MODULE 1

Understanding ASEAN
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Module 1.1.
ASEAN... What is it?
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• Handout Material 1.1.2.

Module 1.2.
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Objectives

» To create a space for people to share knowledge.
» To analyse how the participants feel towards the Association of Southeast Asian Nations (ASEAN).

Knowledge Acquired:

» Knowledge that understanding about ASEAN amongst people varies and their critical understanding may also be different

Time: 1 hour

Materials: Quiz sheet (Handout Material 1.1.1) and flip chart

Procedures:

1. Divide the group into two sets to conduct a competition quiz.

2. The group will send one representative at a time to answer the question. If answered correctly, award three points to the group. If they are incorrect, then another group member may provide the answer. Award one point if correct. If the group is unable to answer, then the floor is open to the opponent. Award one point if the answer is correct.

3. The facilitator will distribute quiz sheets and instruct that no discussion is allowed. Each person is only allowed to answer once.

4. The facilitator will tabulate results and declare the winner.
5. The facilitator will provide the correct answers to the incorrect responses. After the quiz, have a plenary discussion on the topic. Key questions/points to stimulate open discussion could be:

Q 1: What do you know about ASEAN?
Q 2: List the meetings and the different bodies within ASEAN and present your knowledge about these groups.
Q 3: What are your thoughts about ASEAN? Do you think it’s a big deal? Does it have any significance to the common people?

Debriefing

» ASEAN is an important regional grouping that can make a difference.
» The people in ASEAN must be able to appreciate some basic knowledge and history of ASEAN in order to have greater ownership of this inter-governmental body.
» The interest of ASEAN should align with that of the common person.

Conclusion:

» ASEAN belongs to the people, hence ownership of processes and mechanisms should belong to the ASEAN people.
Handout Material 1.1.1

Quiz your ASEAN Knowledge

1. Do ASEAN structures allow ASEAN to conduct dialogue with non-ASEAN members? Provide one example.

2. Which of these reasons are the principles that guide the Treaty of Amity and Cooperation (TAC) in Southeast Asia?
   a. Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations.
   b. The right of every State to lead its national existence free from external interference, subversion or coercion.
   c. Non-interference in the internal affairs of one another.
   d. Settlement of differences or disputes in a peaceful manner.
   e. Renunciation of the threat or the use of force.
   f. Effective cooperation among themselves.
   g. Anti-Western fear.

3. What prompted ASEAN to shift its emphasis to the promotion of economic development as the most effective way of combating the appeal of communism in ASEAN nations? (Hint: Year 1975)

4. The Zone of Peace, Freedom, And Neutrality (ZOPFAN) declaration was signed on 27 November 1971 by all ASEAN members. Please name the countries that signed this document.

Answers:
1. Yes/ In the 1977 Summit, ASEAN met with New Zealand, Japan, Australia.
2. a.
Handout Material 1.1.2.

Association of Southeast Asian Nations

The Association of Southeast Asian Nations, otherwise known as ASEAN, is a grouping of ten Southeast Asian states: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Burma (Myanmar), the Philippines, Singapore, Thailand and Vietnam. The group discusses regional issues and develops regional policies for Southeast Asia.

On 8 August 1967, five leaders - the foreign ministers of Indonesia, Malaysia, the Philippines, Singapore and Thailand - sat down together in the main hall of the Department of Foreign Affairs building in Bangkok, Thailand and signed the ASEAN Declaration. By virtue of that document, the Association of Southeast Asian Nations (ASEAN) was born. The five foreign ministers who signed it - Adam Malik of Indonesia, Narciso R. Ramos of the Philippines, Tun Abdul Razak of Malaysia, S. Rajaratnam of Singapore, and Thanat Khoman of Thailand - would subsequently be hailed as the Founding Fathers of ASEAN.

It was a short, simply-worded document containing just five articles. It declared the establishment of an association for regional cooperation among the countries of Southeast Asia, to be known as the Association of Southeast Asian Nations (ASEAN), spelling out its aims and purposes. These were related to cooperation in the economic, social, cultural, technical, educational and other fields, and in the promotion of regional peace and stability through abiding respect for justice and the rule of law, and adherence to the principles of the United Nations Charter. It stipulated that the Association would be open for participation by all States in the Southeast Asian region subscribing to its aims, principles and purposes. It proclaimed ASEAN as representing “the collective will of the nations of Southeast Asia to bind themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity”.

Brunei Darussalam joined ASEAN in 1984, Vietnam in 1995, Laos and Burma in 1997, and Cambodia in 1999. Timor-Leste currently has observer status with ASEAN, and in 2011 filed a formal membership application to the Association, although it is unclear if its accession will be confirmed.

All of the founding countries of ASEAN, apart from Thailand, were newly established sovereign nation-states following the period of decolonisation after World War II. This, combined with the onset of the Cold War, meant that all of the governments of the founding countries were feeling vulnerable to challenges to their rule, whether from neighbouring countries or from groups within their own country (conveniently referred to by governments at this time as “communist insurgents”). Therefore, a driving motivation behind the foundation of ASEAN was to help protect these governments against such challenges.

Subsequently, non-interference in the internal affairs of member states was established as a key principle of ASEAN, with their means of reaching decisions by consensus helping to ensure that ASEAN has remained loyal to this founding principle until the present day. This can be seen in the Treaty of Amity and Cooperation in Southeast Asia (TAC) of 1976, which mentions the following fundamental principles: mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations; the right of every State to lead its national existence free from external interference, subversion or coercion; non-interference in the internal affairs of one another; settlement of differences or disputes by peaceful manner; renunciation of the threat or use of force; and effective cooperation among themselves.
ASEAN’s highest decision-making body is the ASEAN Summit. It meets twice a year and involves the heads of government of each member state. The next level down is the ASEAN Ministerial Meeting (AMM), also held annually, in which all ASEAN foreign ministers come together. At the same level as the AMM are the ASEAN Economic Ministers Meeting and the ASEAN Finance Ministers Meeting. Under them comes the ASEAN Senior Officials Meeting, which involves the top civil servants of the relevant ministries of ASEAN, meeting throughout the year on an ad-hoc basis.

The ASEAN Secretariat, based in Jakarta, Indonesia, is the administrative centre of ASEAN. Although this is not where policy decisions are made, it is from where decisions are implemented. This means that the Secretariat plays an important role in drawing up plans of action, in collaboration with ASEAN Senior officials, to implement decisions made at ASEAN’s high level meetings. These plans of action then go back up the chain of command, amended and endorsed at the ministerial meetings, and ready for final approval at the ASEAN Summit. The Secretary General heads the Secretariat, and is the figure ultimately responsible for coordinating and implementing ASEAN’s activities. She or he is appointed for a five-year term and is selected from one of the member countries of ASEAN, according to a system of alphabetic rotation.

With the signing of the ASEAN Charter by the leaders of all 10 ASEAN member states on 20th November 2007, during the 13th ASEAN Summit in Singapore, changes have been introduced to its structure to determine areas of competence of key ASEAN bodies and their relationship with one another in pursuit of the regional community proposed in the ASEAN Vision 2020. The highest decision-making body remains the ASEAN Summit, which now meets biannually rather than annually. Other key decision-making bodies are restructured to reflect the three pillars for an ASEAN Community envisioned in the 2003 Bali Concord II, namely Political-Security Community, Economic Community, and Socio-Cultural Community. The development of ASEAN One Community is built following blueprints for each pillar. The ASEAN Community was declared in 2015 through the signing of Kuala Lumpur Declaration on The Establishment of the ASEAN Community, and the blueprints for the advancement of the community, still following the structure of the three pillars, are called ASEAN Community Vision 2025: Forging Ahead Together.

The ASEAN Coordinating Council consists of the ASEAN Foreign Ministers and meets biannually. As suggested by its name, this body is responsible for coordinating implementation of the agreements and decisions made at the ASEAN Summit.

The ASEAN Community Councils are made up of senior government ministers (or their representatives) from across different sectors (each member state will decide on its national representation for each of the Council’s meetings). These Councils consists of the ASEAN Political-Security Community Council, the ASEAN Economic Community Council, and the ASEAN Socio-Cultural Community Council. Each coordinates and implements decisions from the ASEAN Summit and submits reports and recommendations for consideration.

