of meetings held in any other place other than a Member State.

Chapter IX: External Relations

67 The ASEAN Charter should strengthen ASEAN's role as the driving force in regional dialogue.

General Principles in External Relations

- ASEAN shall conduct and continue to foster good relations and mutually beneficial cooperation with third countries and with other sub-regional, regional and international organisations, within the framework of attainment of ASEAN’s objectives and principles.
- The external relations of ASEAN shall be conducted on the basis of mutual respect for the independence, sovereignty, equality, territorial integrity, non-interference in the domestic affairs of States and on other basic principles of ASEAN and fundamental universal principles.
- ASEAN shall be the primary driving force in all of the regional and inter-regional cooperative arrangements initiated by ASEAN.
- ASEAN’s external relations shall comprise, *inter alia*, the ASEAN Dialogue Partnerships, ASEAN Plus Three process of cooperation in East Asia, East Asia Summit, ASEAN Regional Forum, dialogue and cooperation with other sub-regional, regional and international organisations, relations with Observers in ASEAN, and relations with the United Nations and its Subsidiary Bodies and Specialised Agencies that are relevant to ASEAN.
- The granting of the status of ASEAN Dialogue Partnership (including ASEAN Sectoral Dialogue Partnership), and ASEAN Observership shall be determined by the ASEAN Council upon the recommendation of ASEAN Foreign Ministers.

ASEAN Dialogue Partnerships

- ASEAN Dialogue Partnership shall comprise Dialogue Partners and Sectoral Dialogue Partners, as well as other categories of Partners that may be created as appropriate.
- Dialogue Partners shall be States and international organisations with which ASEAN establishes and

maintains institutionalised cooperation in the political, economic and socio-cultural sectors.

- Sectoral Dialogue Partners shall be States and international organisations with which ASEAN establishes and maintains institutionalised cooperation in limited and specific sectors.
- ASEAN, at its discretion, may accord Dialogue Partner or Sectoral Dialogue Partner status to States and international organisations based on their potential and commitment to develop fruitful and mutually beneficial cooperation with ASEAN.
- In its undertakings with its Dialogue Partners and Sectoral Dialogue Partners, ASEAN shall maintain the principles of non-discriminatory and equal partnership practice.
- A Coordinating Country shall be appointed, on a rotational basis, from among the ASEAN Member States to coordinate ASEAN cooperation with each Dialogue Partner. Cooperation with Sectoral Dialogue Partners shall be coordinated by the ASEAN Secretariat.
- Dialogue Partner Countries may appoint an Ambassador accredited to ASEAN based in Jakarta to facilitate the Dialogue Partnership with ASEAN.

ASEAN Observers

- ASEAN may accord Observer status to States, without decision-making capacity. The ASEAN Council shall determine the status, privileges and obligations of Observers, upon the recommendation of ASEAN Foreign Ministers.

Relations with the United Nations

- ASEAN shall continue to maintain close cooperation with the United Nations and its Subsidiary Organs and Specialised Agencies in the promotion of international

peace, security, equitable socio-economic development and human rights.

- ASEAN shall ensure its official representation in the United Nations as Observer.

Chapter X: ASEAN Identity and Symbols

68 The ASEAN Charter should support the promotion of the common ASEAN identity.

ASEAN Flag

- ASEAN shall adopt the ASEAN Flag as shown in **Annex D**.
- The ASEAN Flag represents a stable, peaceful, united and dynamic ASEAN. The colours of the flag -- blue, red, white and yellow -- represent the main colours of the flags of all the ASEAN Member States.
- The blue in the ASEAN flag represents peace and stability; the red depicts courage and dynamism; the white shows purity; and the yellow symbolises prosperity.
- The stalks of paddy represent the dream of ASEAN's Founding Fathers for a united ASEAN comprising all Member Countries in Southeast Asia bound together in friendship and solidarity. The white circle represents the unity of ASEAN.

ASEAN Emblem

- ASEAN shall have the Emblem as shown in **Annex E**.

ASEAN Day

- 8 August shall be celebrated as the ASEAN Day in all Member States.

The ASEAN Motto

- ASEAN shall adopt the following motto : "One Vision, One Identity, One Community."

