

# **The ASEAN Charter and the Future of the ASEAN Community**

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Excellencies, Ladies and Gentlemen,

I wish to express my most sincere thanks to the organizer, the ISIS Malaysia, for kind invitation so that I have this opportunity to meet all of you here and sharing my views on the topic of “The ASEAN Charter and the Future of the ASEAN Community”. The literatures and discussion on the above subject seems to bear a strong interest in debates for the past year since the ASEAN Charter was passed last year.

## **1. ASEAN Charter**

At the 2005 ASEAN Summit in Kuala Lumpur, the ASEAN Eminent Persons Group (EPG) was formed and tasked to draft the ASEAN charter. The EPG worked tirelessly, and welcomed input from the think-tanks like the ASEAN Institute of Strategic and International Studies (ASEAN ISIS), civil society organizations, the ASEAN Parliamentary Union, and businesses.

After a year of hard work the proposal was submitted to the ASEAN Summit, which endorsed it and gave it to the High Level Task Force, to make the final version of the ASEAN Charter. The signing of the ASEAN Charter took place at the ASEAN Summit in Singapore on 12 November 2007.

The idea of an ASEAN Charter was welcomed with high expectations by the elites and people of ASEAN, in the belief that after 40 years of its existence, ASEAN would now face the future with the vision, courage and unity needed to herald the new challenges of the strategic re-alignments of the 21st century, especially in East Asia.

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So far, only six countries: Singapore, Malaysia, Vietnam, Cambodia, Lao PDR and Brunei Darussalam ratified the Charter. The other four countries: Indonesia, Thailand, the Philippines and Myanmar will ratify later due to some difficulties and other circumstances. For Cambodia, we ratify the Charter in April this year because we think that rarifying the Charter will not bring us harm or problem. Cambodia has gained more benefit than cost after nearly 10 years of being member of ASEAN. Cambodia has become a more prosperous country with political stability and fast economic growth with double digit for the past 5 years.

## **2. ASEAN Community**

The outcome of the 9th ASEAN Summit in Bali in October 2003 was the Declaration of ASEAN Concord II, or Bali Concord II. The declaration embodied the ASEAN leaders' decision to establish an ASEAN Community made up of three components — the ASEAN Security Community, the ASEAN Economic Community, and the ASEAN Socio-Cultural Community.

### **ASEAN Security Community**

The ASEAN Security Community upholds the existing ASEAN political instruments such as the Declaration on Zone of Peace, Friendship and Neutrality (ZOPFAN), the Treaty of Amity and Cooperation (TAC) and the South East Asian Nuclear Free Zone (SEANWFZ) Treaty, which shall play an important role in the area of confidence building measures, preventive diplomacy and the approaches to conflict resolution. It shall abide by the UN Charter and other principles of international law.

To realize the Security Community, ASEAN shall explore innovative ways to implement the Plan of Action which comprises six components, but not limited to, as follows: political development, shaping and sharing of norms, conflict prevention, conflict resolution, post-conflict peace building, and implementing mechanisms. A list of areas of activities was provided as annex to the ASC Plan of actions to ensure a coordinated process of cooperation towards an ASEAN Security Community.

One of the major problems with the realization of an ASEAN security community relates to the growing divergence between ASEAN's declared principles and the empirical problems confronting the organization. The ASEAN Declaration establishing the goal of a security community places an emphasis on principles associated with the "ASEAN Way" as a means of realizing a security community. The ASEAN Way is an imprecise concept that encapsulates the ASEAN organization's preference for informality and consensus, non-interference in the internal affairs of member states and an aversion to legalistic procedures. The origins of the ASEAN Way are often traced to practices that were developed after ASEAN's founding in 1967 and continues up to now. Therefore, ASEAN hardly speak the same voice and agree on the same thing.

There are misconceptions about ASEAN Security Community. Some think that the ASEAN Security Community is leaning toward building a block or a military alliance. In fact, ASEAN has agreed on certain decisions and taken certain steps related to regional security in response to what it perceives to be the real needs of the present time. What is clear through the entire process is that, for ASEAN, cooperation for security purposes is essentially and necessarily political in nature; there is no question of ASEAN going into the pact or military-alliance business. The ASEAN Security Community as embodied in Bali Concord II not only gives this process and its goal a name; it seeks to give a measure of coherence and structure to ASEAN political cooperation on behalf of regional security. Above all, it specifies the next steps in the process, the priority items in today's ASEAN security agenda, potentially expanding it.