Under the purview of the relevant ASEAN Community Council is the ASEAN Sectoral Ministerial Bodies, which bring together the ministers of specific sectors (for example, all of the labour ministers of all the member countries make up one sectoral ministerial body). These bodies help to implement agreements and decisions from the ASEAN Summit, and submit reports and recommendations to their respective Community Councils. Each ASEAN Sectoral Ministerial Body then has under its purview relevant senior officials and subsidiary bodies to assist it in its work.
The Charter mandates that each member state has a Permanent Representative to ASEAN with the rank of Ambassador based in Jakarta. These representatives collectively support the work of the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies, and coordinate with the ASEAN National Secretariats and the ASEAN Secretariat. Furthermore, the Permanent Representatives facilitate cooperation with external partners, assisting in the Charter’s goal of securing a more united stance at the multilateral level.

The evolution of ASEAN (from the perspective of human rights development) can be seen from the following timeline:

<table>
<thead>
<tr>
<th>Year</th>
<th>Developments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1967</td>
<td>ASEAN is established.</td>
</tr>
<tr>
<td>1976</td>
<td>First ASEAN Summit. The five Member States sign the Treaty of Amity and Cooperation in Southeast Asia and the Declaration of ASEAN Concord. On-interference in the internal affairs of Member States is a basic principle of the Association.</td>
</tr>
<tr>
<td>1983</td>
<td>Declaration of Principles to Strengthen ASEAN Collaboration on Youth is adopted by the ASEAN Foreign Ministers. The Declaration recognises the need to involve youth in development and to facilitate youth exchanges at the regional and national levels.</td>
</tr>
<tr>
<td>1984</td>
<td>Brunei Darussalam joins ASEAN.</td>
</tr>
<tr>
<td>1988</td>
<td>Declaration of the Advancement of Women in the ASEAN Region is adopted by the ASEAN Foreign Ministers. The Declaration does not refer to women’s or human “rights”.</td>
</tr>
<tr>
<td>1993</td>
<td>World Conference on Human Rights. The ASEAN Foreign Ministers endorse the Vienna Declaration and Program of Action, and state that ASEAN should consider the establishment of a regional human rights institution. Resolution on the ASEAN Plan of Action for Children is adopted by the ASEAN Social Welfare Ministers (Brunei Darussalam, Indonesia, Malaysia, Philippines, Singapore and Thailand). The Resolution does not refer to child or human “rights”.</td>
</tr>
<tr>
<td>1995</td>
<td>Vietnam joins ASEAN, Vietnam ratifies the Convention on the Rights of the Child (CRC). Except for Timor Leste, all Southeast Asian countries, including Cambodia, Laos and Myanmar, who are yet to join ASEAN, are now signatories to CRC. The Human Rights Committee of LAWASIA created the Working Group for an ASEAN Human Rights Mechanism to advocate for the creation of an ASEAN human rights body. The Working Group is a coalition of national working groups composed of representatives of government institutions, parliamentary human rights committees, academics, and NGOs. The Working Group is the only ASEAN-accredited organisation working exclusively on human rights. Accreditation means that ASEAN will enter into dialogue with the Working Group.</td>
</tr>
<tr>
<td>Year</td>
<td>Event</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
</tr>
<tr>
<td>1997</td>
<td>Lao PDR and Myanmar join ASEAN. Kuala Lumpur Agenda on ASEAN Youth Development is adopted by the ASEAN Ministers responsible for Youth Affairs. The Declaration includes an undertaking to actively promote the understanding of sustainable and balanced development among the younger generation.</td>
</tr>
<tr>
<td>1998</td>
<td>Indonesia begins a transition from authoritarian to democratic rule.</td>
</tr>
<tr>
<td>1999</td>
<td>Cambodia joins ASEAN.</td>
</tr>
<tr>
<td>2000</td>
<td>ASEAN Declaration On Cultural Heritage is adopted by the ASEAN Foreign Ministers in Thailand. The Declaration recognises the importance of protecting indigenous knowledge systems and practices, and the ASEAN Committee on Cultural and Information is tasked with developing a work programme on cultural heritage.</td>
</tr>
<tr>
<td>2001</td>
<td>First Workshop of the Working Group for an ASEAN Human Rights Mechanism involving government, and civil society representatives on the establishment of an ASEAN Human Rights Body. The workshop becomes an annual event, jointly organised with the host country’s Foreign Ministry, to discuss what kind of human rights mechanism ASEAN should adopt. ASEAN takes note of the various concept notes resulting from these workshops. Declaration on the Commitments for Children in ASEAN is adopted by the ASEAN Ministers Responsible for Social Welfare. The Declaration specifically refers to the UN Convention on the Rights of the Child.</td>
</tr>
<tr>
<td>2003</td>
<td>Declaration of ASEAN Concord II is adopted at the 9th ASEAN Summit. ASEAN Member States commit to forming an “ASEAN Community” comprising three pillars, namely political and security cooperation, economic cooperation, and socio-cultural cooperation.</td>
</tr>
<tr>
<td>2004</td>
<td>The Vientiane Action Program (VAP) for the establishment of the ASEAN Community was adopted at the 10th ASEAN Summit. This plan for regional integration includes the promotion of human rights under the ASEAN Security Community. The Action Program lists a number of priority actions such as the elaboration of an ASEAN Instrument on the Rights of Migrant Workers and the establishment of an ASEAN Commission on Women and Child Rights. Declaration Against Trafficking in Persons Particularly Women and Children is adopted by ASEAN Heads of State. Declaration on the Elimination of Violence Against Women in the ASEAN Region is adopted by ASEAN Foreign Ministers.</td>
</tr>
<tr>
<td>2005</td>
<td>First meeting of the ASEAN Plus Six, also called the East Asia Summit, comprising the ASEAN countries plus China, Japan, South Korea, India, Australia and New Zealand. The Second ASEAN-UN Summit is held in September 2005. ASEAN leaders and the UN Secretary General issue a Joint Communique expressing their, “common concern in the promotion of peace, security and the rule of law, as well as the protection of human rights and fundamental freedoms”</td>
</tr>
<tr>
<td>2006</td>
<td>Brunei ratifies the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). All ASEAN Member States are now party to CEDAW.</td>
</tr>
</tbody>
</table>
### 2007

ASEAN Charter, as the constituent instrument of ASEAN, is adopted. The principle of the ASEAN charter includes respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice. Article 14 of the charter requires the establishment of an ASEAN Human Rights Body.

Declaration on the Protection and Promotion of the Rights of Migrant Workers is adopted by ASEAN Heads of State, and a Committee is established to oversee its implementation.

ASEAN Heads of State adopt the ASEAN Commitments on HIV and AIDS that includes a commitment to "ensure that persons living with HIV and affected groups are protected and are not subjected to stigma and discrimination."

The National Human Rights Institutions of Indonesia, Malaysia, the Philippines and Thailand sign a Declaration committing to greater cooperation between the four institutions, and establishing an annual coordination meeting.

### 2009

The ASEAN Intergovernmental Commission on Human Rights (AICHR) is inaugurated at the 15th ASEAN Summit in Thailand.


Joint Declaration on the Attainment of the Millennium Development Goals in ASEAN is adopted by ASEAN Heads of State. Member States commit towards balancing economic growth, social development and environmental sustainability in the attainment of the Millennium Development Goals.

### 2010

The ASEAN Commission on the Promotion and Protection of the Rights and Women and Children is established in April as a sectoral body under the ASEAN Socio-Cultural Community.

The Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children is adopted by ASEAN Heads of State in October.

The First ASEAN Children's Forum (ACF) is held in the Philippines. The ACF is an ASEAN forum through which children from the Member States can come together, express their views and participate in regional development.

### 2011

ASEAN Heads of State and Government adopt the:

- ASEAN Declaration of Getting to Zero on New HIV Infections, Zero Discrimination, Zero AIDS-Related Deaths
- The Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in ASEAN

### 2012

The Second ASEAN Children's Forum (ACF) is held in Singapore.

The ASEAN Human Rights Declaration is adopted at the 21st ASEAN Summit in Cambodia. The declaration is criticised by human rights defenders for failing to meet minimum international human rights standards.

ASEAN Community Vision 2025

As explained above, the ASEAN Community Vision 2025: Forging Ahead Together (together with the community blueprints) succeeds the 2009-2015 ASEAN Blueprints towards ASEAN Community. The following is the vision for ASEAN Political-Security Community (ASPC), ASEAN Economic Community (AEC), ASEAN Social and Cultural Community (ASCC).