The ASEAN Anthem

- ASEAN shall have an anthem.

The Official Working Language

- English shall be the only official working language of ASEAN.

Chapter XI: Ratification, Entry into Force and Registration

69 The ratification of the ASEAN Charter and follow-up action shall be as follows:

- * The present Charter shall be ratified by the Signatory States in accordance with their respective constitutional processes.
- * The ratifications shall be deposited with the Secretary-General of ASEAN, who shall notify all Signatory States of each deposit.
- * The present Charter will enter into force upon the deposit of ratifications by all ASEAN Member States.
- * This Charter shall be registered with the Secretariat of the United Nations.

Chapter XII: Amendments

70 The procedure for the amendment of the ASEAN Charter shall be as follows:

- * Any Member State may submit proposals for amendment or revision of this Charter.
- * Proposals for amendment or revision shall be submitted to the ASEAN Council for deliberation and decision. Decisions on amendments shall be made by the ASEAN Council on the basis of unanimity.
- * Amendments to the ASEAN Charter agreed to by the ASEAN Council shall be ratified in accordance with the procedure as outlined in Chapter XI above.

Chapter XIII: General Undertaking as to Implementation

71 Member States shall take all appropriate measures to ensure the fulfillment of obligations arising out of this Charter or resulting from

decisions taken by the Principal Organs of ASEAN. They shall undertake necessary steps to facilitate the fulfillment of these obligations, the realisation of the objectives and principles of ASEAN and in particular to secure the enactment of such national legislation as is necessary to give effect to this Charter.

Chapter XIV: Legal Continuity

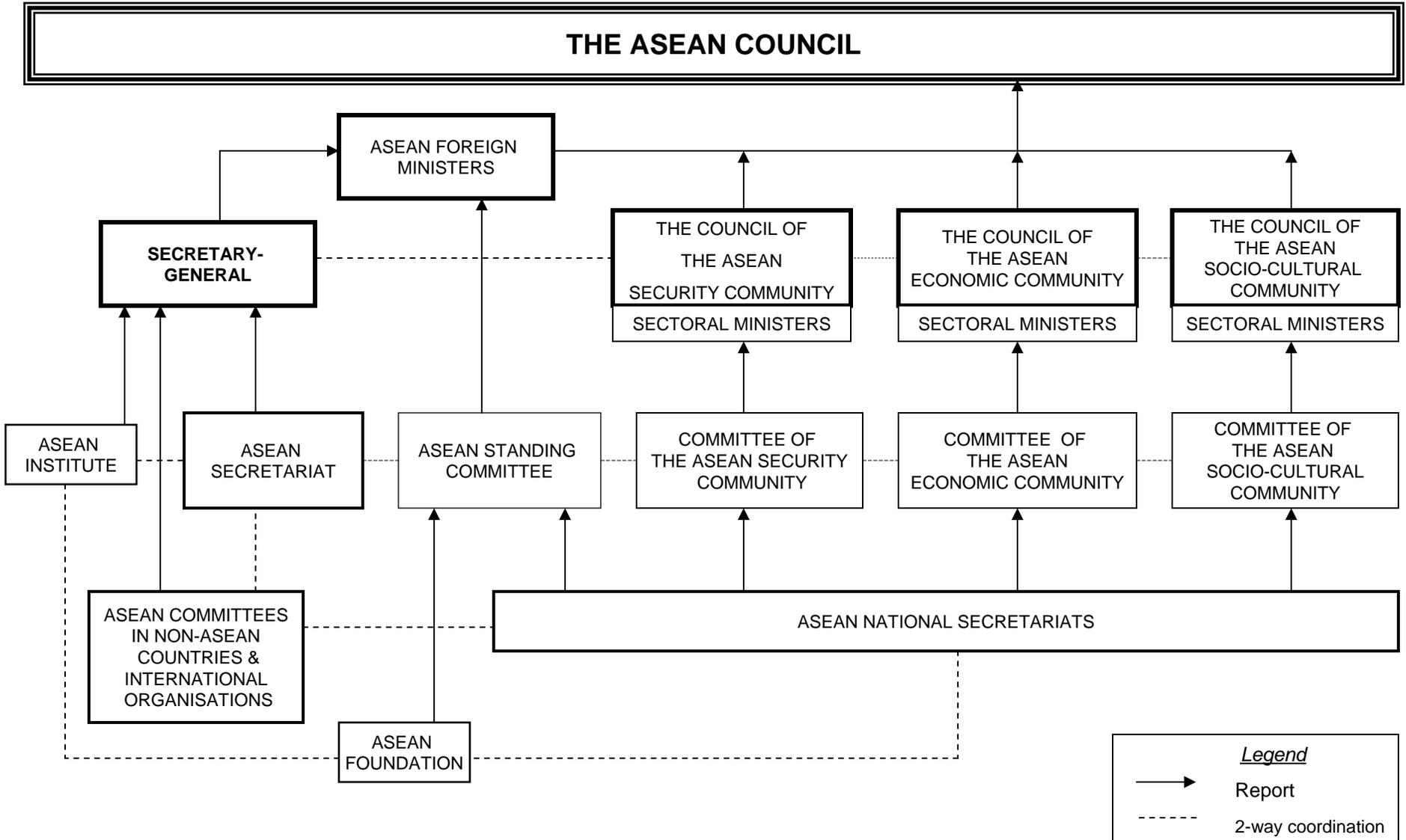
72 All rights and obligations which arise from declarations, agreements, concords, treaties, protocols, conventions, and other ASEAN instruments, which have been in effect before the entry into force of this Charter, shall to the extent that they are not inconsistent with the provisions of this Charter, continue to be valid and bind Member States that have accepted them, in accordance with their terms, and general international law.

