

ASEAN Future Challenges and the Importance of an ASEAN Charter

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At the last ASEAN Summit in Kuala Lumpur December 2005, it has been agreed that an ASEAN Charter is of utmost importance to be able to face new and future challenges. For that purpose an Eminent Persons Group (EPG) has been established.

ASEAN ISIS (Institutes for Strategic and International Studies) have proposed a Memorandum to be considered by the EPG last April, when they met for the third time in Bali.

The Association of Southeast Asian Nations (ASEAN) is now facing, and will face in the future, the greatest challenges of its 40 years of existence. This is why ASEAN must be strengthened and its cooperation deepened. For that purpose a charter, as envisaged by its leaders at the last summit in Kuala Lumpur, is a critical start.

In the beginning ASEAN also faced some big challenges.

First, the leaders had to get to know each other in order to be able to cooperate. In 1976, at the first summit, the main task was to consolidate the organization and its agenda, economically as well as politically.

In 1993 the ASEAN Free Trade Area was launched, and the Cambodian conflict was overcome, opening the way for a one Southeast Asia to be achieved, the dream of ASEAN's founding fathers 25 years earlier.

Today and tomorrow, the challenge for ASEAN is to maintain its relevance. ASEAN must be able to respond effectively to globalization and its dramatic impact on the economy, political life and even values of ASEAN members.

Second, is the new threat posed by international terrorism and weapons of mass destruction, plus the new strategic developments and balance in East Asia that have and will come with the dramatic rise of China, and possibly soon also of India. Only if they work together can ASEAN members answer these new challenges adequately. To do so, they must strengthen and deepen ASEAN cooperation in many fields.

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An ASEAN Charter is only the beginning, but it is a very important symbol and could provide a stronger basis for the organization to proceed. The charter, therefore, should not simply be drafted to maintain the status quo, but it should give new dynamism to ASEAN and should be forward looking. Simply codifying the existing norms, rules, and practices will be far from adequate. The charter should also make ASEAN more people-oriented and move away from being state-centric, as is largely the case at the moment.

The charter would not only provide ASEAN with a legal entity, but it should define ASEAN's goals and objectives and the institutional framework for achieving them. It should also define the rights and obligations of member-states, working procedures and principles, as well as specifying dispute settlement mechanisms among member-states.

Its objectives and principles should be forward looking, where shared prosperity and wellbeing of the people will enhance human security. The charter should also help to develop and consolidate democracy and the rule of law with respect for human rights and fundamental freedoms. It should promote and develop a community of caring societies.

The charter should strengthen a common ASEAN identity among the peoples in the region, as well as contribute to international and regional affairs. In this way, ASEAN will strengthen peace and stability in the region.

While respecting the sovereignty of its members and the principle of non-interference in internal affairs of states, it needs to be recognized that there is a need for consultation and cooperation on domestic matters that can seriously affect the security and well-being of other member-states.

ASEAN should commit to the prevention and punishment of the crime of genocide and adhere to the constitutional and democratic change of government. In terms of developing institutions, ASEAN should entertain the idea of establishing a Council of ASEAN Community, consisting of ministers responsible for the realization of the three pillars of the ASEAN Community, namely Security Community, Economic Community, and Sociocultural Community, under the highest body, namely the summit meeting.

In addition to strengthening the ASEAN Secretariat and the ASEAN Secretary General, the ASEAN Standing Committee should be elevated to consist of permanent representatives from each member-state that are accredited to ASEAN to represent their respective government, and are capable of making decisions on their behalf. Only then can ASEAN consolidate its activities and reduce the many ASEAN meetings from the current total of more than 300 in various fields of cooperation annually.

ASEAN should also have an ASEAN Court of Justice, comprising designated judges nominated by each member-state. The right of recourse to judicial bodies, such as the International Court of Justice, however, should be maintained.

One other body that might be important to assist the ASEAN Security Community would be an ASEAN Peace and Reconciliation Council that could act as an advisor, research body and early warning system in conflict prevention, conflict resolution and post-conflict building.

To make ASEAN more people-oriented, an ASEAN Consultative Assembly, consisting of members of parliaments and representatives of civil society, could provide advice, feedback and oversight.

Decision making needs to be redefined and redesigned, when consensus is required and when voting can be used. In the case of voting, what should be seen as adequate: 50+1, two-thirds, or three-quarters?

What also is important is the problem of members' contributions to the ASEAN Budget. The system now, whereby every member pays the same amount, is no longer realistic. A new formula that is more tenable and could increase the budget adequately should be contemplated.

All eyes have now returned to the Eminent Person Group that was established by ASEAN Leaders and consisted of the best sons of ASEAN. They should first come up with proposals that will boost the hope and confidence of ASEAN's population as a whole, so that ASEAN can fully understand the challenges and can come up with proposals that will make ASEAN relevant for the next 40 years.