The measures planned in the ASEAN Community Vision are built around the visions and characteristics each community aims to realise. Please note that human rights and fundamental freedoms are included as an ASPC matter, with human rights for vulnerable and marginalised populations including people with disabilities (PWD), women, children, youth under the ASCC:

<table>
<thead>
<tr>
<th>ASEAN Political-Security Community</th>
<th>ASEAN Economic Community</th>
<th>ASEAN Socio-Cultural Community Blueprint</th>
</tr>
</thead>
<tbody>
<tr>
<td>APSC 2025 visions are:</td>
<td>AEC 2025 visions are:</td>
<td>ASCC 2025 visions are:</td>
</tr>
<tr>
<td>1. A rules-based community that fully adheres to ASEAN fundamental principles, shared values and norms as well as principles of international law governing the peaceful conduct of relations among states; 2. An inclusive and responsive community that ensures our people enjoy human rights and fundamental freedoms as well as thrive in a just, democratic, harmonious and gender-sensitive environment in accordance with the principles of democracy, good governance and the rule of law; 3. A community that embraces tolerance and moderation, fully respects the different religions, cultures and languages of our peoples, upholds common values in the spirit of unity in diversity as well as addresses the threat of violent extremism in all its forms and manifestations; 4. A community that adopts a comprehensive approach to security which enhances our capacity to address effectively and in a timely manner existing and emerging challenges, including non-traditional security issues, particularly transnational crimes and transboundary challenges;</td>
<td>1. A highly integrated and cohesive regional economy that supports sustained high economic growth by increasing trade, investment, and job creation; improving regional capacity to respond to global challenges and mega trends; advancing a single market agenda through enhanced commitments in trade in goods, and through an effective resolution of non-tariff barriers; deeper integration in trade in services; and a more seamless movement of investment, skilled labour, business persons, and capital; 2. A competitive, innovative and dynamic community which fosters robust productivity growth including through the creation and practical application of knowledge, supportive policies towards innovation, science-based approach to green technology and development, and by embracing the evolving digital technology; promotion of good governance, transparency and responsive regulations; effective dispute resolution; and a view towards enhanced participation in global value chains;</td>
<td>1. A committed, participative and socially-responsible community through an accountable and inclusive mechanism for the benefit of our peoples, upheld by the principles of good governance; 2. An inclusive community that promotes high quality of life, equitable access to opportunities for all and promotes and protects human rights of women, children, the elderly/older persons, persons with disabilities, migrant workers, and vulnerable and marginalised groups; 3. A sustainable community that promotes social development and environmental protection through effective mechanisms to meet the current and future needs of our peoples; 4. A resilient community with enhanced capacity and capability to adapt and respond to social and economic vulnerabilities, disasters, climate change as well as emerging threats and challenges; and 5. A dynamic and harmonious community that is aware and proud of its identity, culture, and heritage with the strengthened ability to innovate and proactively contribute to the global community.</td>
</tr>
</tbody>
</table>
5. A region that resolves differences and disputes by peaceful means, including refraining from the threat or use of force and adopting peaceful dispute settlement mechanisms while strengthening confidence-building measures, promoting preventive diplomacy activities and conflict resolution initiatives;
6. A region that remains free of nuclear weapons and other weapons of mass destruction, and contributes to global efforts on disarmament, non-proliferation and peaceful uses of nuclear energy;
7. A community that enhances maritime security and maritime cooperation for peace and stability in the region and beyond, through ASEAN and ASEAN-led mechanisms and adoption of internationally-accepted maritime conventions and principles;
8. A community that strengthens our unity, cohesiveness and ASEAN centrality and remains the primary driving force in shaping the evolving regional architecture that is built upon ASEAN-led mechanisms; and
9. A community, in the interest of developing friendly and mutually beneficial relations, that deepens cooperation with Dialogue Partners, strengthens engagement with other external parties, reaches out to potential partners, as well as responds collectively and constructively to global developments and issues of common concern.

APSC 2025 shall have the following characteristics:
1. A rules-based, people-oriented, people-centred community;
2. A peaceful, secure and stable region
3. ASEAN Centrality in A Dynamic and Outward-Looking Region
4. Strengthened ASEAN Institutional Capacity and Presence

AEC 2025 characteristics are:
1. A Highly Integrated and Cohesive Economy;
2. A Competitive, Innovative and Dynamic ASEAN;
3. Enhanced Connectivity and Sectoral Cooperation;
4. A Resilient, Inclusive, People-Oriented and People-Centred ASEAN;
5. A Global ASEAN;

ASCC 2025 characteristics are:
1. Engages and benefits the people
2. Inclusive
3. Sustainable
4. Resilient
5. Dynamic
ASEAN's External Relations

ASEAN has developed a number of forums and meetings to engage countries from outside Southeast Asia or other regional blocs in economic and security matters. Some of them are held to coincide with its own meetings, such as:

- **The ASEAN Plus Three (APT)** forum aims to expand cooperation, particularly on economic and trade issues, with North East Asia (China, Japan and South Korea). The forum first met informally in December 1997 and was institutionalised in 1999. For the sake of convenience, the APT is held towards the end of the ASEAN Summits.

- **The East Asia Summit (EAS)** is a wider grouping that also seeks to develop cooperation on economic and trade matters. Members are the ASEAN Plus Three members, Australia, India and New Zealand. The first East Asia Summit was held in Kuala Lumpur on December 14, 2005. As with the APT, these meetings are held during the ASEAN Summits.

- **The Post-Ministerial Conference (PMC)** takes place during the ASEAN Ministerial Meeting of foreign ministers, and is where ASEAN meets with its “Dialogue Partners” to discuss economic and security issues. These dialogue partners are Australia, Canada, China, the European Union, India, Japan, New Zealand, Republic of Korea, the Russian Federation, the United States and the United Nations Development Programme.

- **The ASEAN Regional Forum (ARF),** established in 1994, is a security grouping held in conjunction with the PMC. The forum aims to build trust, clarify positions and develop cooperation to enhance peace and security in the Asia-Pacific region through a process of dialogue between foreign ministers. Its members are the ASEAN member states plus Australia, Bangladesh, Canada, China, the European Union, India, Japan, North Korea, South Korea, Mongolia, New Zealand, Pakistan, Papua New Guinea, Russia, Sri Lanka, Timor-Leste and the United States.

- **ASEAN Regional Forum (ARF),** is a platform for security dialogue in the Indo-Pacific and was established in 1994. Having 24 members, including the ten ASEAN Member States, the 10 ASEAN Dialogue Partners (Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, Russia and the United States) and Bangladesh, North Korea, Mongolia, Pakistan, Sri Lanka, and two ASEAN observer states, Papua New Guinea and Timor Leste.

- **ASEAN Dialogue Partners:**

  To date, for the period of 2015-2024, there are 10 ASEAN Dialogue partners, four sectoral dialogue partners (Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, Russia and the United States), and each dialogue is coordinated by an ASEAN member State, or other partners with dialogue coordinated by the ASEAN Secretariat, i.e. Sectoral Dialogue Partners (Norway, Pakistan, Switzerland and Turkey) and development partners (Chile, France, Germany and Italy). The list of dialogue partners’ coordinating states are as follows:

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Some examples of the dialogue partnerships are as follows:

- **EU-ASEAN Partnership**: the European Union (EU) became ASEAN’s Dialogue Partner in 1977 and it was formally institutionalised following the signing of the ASEAN-EEC Cooperation Agreement on 7 March 1980. The adoption of the Nuremberg Declaration on an EU-ASEAN Enhanced Partnership in 2007 was an important milestone in dialogue relations. The relationship has since grown with the adoption of the Bandar Seri Begawan Plan of Action to Strengthen the ASEAN-EU Enhanced Partnership (2013-2017) in 2012, which gave a more strategic focus to cooperation at regional cooperation in a wide range of areas - political/security, economic/trade and sociocultural.  
  
  The EU supported ASEAN in the regional integration process, strengthening the capacity of the ASEAN Secretariat and enhancing ASEAN connectivity through various development cooperation programmes across the three pillars of ASEAN. The EU has provided funding and technical assistance to support the following programmes/projects over the past years: (i) Institutional Capacity Building for ASEAN Monitoring and Statistics (COMPASS) (2013-2018); (ii) the EU Support to Higher Education in ASEAN Region (EU SHARE) (2014-2019); (iii) ASEAN-EU Migration and Border Management Programme Phase II (2014-2018); (iv) ASEAN-EU Statistical Capacity Building Programme (2009-2012); (v) ASEAN Project on the Protection of Intellectual Property Rights (2009-2017); (vi) ASEAN-EU Air Transport Integration Project (2010-2016); and (vii) Enhancing ASEAN FTA Negotiating Capacity/Support to ASEAN-EU Negotiating Process (2011-2013).

  The Delegation of the European Union (EU) to ASEAN is one of 140 diplomatic missions that represent the EU across the globe. It was established on 8 August 2015, reflecting the EU’s growing engagement with ASEAN.