CONCLUSION

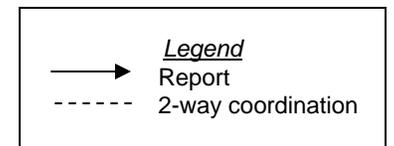
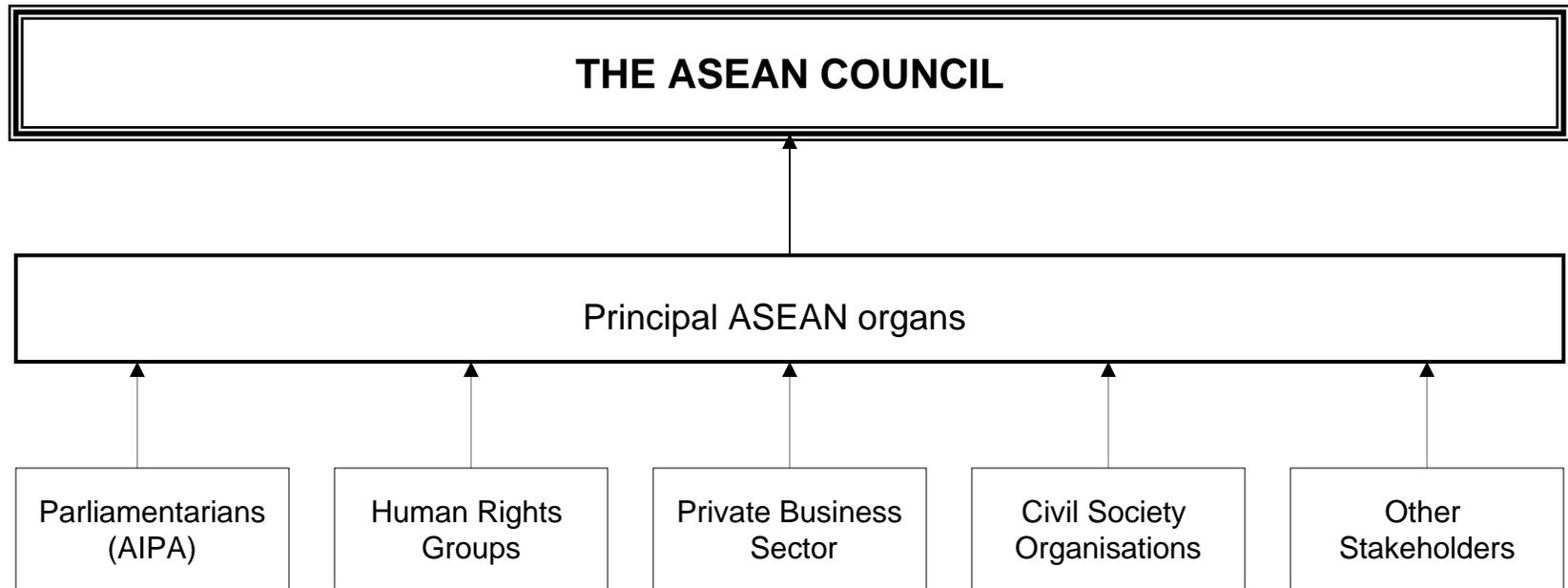
73 The challenges facing ASEAN in the next decade and beyond are daunting. It is clear from the EPG's discussions that ASEAN cannot allow itself to be overtaken by events. To remain relevant, ASEAN must strengthen itself to actively and effectively address and overcome these challenges. The recommendations outlined in this report therefore seek to strike a balance between preserving ASEAN's fundamentals and putting in place a stronger basis for ASEAN's cooperation and future integration. The ASEAN Charter should provide a framework for a stronger Organisation. The EPG underlines the need for strong political will in order for ASEAN to succeed. ASEAN Member States need to accord higher national priority to ASEAN in their domestic agendas as well as make a conscious effort to promote the benefits of closer regional integration.