ASEAN Security Community should focus on consultations among member countries and information exchange on situations, between states or within them, that could threaten regional peace and stability, the well-being of ASEAN countries. Examples of such situations might be a bilateral dispute or conflict preventing ASEAN agreements from being implemented, internal developments that could impel the massive movement of people into other ASEAN countries, cross-border terrorist activities, maritime terrorism and piracy, environmental disasters causing harm to two or more ASEAN countries, the spread of serious disease across national boundaries, and international events that would call for consultations and mutual assistance among ASEAN governments. Such situations might include the training of persons in one country for terrorist operations in another or the education of

nationals from a neighbouring country or countries in extreme ideologies that foster terrorism.

The main achievement of the implementation of the ASC is marked by the first ASEAN Defense Minister Meeting on 9th May 2006, which is the first ever meeting since 4 decades of the establishment of ASEAN. Chaired by Malaysian Deputy Prime Minister Datuk Seri Najib Tun Razak, the meeting focused on many issues on security cooperation. The ministers agreed on four points: (1) to promote regional peace and stability through dialogue and cooperation in defense and security; (2) to give guidance to existing senior defense and military officials' dialogue and cooperation in the field defense and security within ASEAN and with dialogue partners; (3) to promote mutual trust and confidence through greater understanding of defense policies and threat perceptions, security challenges as well as enhancement of transparency and openness; and (4) to contribute to the establishment of the ASEAN Security Community as stipulated in the Bali Concord II and promote the implementation of the Vientiane Action Programme. The meeting also focused on the issues of human security as well as transnational crimes such as terrorism, piracy, trafficking, smuggling and cooperation for disaster relief as ASEAN's immediate security challenges. Though there is suspicion over the absence of Myanmar's defense minister, the meeting has considered as a success and a good starting point to promote security cooperation in ASEAN and it has become an important element in realizing the ASEAN Security Community in 2020.

#### **ASEAN Economic Community**

In order to realize the ASEAN Economic Community, the AEC Blueprint was adopted by ASEAN Leaders during 13<sup>th</sup> ASEAN Summit in Singapore on 20<sup>th</sup> November 2007. In the Blueprint, ASEAN is committed to allow free flow of trade in services because free flow of trade in services is one of the important elements in realising ASEAN Economic Community, where there will be substantially no restriction to ASEAN services suppliers in providing services and in establishing companies across national borders within the region, subject to domestic regulations.

At the 12th ASEAN Summit in January 2007, the Leaders affirmed their strong commitment to accelerate the establishment of an ASEAN Community by 2015 as envisioned in the ASEAN Vision 2020 and the ASEAN Concord II, and signed the Cebu Declaration on the

Acceleration of the Establishment of an ASEAN Community by 2015. In particular, the Leaders agreed to hasten the establishment of the ASEAN Economic Community by 2015 and to transform ASEAN into a region with free movement of goods, services, investment, skilled labour, and freer flow of capital.

The AEC is the realisation of the end goal of economic integration as espoused in the Vision 2020, which is based on a convergence of interests of ASEAN Member Countries to deepen and broaden economic integration through existing and new initiatives with clear timelines. In establishing the AEC, ASEAN shall act in accordance to the principles of an open, outward-looking, inclusive, and market-driven economy consistent with multilateral rules as well as adherence to rules-based systems for effective compliance and implementation of economic commitments.

The AEC will establish ASEAN as a single market and production base making ASEAN more dynamic and competitive with new mechanisms and measures to strengthen the implementation of its existing economic initiatives; accelerating regional integration in the priority sectors; facilitating movement of business persons, skilled labour and talents; and strengthening the institutional mechanisms of ASEAN. As a first step towards realising the ASEAN Economic Community, ASEAN has been implementing the recommendations of the High Level Task Force (HLTF) on ASEAN Economic Integration contained in the Bali Concord II.

#### **ASEAN Social Cultural Community**

The ASEAN Socio-Cultural Community in consonance with the goal set by ASEAN Vision 2020, envisages a Southeast Asia bonded together in partnership as a community of caring societies and founded on a common regional identity. The Community shall foster cooperation in social development aimed at raising the standard of living of disadvantaged groups and the rural population, and shall seek the active involvement of all sectors of society, in particular women, youth, and local communities.

ASEAN shall ensure that its work force shall be prepared for, and benefit from, economic integration by investing more resources for basic and higher education, training, science and technology development, job creation and social protection. ASEAN shall further intensify

cooperation in the area of public health, including in the prevention and control of infectious and communicable diseases.

The development and enhancement of human resources is a key strategy for employment generation, alleviating poverty and socio-economic disparities and ensuring economic growth with equity.