- **ASEAN-United States dialogue relations** started in 1977 and since the 3rd ASEAN-US Summit in 2015, the dialogue relations of both parties were elevated to a strategic partnership, implementation of which is mandated in the Plan of Action to Implement the ASEAN-US Strategic Partnership for the period of 2016-2020. While the summit is held in a rotating manner between the US and ASEAN, the US also attends the PMC+1 Session. On 10 September 2020 ASEAN-US Plan of Action for 2021-2025 was agreed during the PMC+1.

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3 Ibid.

Aside from these, ASEAN also has dialogue relations with international and regional organisations that include United Nations, Asian Development Bank, Economic Cooperation Organisation (ECO), Gulf Cooperation Council (GCC), Mercosur, Pacific Alliance, Shanghai Cooperation Organisation (SCO), South Asian Association for Regional Cooperation (SAARC), and the Community of Latin American and Caribbean States (CELAC). The coordination is also rotated among member states. The following list is based on the agreement of the 4/2015 Country Permanent Representatives (CPR) Meeting held on 3 March 2015. Each AMS takes turns in coordinating meetings between ASEAN and the regional organisations in New York and in Jakarta. The coordination role is rotated alphabetically each year.

<table>
<thead>
<tr>
<th>Year</th>
<th>CELAC</th>
<th>ECO</th>
<th>GCC</th>
<th>MERCOSUR</th>
<th>PACIFIC ALLIANCE</th>
<th>SAARC</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>Singapore</td>
<td>Malaysia</td>
<td>Myanmar</td>
<td>Viet Nam</td>
<td>(Chair)</td>
<td>Thailand</td>
</tr>
<tr>
<td>2015</td>
<td>Thailand</td>
<td>Myanmar</td>
<td>Philippines</td>
<td>Brunei Darussalam</td>
<td>Singapore</td>
<td>Viet Nam</td>
</tr>
<tr>
<td>2016</td>
<td>Viet Nam</td>
<td>Philippines</td>
<td>Singapore</td>
<td>Cambodia</td>
<td>Thailand</td>
<td>Brunei Darussalam</td>
</tr>
<tr>
<td>2017</td>
<td>Brunei Darussalam</td>
<td>Singapore</td>
<td>Thailand</td>
<td>Indonesia</td>
<td>Viet Nam</td>
<td>Cambodia</td>
</tr>
<tr>
<td>2018</td>
<td>Cambodia</td>
<td>Thailand</td>
<td>Viet Nam</td>
<td>Lao PDR</td>
<td>Brunei Darussalam</td>
<td>Indonesia</td>
</tr>
<tr>
<td>2019</td>
<td>Indonesia</td>
<td>Viet Nam</td>
<td>Brunei Darussalam</td>
<td>Malaysia</td>
<td>Cambodia</td>
<td>Lao PDR</td>
</tr>
<tr>
<td>2020</td>
<td>Lao PDR</td>
<td>Brunei Darussalam</td>
<td>Cambodia</td>
<td>Myanmar</td>
<td>Indonesia</td>
<td>Malaysia</td>
</tr>
<tr>
<td>2021</td>
<td>Malaysia</td>
<td>Cambodia</td>
<td>Indonesia</td>
<td>Philippines</td>
<td>Lao PDR</td>
<td>Myanmar</td>
</tr>
<tr>
<td>2022</td>
<td>Myanmar</td>
<td>Indonesia</td>
<td>Lao PDR</td>
<td>Singapore</td>
<td>Malaysia</td>
<td>Philippines</td>
</tr>
<tr>
<td>2023</td>
<td>Philippines</td>
<td>Lao PDR</td>
<td>Malaysia</td>
<td>Thailand</td>
<td>Myanmar</td>
<td>Singapore</td>
</tr>
<tr>
<td>2024</td>
<td>Singapore</td>
<td>Malaysia</td>
<td>Myanmar</td>
<td>Viet Nam</td>
<td>Philippines</td>
<td>Thailand</td>
</tr>
<tr>
<td>2025</td>
<td>Thailand</td>
<td>Myanmar</td>
<td>Philippines</td>
<td>Brunei Darussalam</td>
<td>Singapore</td>
<td>Viet Nam</td>
</tr>
</tbody>
</table>

Role of CSOs in ASEAN

‘Civil Society Organisation (CSO)’ is a widely used term, often for a variety of purposes and meanings. According to the United Nations, a civil society organisation is any non-profit, voluntary entity which is organised on a local, national or international level, such as non-governmental organisations (NGOs), charities, trusts, foundations, and advocacy groups, whose governance and direction comes from citizens or constituency members, without significant government-controlled participation or representation.

Although in the founding declaration ASEAN member states promised to raise living standards and “secure for their peoples […] for the blessings of peace, freedom, and prosperity”, critics argue that ASEAN has operated as an elite club, in which macro-economy and national security partnerships are the first priority. In addition, the non-interference principle facilitates the regional bloc’s silence and inaction on critical human rights issues, critics say.

In 1979 ASEAN started giving accreditation to CSOs, and officially adopted new guidelines for affiliation in 1986. The accreditation of CSOs to ASEAN is regulated by the “Guidelines on the Accreditation of Civil Society Organisations (CSOs)”, adopted by the 19/2012 Meeting of the Committee of Permanent Representatives to ASEAN (CPR) on 15 November 2012, and noted by the 11th ASEAN Coordinating Council Meeting on 17 November 2012. As of today, 55 non-state organisations have been given accreditation by ASEAN.

Although minimal, ASEAN’s interest in grassroot issues related to civil society is acknowledged in the speeches of ASEAN leaders and the drafting of the ASEAN Charter. At the 36th Anniversary of ASEAN in 2003, Indonesian President Megawati Sukarnoputri called on ASEAN to engage CSOs in regional community and identity building (Fort and Webber 2006). Moreover, the section of “promoting ASEAN as a people-oriented community” in the ASEAN Charter

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5 Refer to: https://www.un.org/en/civil-society/page/about-us#:~:text=A%20civil%20society%20organization%20(CSO)
mentions setting up advisory councils for interaction with civil society and ASEAN, attracting representatives from CSOs, and strengthening relationships with them, including using their systems and strengths as strategic partners to build a strong ASEAN Community.⁷

**ASEAN’s Relationship with CSOs**

ASEAN was established as an intergovernmental regional organisation, and as such there is a high level of distrust with CSOs from member states. This is especially the case with CSOs that focus on issues such as democracy, social justice, human rights, with the propensity to criticise the government, and which are often seen as troublemakers, subversives, or dissidents in their home countries. Likewise, some CSOs have a great distrust of governments, viewing them as corrupt, undemocratic, and only protecting the interests of the elite and the private sector.

Amongst CSOs themselves, there is still lingering distrust between those who engage governments and ASEAN and those who prefer to advocate in the streets. Allegations of co-optation, of not being for and with ‘the people’ abound.⁸

Despite this CSOs were granted an opportunity to offer recommendations for the ASEAN Charter.⁹

In international relations, while diplomacy is traditionally between States and their actors, the terms Track I, Track II, and Track III are often utilised to craft engagement strategies. Track I refers to the practice of diplomacy among government channels. The participants stand as representatives of their respective states and reflect the official positions of their governments during negotiations and discussions. All official decisions are made in Track I. Track II on the other hand refers to diplomatic activities that are unofficial, and includes participants from both government and non-government institutions such as the academic, economic communities and NGOs. This track enables governments to discuss controversial issues and test new ideas without making official statements or binding commitments, and, if necessary, backtrack on positions. Track III refers to people-to-people diplomacy, where individuals and/or civil society groups of different countries engage together to ease tensions or pursue common goals. Successful advocacy for an issue usually involves a multi-track approach.

Track II dialogues often represent an opportunity for civil society involvement in the regional decision-making process. In ASEAN, NGOs generally have less access to this track compared to the academic community and think-tanks. However, these think-tanks are, in most cases, very much linked to their respective governments, and dependent on government funding for their academic and policy-relevant activities. Their recommendations, especially in economic integration, are often closer to ASEAN decisions than the rest of civil society positions. CSOs in Southeast Asia tend to mobilise their influence by engaging in Track III diplomacy, representing communities and people who are largely marginalised from political power centres and unable to achieve positive change without outside assistance. Engagement in this track involves engaging in joint-measures to influence government policies indirectly by lobbying and generating pressure through the media. Third-track actors also organise and/or attend meetings as well as conferences to get access to Track I officials.