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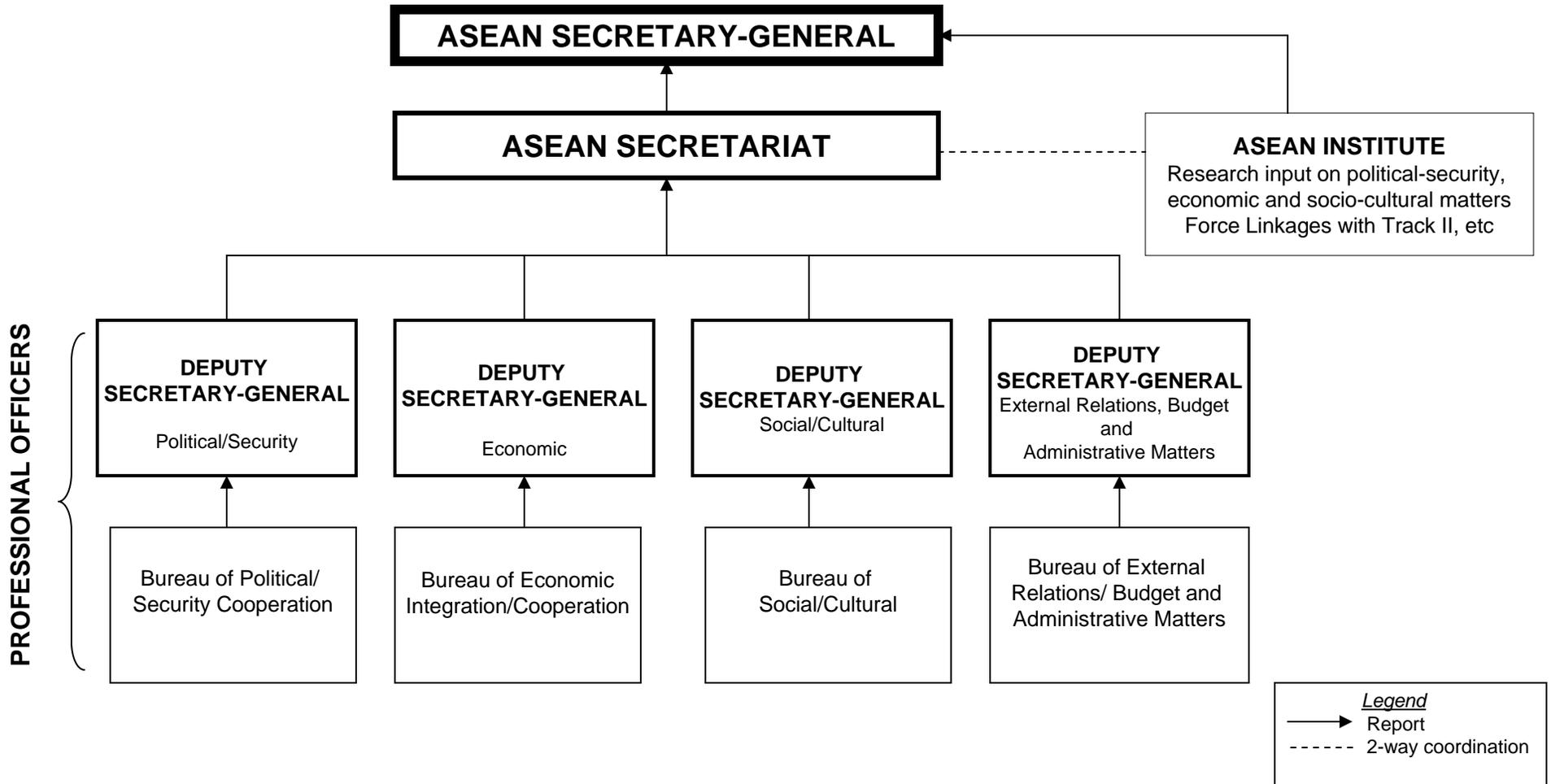
ANNEX A: ORGANISATIONAL STRUCTURE OF ASEAN