Among the on-going activities in this area include the following:

- ASEAN Work Programme for Social Welfare, Family, and Population;
- ASEAN Work Programme on HIV/AIDS;
- ASEAN Work Programme on Community-Based Care for the Elderly;
- ASEAN Occupational Safety and Health Network;
- ASEAN Work Programme on Preparing ASEAN Youth for Sustainable Employment and Other Challenges of Globalisation;
- ASEAN University Network (AUN) promoting collaboration among seventeen member universities in ASEAN;
- ASEAN Students Exchange Programme, Youth Cultural Forum, and the ASEAN Young Speakers Forum;
- The Annual ASEAN Culture Week, ASEAN Youth Camp and ASEAN Quiz;
- ASEAN Media Exchange Programme; and
- Framework for Environmentally Sustainable Cities (ESC) and ASEAN Agreement on Transboundary Haze Pollution.

Embedded in ASEAN Vision 2020, Declaration of ASEAN Concord I (1976), Declaration of ASEAN Concord II (2003) and the Hanoi Plan of Action (HPA) is ASEAN's goal of a community of cohesive, equitable and harmonious societies, bound together in solidarity for deeper understanding and cooperation. Its key features are:

- equitable access to opportunities will be universal – rising above the barriers of religion, race, language, gender and social and cultural background;
- human potentials are nurtured to the fullest, so that all individuals can participate meaningfully in a competitive world in a manner that gives paramount importance to their welfare and dignity;

- norms of social and distributive justice are upheld by addressing issues of poverty and equity, and special care is given to vulnerable groups – children, youth, women, the elderly, and persons with disabilities – who could be the subject of abuse, neglect and discrimination;
- the environment and natural resources are protected and managed to sustain development and as a legacy for future generations;
- civil society is engaged in providing inputs for policy choices;
- people are healthy in mind and body and living in harmony in safe environments; and
- ASEAN citizens interact in a community conscious of its ties of history, aware of its cultural heritage and bound by a common regional identity.

Four core elements of the ASCC Plan of Action are:

- Building a community of caring societies to address issues of poverty, equity and human development;
- Managing the social impact of economic integration by building a competitive human resource base and adequate systems of social protection;
- Enhancing environmental sustainability and sound environmental governance; and
- Strengthening the foundations of regional social cohesion towards an ASEAN Community in 2020.

### **3. Future ASEAN Community**

There are many challenges in building ASEAN community in the future such as setting an acceptable norm by all members with different political systems and cultures is a daunting task. Facing many challenges in realizing the ASEAN Community, ASEAN has to overcome many obstacles in working together in harmony such as setting norms that acceptable by member states, making ASEAN Way smooth, trying to clear the concept that defense issues are still a sensitive issue for sovereign states, etc.

The future ASEAN community should be the one with sharing happiness and sorrow. It should also focus on narrowing the development gap among member states. Though it is still early to predict the future of how to face challenges to establish the ASEAN Community, it is

really a long way to go before the Community is realized by 2020. But at least we say that we have laid many foundations and steps and we really continue to build it from now.

Reducing development gap is an important and integrated measure which will establish ASEAN as a credible and dynamic community aimed for complete integration in political and security, economic and social and cultural communities by 2020. Economic integration goes parallel with economic competitiveness. To meet economic challenges with the rising of China and of India, ASEAN has to establish a single market and production base of 550 millions people. Without adequate and consistent development assistance to less-developed economies of CLMV, trade and investment liberalization and domestic reform measures would not be sufficient to engender a sustained overall development in CLMV. To enable these countries to participate and contribute fully to regional integration, development agenda is more important than liberalisation in trade and investment at this stage of their development.

#### **4. Conclusion**

After more than 40 years of existing, the ASEAN Charter is meant to provide a more solid basis for ASEAN cooperation in responding to the challenges brought about by the changing national, regional, and global environment. However, the building of an ASEAN Community with a Community of Caring Societies is a complicated process that requires strong political commitment and participation from many stake holders, especially from the people including business communities, civil society, the youth and others.

ASEAN Charter is just a parent legal framework that binds ASEAN members together into a rule-based group with basic principles and appropriate mechanism. It requires many others commitments and negotiations through regional and individual agreements and legal framework. In sum, there are of course a myriad of other ways to develop and strengthen the ASEAN Community. Nevertheless, attention to human right and the active participation by people, youth, media and human rights should be considered vital steps towards the nurturing of regional identity and personal freedoms, both of which do not rank very high on the agenda of the ASEAN charter.