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While Track II meetings and interactions with Track I actors have increased and intensified, rarely has the rest of civil society had the opportunity to interface with Track II. Those with Track I experience have been even rarer. In other words, very few CSOs are included in ASEAN agenda-setting and decision-making.

Looking at the three tracks, it is clear that until now, ASEAN has been run by government officials who, as far as ASEAN matters are concerned, are accountable only to their governments and not the people. In a lecture on the occasion of ASEAN’s 38th anniversary in 2005, then-Indonesian President Dr. Susilo Bambang Yudhoyono said:

“All the decisions about treaties and free trade areas, about declarations and plans of action, are made by Heads of Government, ministers and senior officials. And the fact that among the masses, there is little knowledge, let alone appreciation, of the large initiatives that ASEAN is taking on their behalf.”

One of the most tangible policy achievements of civil society is the enshrinement of human rights, as understood by international norms and standards, in the ASEAN Charter. This represents a major policy change for ASEAN and has potentially significant implications. Certainly, the long engagement by Track II actors (ASEAN ISIS) and the Regional Working Group on an ASEAN Human Rights Mechanism, with an upward push from the civil society SAPA Task Force on ASEAN and Human Rights, as well as pressure from Western dialogue partners like the EU, may be attributed to having made this possible. SAPA is an important network amongst civil society groups that actively engages with ASEAN and its activities. The network of South and East Asian civil society groups, particularly NGOs, has a specific working group on ASEAN and the ASEAN Charter.

The inclusion of human rights in the ASEAN Charter has extensive positive impacts on other rights-based advocacies upheld by civil society and other sectors in society such as labour, migrants, farmers and fisherfolk, women, youth, children and the disabled, the environment and future generations, where human rights can be an overarching principle that impacts on the security-political, economic and socio-cultural pillars of ASEAN life.

A significant contribution of civil society to ASEAN institutional change is the creation of ASEAN mechanisms. Mechanisms such as the AICHR, ACWC, ACMW, ADF and the like, are the result of concrete institutional proposals from CSOs to ASEAN. Most of these institutional mechanisms are, in fact, expressions that reflect compromises between and among the ASEAN member states and civil society. Current discussions over a possible ASEAN Civil Society Council (ACSC) interface with leaders, town hall meetings and other configurations suggest that ASEAN is exploring appropriate ways of institutionalising their commitment to people’s participation, as well as responding to civil society’s desire to participate meaningfully in the governance of ASEAN.

10 Ibid.
12 Chong, An ASEAN Community for All: Exploring the Scope for Civil Society Engagement.
13 Ibid.
Source:
- FORUM-ASIA. ASEAN, Civil Society and Human Rights: Knowing the Basics
- Asean.org
- ASEAN Vision 2025: Forging Ahead Together
- Overview Asean-European Union Dialogue Relations
MODULE 1.2.

ASEAN History

Objectives:
» To understand the historical evolution of ASEAN and the implication of the ‘shifts’ it has taken.
» To analyse the regional and global contexts impacting “shifts” on ASEAN.

Knowledge Acquired:
» Familiarity with the historical development of ASEAN.
» Understand the global, regional and national contexts shaping decisions of ASEAN.

Time: 1 hour

Material: Slideshow presentation on “Introduction to ASEAN”

Procedures:

2. Each group discusses significant events in the world and in Southeast Asia in that period as well as what was happening within countries. List the events on the wall under the respective year.

3. Facilitator then plays the PowerPoint on ASEAN evolution.

4. Open the floor for discussion. Key questions/stimulating points could be: Was ASEAN also influenced by events in the country/region/globe?
Debriefing:

» There are significant markers in the life of ASEAN evolution.
» Many of these events may be relevant to events happened in the history

Conclusion:

All regional groupings underwent organisational evolution. This evolution provides new opportunities and challenges.

Human Rights Regime Stages (Donnelly, 86)
MODULE 1.3

ASEAN People

Objectives:
» To appreciate that the people in ASEAN have a common identity beyond borders.
» To discuss the imagery and ideals of being one ASEAN community.

Knowledge Acquired:
» Knowledge on ASEAN that people are connected through history and based on present realities

Time: 1.5 hour
Materials: Butcher paper, markers

Procedures:
Part 1: (60 minutes)
1. Work in groups of the same nationalities (if in an international workshop) or in groups of the same ethnicity (if in a national workshop). Divide into groups of 4-5.
2. Each group is given a big piece of butcher paper. They start with a dot of themselves in the middle and do mapping of their ancestral roots. Use markers to draw the linkages to places, events and people in one’s history. It would look like a mind-mapping sketch.
3. After 20 minutes, ask each group to display their papers. The whole group will move around the hall listening to the various groups’ presentations. The group presenting should only focus on the tail-end findings of where they came from, etc.
4. In plenary observe the commonalities of our ancestors.

Part 2: (30 minutes)
1. In plenary, conduct a general discussion:
   Q1: What are the commonalities of ASEAN nations’ history?
   Q2: Are the communities present in different parts of ASEAN come from the same cultural or ethnic background?
2. Use meta-cards to map out common points/ideas and paste them on the white board.

Debriefing:
» Many people living in one country today come from other countries (both in ASEAN and elsewhere).
» The borders that made the present nation-state were a later historical making linked to colonisation and cross border conflicts.

Conclusion:
» Many people share common traits and culture within ASEAN.
» The idea of ASEAN as a community of people gets better traction of some communities sharing certain cultural traits that are common or easily identifiable.
Module 1: Understanding ASEAN

Handout Material 1.3

Southeast Asia and ASEAN: A Brief Overview

Geography and Climate

Southeast Asia is the generally accepted name for a series of islands and peninsulas that lie east of India and south of China, comprising of two general portions, i.e. mainland Southeast Asia and the grouping of archipelagos to the south and east of the mainland. Most countries in Southeast Asia are ASEAN Member States, with the mainland states consisting of Cambodia, Laos, Myanmar, Thailand and Vietnam, known as the Mekong region, due to a significant part of it being located in the extensive Mekong river basin. Although part of its territory is on the mainland, Malaysia is usually grouped with maritime Southeast Asia alongside Brunei Darussalam, Indonesia, Malaysia, the Philippines and Singapore. Aside from Singapore, most islands in maritime Southeast Asia originated from volcanic activities.

The region encompasses 5,000,000 square miles (13,000,000 square km) of land and sea, of which about 1,736,000 square miles is land. There are seasonal variations in rainfall and temperature due to changing wind and pressure systems. The mainland Southeast Asia countries share environmental resources such as major rivers (e.g. the Mekong River) and there are also land borders within the insular or maritime portion of the region, such as between Malaysia and Indonesia and Malaysia and Brunei Darussalam in the island of Borneo (Kalimantan) and Indonesia and Timor Leste on the island of Timor.

With shared borders and interlinked natural resources, the region has monitored the regional state of the environment and ASEAN Secretariat issues through the ASEAN State of the Environment Report (SOER), the latest of which was the SOER 5 published in 2017. The report highlights the increased frequency and intensity of hydro, meteorological and geophysical disasters in the region for the past 50 years due to climate change and pressure caused by human activities (which also result in climate change). The report highlights the risks caused by increased urbanization and the wealth gap between urban and rural, cross-border impact of forest fires, and the impact of climate change to the environment and livelihood, including flooding and increased disease outbreaks and threats to ASEAN’s biodiversity.

Population

ASEAN accounts for approximately 12 percent of world population, with rising urbanisation expected to reach 63% by 2050. ASEAN Statistical Yearbook 2020 states that in 2019 the estimated population is more than 655 million people, 50.1% of which are female. The population remains young for the past 10 years, as can be seen from the following chart:

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17 Ibid.
18 Ibid.
Southeast Asia has always witnessed large scale population movements, as can be seen in the subsection on archeology and culture. Migration data portal, managed and developed by IOM’s Global Migration Data Analysis Centre (GMDAC) citing UNDESA (United Nations Department of Economic and Social Affairs) notes that approximately one-third of Southeast Asian migrants, numbering 23.6 million migrants, stay in the sub-region. Because there is growing demand for domestic and care work, there are more female migrants in some ASEAN Member States, such as 61 per cent from Thailand and more than 55 percent in Malaysia and the Lao People’s Democratic Republic.\(^\text{19}\)

COVID-19 has impacted the labour movement and welfare within and outside of the region due to the movement restriction put in place to curb the spread of the virus and decline in demand as well as other economic, health and immigration obstacles, but the impact is worse for refugees and asylum seekers in the region. As well as not providing government services, some countries have refused asylum seekers access to their territories, i.e. Malaysia, Singapore, Thailand, Timor-Leste and Vietnam.\(^\text{20}\)

United Nations High Commissioner for Refugees (UNHCR) notes that as of mid 2020, Southeast Asia was home to more than 290,000 refugees and asylum-seekers, mostly Rohingya from Myanmar. 99 percent of refugees and asylum seekers in Southeast Asia are located in three ASEAN Member States, namely Malaysia (179,073), Thailand (98,525) and Indonesia (13,515).\(^\text{21}\)


The following is the graphic on the migration data in the region:

**FEMALE MIGRANTS FROM SOUTH-EASTERN ASIA, MID-YEAR 2020**

The share of female migrants originating from South-eastern Asia is close to 50 per cent, which is above the global average. This is significantly higher in some countries of the sub-region, Thailand leads with 61 per cent.