ANNEX B: CONSULTATIVE PROCESS WITH THE ASEAN COUNCIL



ANNEX C: SECRETARY-GENERAL, ASEAN SECRETARIAT, ASEAN INSTITUTE



ANNEX D: ASEAN Flag



The ASEAN flag represents a stable, peaceful, united and dynamic ASEAN. The colours of the flag -- blue, red, white and yellow -- represent the main colours of the flags of all the ASEAN Member Countries.

The blue represents peace and stability. Red depicts courage and dynamism. White shows purity and yellow symbolises prosperity.

The stalks of padi represent the dream of ASEAN's Founding Fathers for an ASEAN comprising all the countries in Southeast Asia bound together in friendship and solidarity. The circle represents the unity of ASEAN.

The specification of Pantone Colour adopted for the colours of the ASEAN flag are:

Blue: Pantone 19-4053 TC

Red: Pantone 18-1655 TC

White: Pantone 11-4202 TC

Yellow: Pantone 13-0758 TC

For the printed version, the specifications of colours (except white) will follow those for the colours of the ASEAN emblem, i.e.:

Blue: Pantone 286 or Process Colour 100C 60M 0Y 6K

Red: Pantone Red 032 or Process Colour 0C 91M 87Y 0K

Yellow: Pantone Process Yellow or Process Colour 0C 0M 100Y 0K

The ratio of the width to the length of the flag is two to three and the size specifications for the official flags are:

Table Flag: 10 cm x 15 cm

Room Flag: 100 cm x 150 cm

Car Flag: 10 cm x 30 cm

Field Flag: 200 cm x 300 cm

ANNEX E: ASEAN Emblem



The ASEAN emblem represents a stable, peaceful, united and dynamic ASEAN. The colours of the logo -- blue, red, white and yellow -- represent the main colours of the crests of all the ASEAN Member Countries.

The blue represents peace and stability. Red depicts courage and dynamism. White shows purity and yellow symbolises prosperity.

The stalks of padi represent the dream of ASEAN's Founding Fathers for an ASEAN comprising all the countries in Southeast Asia bound together in friendship and solidarity. The circle represents the unity of ASEAN.

The specification of Pantone Colour adopted for the colours of the ASEAN emblem are:

Blue: Pantone 286

Red: Pantone Red 032

Yellow: Pantone Process Yellow

For four-colour printing process, the specifications of colours will be:

Blue: 100C 60 M 0Y 6K (100C 60M 0Y 10K)

Red: 0C 91M 87Y 0K (0C 90M 90Y 0K)

Yellow: 0C 0M 100Y 0K

Specifications in brackets are to be used when an arbitrary measurement of process colours is not possible.

In Pantone Process Colour Simulator, the specifications equal to:

Blue: Pantone 204-1

Red: Pantone 60-1

Yellow: Pantone 1-3

The font used for the word "ASEAN" in the emblem is lower-case Helvetica in bold.