International migrants from the country, both sexes combined, mid-year 2020

- **MYANMAR**: 3 711 751 (37%)
- **BRUNEI DARUSSALAM**: 45 340 (42%)
- **INDONESIA**: 4 601 369 (44%)
- **TIMOR-LESTE**: 39 588 (45%)
- **VIET NAM**: 3 392 025 (50%)
- **SINGAPORE**: 348 464 (52%)
- **CAMBODIA**: 1 104 819 (54%)
- **PHILIPPINES**: 6 094 307 (58%)
- **LAO PEOPLES DEMOCRATIC REPUBLIC**: 1 296 051 (58%)
- **MALAYSIA**: 1 860 037 (57%)
- **THAILAND**: 1 086 985 (61%)

Archeology and Culture

Southeast Asia is remarkable for its incredible diversity of ethnic groups, each of which have their own language, customs, and religious beliefs. Southeast Asia today has a sprinkling of hunting-gathering Negrito people, such as the Aeta of the Philippines, the Semang of Malaysia, and the Orang Kubu of Sumatra. Australoid people are also thought to have passed through the region during the early migration period. Traces of these people may be seen in the current racial stock of Timor and Flores. Meanwhile the majority of the present-day indigenous population are basically Mongoloid, consisting of various people who migrated from South China and the Tibetan border areas at various times.

Historically this region has been referred to as a collectivity, with the Chinese naming it as Nanyang, the Japanese as Nanyo (both meaning South Seas), and the South Asians Suvarnabhumi (Land of Gold). Indeed the countries in Southeast Asia share similarities on the archeological background. Archeological evidence for the origins of some prevalent Southeast Asian decorative motifs may be seen in beautifully ornamented ritual bronze artefacts, such as kettle drums, weapons and bells, which have been uncovered from many sites throughout the regions.

The earliest and most far-reaching influence that has permeated across Southeast Asia was that of India. Many local rulers adopted such ‘Indianized’ ideas as a belief in a god-like king at the head of a hierarchical administration system, an ancestral genealogical pedigree system, the lunar-solar calendar, astrology, and several of Hindu ritual worship. Buddhism was brought from India by traders.

The basic proportions and much of the iconography for Southeast Asia religious art come from Indian forms of design. Classical Indian art motifs, such as crowned snakes, the Makara water monster, the Kala monster face mask, the garuda bird (the mount of the Hindu God Vishnu), peacocks, the lotus, the ‘vase of plenty’ and the wishing appear on Southeast Asia textiles.

Local languages have been greatly enriched by the loan from Sanskrit, the ancient and sacred language of Indian epics, such as the Mahabharata and the Ramayana and the Buddhist Jataka Tales, which form the basis of classical theatre in Southeast Asia. The Ramayana is performed as a puppet play in southern Thailand, northern Malaysia and Java, and as a dance drama in Myanmar, Laos, central Thailand and central Java. Puppet figures from these epics (called wayang) appear on the textiles of Bali and Lombok in Indonesia.

During the early years of the Ming Dynasty (1368-1644), China took a more active interest in Southeast Asia. The influence of Chinese culture can be seen in ceramics Chinese ceramics that have been imitated in brassware by the Maranao people of southern Philippines, while some ceramic motifs have been widely copied on Southeast Asian textiles.

Meanwhile the influence of Islam in Southeast Asia may be seen in the soft, loosely woven double ikat-pattern patola cloth, sometimes called cinde. Patola textiles became symbols of wealth and prestige. The royal weft ikat cloth of Thailand and Cambodia is similar with the weft ikat cloths from Inle Lake in Myanmar and some sarongs, such as the malong andong of southern Philippines.

The European influences by the spread of Western hygiene, improved sanitation, and healthcare have led to a decreased death rate and an increase in population. While education and the spread of Western ideas and technology have been responsible for much material progress, they have contributed to a cleavage between new and traditional ways of life. The

influence of the textile motifs can be seen in the use of garden flowers in cloth from Arakan and Amarapura in Myanmar, Laos, Javanese Batik and Timor. Images of Dragons from stoneware jars may occasionally be seen on warp ikat clothes from Sumba In Bali and Thailand, the banji, or swastika, motif is a pattern regularly encountered on silk weft ikat. It may also be seen in a supplementary weft on Lao, Shan, and Kachin textiles.

Religions in Southeast Asia

Religion is an important identity marker in each of the countries in the region, and Southeast Asian countries are among the most religiously diverse countries although with different levels of diversity, with Singapore and Vietnam being the most and Cambodia and Timor Leste the least.\(^23\) The following is the composition of religions in ASEAN Member States 2020 according to Pew- Templeton Global Religious Futures Project:

<table>
<thead>
<tr>
<th>Country</th>
<th>Muslims</th>
<th>Christians</th>
<th>Buddhists</th>
<th>Hindus</th>
<th>Jews</th>
<th>Folk Religions</th>
<th>Other Religions</th>
<th>Unaffiliated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei Darussalam</td>
<td>75.1%</td>
<td>9.4%</td>
<td>8.6%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>6.2%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Burma (Myanmar)</td>
<td>4.2%</td>
<td>7.8%</td>
<td>79.8%</td>
<td>1.7%</td>
<td>&lt;1%</td>
<td>5.8%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Cambodia</td>
<td>2.0%</td>
<td>&lt;1%</td>
<td>96.8%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Indonesia</td>
<td>87.0%</td>
<td>10.2%</td>
<td>&lt;1%</td>
<td>1.6%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Malaysia</td>
<td>66.1%</td>
<td>9.4%</td>
<td>15.7%</td>
<td>5.8%</td>
<td>&lt;1%</td>
<td>2.2%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Philippines</td>
<td>5.7%</td>
<td>92.4%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>1.6%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Singapore</td>
<td>16.1%</td>
<td>17.7%</td>
<td>32.2%</td>
<td>6.5%</td>
<td>&lt;1%</td>
<td>2.4%</td>
<td>8.5%</td>
<td>16.5%</td>
</tr>
<tr>
<td>Thailand</td>
<td>6.0%</td>
<td>&lt;1%</td>
<td>92.6%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Vietnam</td>
<td>&lt;1%</td>
<td>8.4%</td>
<td>16.2%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>45.0%</td>
<td>&lt;1%</td>
<td>29.9%</td>
</tr>
<tr>
<td>Timor-Leste</td>
<td>&lt;1%</td>
<td>99.6%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
</tbody>
</table>

Source: (http://www.globalreligiousfutures.org/regions/asia-pacific/#/region_map_year=2020&region_map_religion=All%20Religious%20Groups)

This is why freedom of religion is very important in the region. However, as outlined in the 2017 report of United States Commission on International Religious Freedom (USCRIF), all of the Member States have systems in place for the government to suppress freedom of religion of minorities may it be because they do not abide to the state-backed orthodoxy and/or to maintain public order.\(^24\) Religious diversity is treated more as a political-security matter in ASEAN Member States, and indeed in many of the member states’ politicization of religion is among the roots of internal conflicts and rampant human rights violations, as has transpired in Myanmar with regards to the genocide against Rohingya Muslims.\(^25\) Blasphemy laws are often used to repress minorities in many of the contexts often resulting in prisoners of conscience, which along with terrorism, and religious nationalism, comprises of cross-cutting challenges the region must contend with.\(^26\)


\(^{25}\) Brennan, “Religion in Southeast Asia: Diversity and the Threat of Extremes.”

\(^{26}\) Mufford, “A Right for All: Freedom of Religion or Belief in Asian.”
History of Colonialism in Southeast Asia

Asian empires, including in Southeast Asia, have been weakened by European control of international trade that grew throughout the 1500s and 1600s, and by the 1800s they had established their authority particularly in Southeast and East Asia, notably Portugal, Spain, the Netherlands, Great Britain, and the United States. The following is taken from the summary of history of colonialism from the Center for Southeast Asian Studies, Northern Illinois University:

<table>
<thead>
<tr>
<th>Colonial Country</th>
<th>Summary of Colonialism in Southeast Asia</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Portugal</strong></td>
<td>The Portuguese had the least impact on Southeast Asia. They captured Malacca in 1511, holding it until the Dutch seized it in 1641. Otherwise, they maintained only a small piece of territory on the island of Timor, southeast of Bali.</td>
</tr>
<tr>
<td><strong>Spain</strong></td>
<td>Spain ruled the Philippines from its conquest of Cebu in 1565 and Manila in 1571 until its defeat in the Spanish-American War in 1898.</td>
</tr>
</tbody>
</table>
| **The Netherlands** | Dutch colonialism falls into two periods. The first, that of the V.O.C., or Dutch East India Company, lasted from 1605 to 1799. The V.O.C. had little interest in territorial administration; its primary concern was to maximize profits through trading monopolies.  
When the V.O.C. collapsed in 1799, the Dutch government took control of its assets in 1825, after the Napoleonic Wars, and began to bring the Indonesian archipelago under its administrative authority. This process was completed during the 1930s.  
At the end of the Second World War, the Dutch had hoped to retain the Netherlands East Indies as a colony, but the Indonesians opposed the return of the Dutch, setting up a republic in 1945. In 1949, after four years of fighting, the Indonesians gained their independence with the assistance of the United Nations, which served as a mediator between the Indonesians and the Dutch. |
| **Great Britain** | The British conquered Burma (Myanmar), fighting three Anglo-Burmese Wars in 1824-26, 1852, and 1885-86. Unlike other colonies, which maintained their ethnic identity, Burma was a province of British India. The Burmese, therefore, had two sets of rulers, the British at the top with the Indians in the middle. In 1935 the British agreed to separate Burma from India, putting this agreement into effect in 1937. Burma was able to negotiate its independence from Great Britain in 1948.  
Penang (acquired in 1786), Singapore (founded by Raffles in 1819), and Malacca (Melaka, acquired in 1824), were governed by Britain as the Straits Settlements. The Straits Settlements served as a base for British expansion into the Malay Peninsula between 1874 and 1914. When the Malay States entered into negotiations for their independence—achieved in 1957—Penang and Malacca became part of Malaysia as did Singapore in 1963. However, Singapore was asked to withdraw from the federation in 1965. Singapore has been an independent city state since that date. Sarawak and Sabah which joined Malaysia in 1963 continue to remain members of the federation. |
| **France**       | France moved into Vietnam in 1858, capturing Saigon in 1859. Using the south, then called Cochin China, as a base the French moved west and north completing the conquest of Indochina by 1907. (Indochina—the five territories under French authority: Cochin China, Annam, Tongking, Laos, and Cambodia.) The French also wanted to retain their colony after the Second World War. The Vietnamese rejected French rule, and after defeating the French at Dien Bien Phu, obtained their independence at the Geneva Conference in 1954. |
| **The United States** | The United States moved into the Philippines as a result of the peace settlement with Spain in 1898. The Filipinos were granted a Commonwealth (internal autonomy) government in 1935, and their independence in 1946. |

As can be seen from the history above, Thailand is the only ASEAN Member States that continued to be independent during the colonial period, while the remaining nine are nation states established with borders largely determined by the colonial powers, with the exception of Singapore.  

European colonialism changed the social and political structure in Southeast Asia, whereby colonial laws were instituted with the assumption that colonisers (and other approved ethnic or social classes per the colonisers’ preference) had more rights and protections than the local population.\(^\text{28}\) This is because colonies are established for the benefit of the colonial empires and not local people.

However, the domination of the powerful against the weak had not been a pattern instilled by the colonialists, in much of the region, colonialism was simply a shift from being dominated by local power holders to foreign domination.\(^\text{29}\) This is not to say there are no negative impacts of colonialism, indeed there were many with effects that can be felt in many contexts even today. It is important to note that during colonial era there was an introduction of rule of law\(^\text{30}\) (that perhaps will be more appropriate if termed as rule by law more for the benefit of the colonialist’s interest, including to maintain public order), some women’s rights and technological and infrastructural developments as well as healthcare.\(^\text{31}\) The establishment of government system and criminal justice system that involves imprisonment lowered the use of the death penalty and corporal punishment.\(^\text{32}\)

**Indigenous People**

There is no official definition of indigenous people, although the UN system has developed the following characteristics,\(^\text{33}\) including from UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and General Recommendations and other documents issued by the Convention for the Elimination of Racial Discrimination (CERD) Committee:

- Self-identification as indigenous peoples at the individual level and accepted by the community as their member.
- Historical continuity with pre-colonial and/or pre-settler societies.
- Strong link to territories and surrounding natural resources.
- Distinct social, economic or political systems.
- Distinct language, culture and beliefs.
- Form non-dominant groups of society.
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

In the Indigenous People’s definition, it is important to highlight the point about “non-dominant groups of society.” Many postcolonial countries, including ASEAN Member States, are successor states from the colonisers, which sometimes define the State as the absolute ruler of the citizens or give more power or access to government participation to the majority group and/or the elite in the society. Their non-dominant position makes Indigenous Peoples vulnerable to rights abuses, having their identity, including culture and land, threatened by development processes determined by a government they do not participate in. Thus, discussion on indigenous people’s rights must be understood as to protect these groups so that they do not lose their collective and individual rights, including for them to be free from discrimination, the right to self-determination and economic, social and cultural development, to nationality, and the right to life and security from violence.\(^\text{34}\)


\(^{29}\) Ibid.

\(^{30}\) Ibid.

\(^{31}\) Ibid.

\(^{32}\) Ibid.


In Southeast Asia, Indigenous Peoples (IPs) often experience violations of their rights. For example in Cambodia, the IPs in Ratanakiri, Mondulkiri and Stung Treng provinces have experienced devastating social, economic, cultural and environmental impacts from hydropower projects being built and operated upstream on the Sesan, Srepok and Sekong rivers in Vietnam and Laos. In Indonesia, over 7.5 million hectares of land are oil palm plantations, a large portion of which was established on forest land traditionally used by Indigenous Peoples. Their land is often taken without their free, prior informed consent (FPIC) and without due payment. IPs in Indonesia have also been severely and adversely impacted by mining, logging, transmigration and other forms of development projects. This is also the case for IPs in Malaysia, one of the examples of which is the mega-dam projects in Sarawak. After the forced relocation of 15,000 indigenous villagers for the controversial Bakun dam project, the government of Sarawak state has announced plans for 12 more mega-dams in the Sarawak Corridor of Renewable Energy (SCORE) with the potential adverse impact against the IPs in the area.

Some governments in Southeast Asia also have launched large scale internal resettlement programs with severe consequences for the IPs in these areas. Between the 1950s and 1980s, state-sponsored transmigration programs for non-indigenous settlers by the government of Vietnam to the Central Highlands, by Indonesia to Papua, Kalimantan and other outer islands, or by the Philippine government to Mindoro, Palawan and above all Mindanao have resulted in massive loss of land of indigenous communities and severely altered the demographic composition in favour of the non-indigenous settlers. While these programs have been discontinued, the impact remains in these areas and has sometimes resulted in local conflicts, such as those that can be found between the local Dayak people and the non-indigenous Maduranese in Kalimantan, Indonesia.

Lesbian, Gay, Bisexual, Trans, Intersex, and Queer+ (LGBTIQ+) community

LGBTIQ+ are among the persecuted minority groups in ASEAN, despite the fact that traditionally binary gender views were not strictly adhered to in the region. Michael G Peletz for example notes that gender pluralism and transgenderism already existed in early modern times in Southeast Asia, as documented by various European travellers, including homosexual relationships, transgender ritualist, and potentially a third gender, as in the case of Bissu in Sulawesi, who are neither female nor male and therefore considered to be able to communicate directly with the divine. Presently, LGBTIQ+ are subjected to discrimination to varying degrees in Southeast Asia countries. In Malaysia for example, as Brian Wong wrote, Malaysia and Singapore are both conservative states on the issue of LGBTIQ+, with former Prime Minister Mahathir Muhammad stating that “In Malaysia, there are some things we cannot accept, even though it is seen as human rights in Western countries ... We cannot accept LGBT marriage between men and men,” Malaysia, Singapore, Myanmar and Brunei Darussalam criminalise same-sex sexual activities, and it is a crime punishable by the death penalty under Sharia Law.


In Indonesia, while same-sex sexual activities are not criminalised, in the province of Aceh, which has autonomous status and applies Islamic criminal law (Qanun Jinayat), gay sex is punishable by caning and/or imprisonment. It should be noted that in Thailand, a Civil Partnership Bill is being deliberated that if passed will allow same sex couples to enjoy certain rights of husband and wives, such as to adopt children and for inheritance in the absence of a will.\textsuperscript{40} Despite this, as with in other States where there is no criminal legal provisions against LGBTIQ+, gender minorities are often subjected to discrimination and even violence at the private and/or domestic spheres or by state actors.

Source:

- http://www.asean-tourism.com
- Britannica Encyclopedia
- SOER 5 Report
- ASEAN Statistical Yearbook 2020

MODULE 1.4

ASEAN as a “Community of Peoples”

Objectives:

» To introduce the community blueprints of ASEAN as in-roads to people’s participation.
» To identify crucial information behind the blueprints for critical engagement.

Knowledge Acquired:

» Knowledge on ASEAN community blue-prints and familiarity with ASEAN.

Time: 1 hour
Materials: Community blueprints

Procedures:

1. Before the participants are broken into groups, the facilitator shall present an overview of the ASEAN community blue-prints. He/she then provides a copy of these blue-prints to all participants.
2. The facilitator will then divide the participants into 3 groups. The first group shall be called the “Hanoi Plan.” The facilitator will give a brief description of the significance of the 1998 Hanoi Plan to situate the participants. The second group will be named the “Bali Concord” in reference to the significance of the 2003 concord. The third group will be known as “Vientiane Action Programme.” The facilitator will provide the significance of the name to ASEAN.
3. Each group tackles one pillar. The “Hanoi Plan” group will deal with the ASEAN Political-Security Community (APSC), “Bali Concord” will tackle the ASEAN Economic Community (AEC), and the “Vientiane Action Programme” group will take on the ASEAN Socio-Cultural Community (ASCC).
4. The groups shall discuss the following guiding questions:

Q1: What is your perception of current realities in the region?

Q2: Based on this perception, critique the characteristics of the community pillar assigned to you.

Q3: What are the crucial issues or information that came up?

Q4: How can we use this pillar to advance common issues?

Debriefing:

» The formation of the ASEAN community pillars is aimed at creating a “community of caring society”; however, the uneven development in each ASEAN nation may lead to an uneven distribution of benefits.

» There is a lack of enforcement of good rules in ASEAN. There is also a lack of communication and shared information on vital aspects, for example the labour market (The quality of data on labour migration in ASEAN countries is uneven.)

» There is little interaction between ASEAN bodies addressing the same concerns. Each ASEAN body undertakes its respective tasks in accordance with its mandates under the three different pillars of the ASEAN Community with little coordination. The ASEAN community pillars are interrelated. Coordination among them is vital in building a credible, efficient and effective ASEAN community.

» Regional commitments are not necessarily synchronised with national interests (i.e., migrant issues). Border confrontations and the spill-over of transnational problems such as migration and the environment should be taken into consideration in the ASEAN community pillars.

» ASEAN must work on the common ownership of the community considering the differences in history and culture. Only with people’s participation and having people-oriented ASEAN will society benefit from the process of ASEAN integration and community building.

Conclusion:

» Building ASEAN identity by promoting greater awareness and common values in the spirit of unity at all levels of society is important.

» A more integrated ASEAN will enable ASEAN members to build solidarity and partnerships to narrow development gaps and ensure achievements of common platforms in the region.

» ASEAN must ensure a thorough process of deepening cooperation to generate mutual interest and to ensure promotion and protection of the people’s rights.

» To effectively achieve the ASEAN vision of a caring society, it must sustain the desire for cooperation and consultation with civil society organisations, to demonstrate strong political will and commitment of the governments concerned.
### ASEAN Community

**POLITICAL-SECURITY**
- Rules based, shared norms and values
- Cohesive, peaceful, stable, resilient with shared responsibility
- Dynamic and outward looking

**ECONOMIC**
- Single market and production base ‘Competitive economic region
- Equitable economic development
- Integration into global economy

**SOCIO-CULTURAL**
- Human development
- Social Welfare and Protection
- Social justice and rights
- Environmental sustainability
- ASEAN Identity

### ASEAN Charter

#### ASEAN Political-Security Community
- ASEAN Foreign Ministers’ Meeting (AMM) (IAMM)
- Commission for the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ Commission)
- ASEAN Regional Forum (ARF)
- ASEAN Defence Ministers Meeting (ADMM)
- ASEAN Law Ministers Meeting (ALAWMM)
- ASEAN Ministers/Attorneys-General Meeting of the Central Authorities on Mutual Legal Assistance in Criminal Matters (AMAG-MLAT)
- ASEAN Ministerial Meeting on Transnational Crime (AMMTC)
- ASEAN Ministerial Meeting on Drug Matters (AMMD)
- ASEAN Intergovernmental Commission on Human Rights (AICHR)

#### ASEAN Economic Community
- AEC Monitoring
- ASEAN Economic Ministers (AEM)
- ASEAN Free Trade Area (AFTA)
- ASEAN Ministers on Energy Meeting (AMEM)
- Food, Agriculture & Forestry Ministers’ and Central Bank Governors’ Joint Meeting
- ASEAN Investment Area (AIA) Council
- ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF)
- ASEAN Ministerial Meeting on Minerals (AMMIN)
- ASEAN Transport Ministers Meeting (ATM)
- ASEAN Tourism Ministers Meeting (MATM)
- ASEAN Digital Ministers Meeting (ADGMIN)
- ASEAN Ministerial Meeting on Science, Technology and Innovation (AMMSTI)
- Initiative for ASEAN Integration (IAI) and Narrowing the Development Gap (NDG)
- Free Trade Agreements with Dialogue Partners
- Sectoral Bodies under the Purview of ASEAN Economic Ministers

#### ASEAN Socio-Cultural Community
- ASEAN Ministers Responsible for Culture & Arts (AMCA)
- ASEAN Ministerial Meeting on Sports (AMMS)
- ASEAN Ministerial Meeting on Disaster Management (AMMDM)
- COP to AADMER (Conference of the Parties to the ASEAN Agreement on Disaster Management and Emergency Response)
- ASEAN Health Ministers Meeting (AHMM)
- ASEAN Ministers Responsible for Information (AMRI)
- Overview
- Statements & Declarations
- Culture & Arts
- Disaster Management
- Education
- Environment
- Haze
- Health Information
- ASEAN Labour Ministers Meeting (AMLMM)
- ASEAN Ministers Meeting on Rural Development and Poverty Eradication (AMRDEP)
- Science & Technology
- ASEAN Ministerial Meeting on Social Welfare and Development (AMMSWD)
- ASEAN Ministerial Meeting on Women (AMMW)
- ASEAN Ministerial Meeting on Youth (AMMY)
- ASEAN Cooperation on Civil Service Matter (ACCSM)

### Community Outreach

(Credit: www.asean.org)
MODULE 1.5

ASEAN Charter

Objectives:

» To familiarise participants with the key principles and content of the ASEAN Charter.
» To understand emerging norms and standards of ASEAN as well as the trends and emerging challenges impacting the region.

Knowledge Acquired:

» Knowledge of the ASEAN charter and its regional platform.

Time: 1 hour 15 minutes
Materials: Copies of the scenario of “Survivor Island” Procedure:

Procedures:

1. The facilitator divides the participants into three groups. He/she then presents a scenario of a ‘survivor island’. The scenario tells a story as following:
   • A series of catastrophes struck the world because of people’s abuse of the environment and natural resources. The last of the series of calamities was a great flood that drowned almost all remaining life forms except for a few lucky individuals including you, and an uninhabited island flourishing with nature’s fauna and flora.
   • At the stroke of events, you found yourself together with others on the island.
   • You gathered together to manage and discuss the situation, set rules to manage the island, thinking of starting a new world.
   • Your group is then to debate, argue, deliberate, negotiate and unite on 10 principles that all must adhere to. Write these principles on the meta-cards provided.
2. Present the set of principles in the plenary and explain why.
3. The three groups will then try to come to a consensus on a list of 10 for all participants.

Debriefing:

» The activity is a spring board of negotiation to draft a charter.
» The facilitator poses the following questions after the reporting:
  • How do you feel about the activity, particularly the negotiation?
  • Is it important or trivial? Explain why.
  • How does the group manage to incorporate suggestions?
  • What are your general thoughts? What are the rationale for your suggestions?
  • Are all members amenable to the final principles?
  • What are the sacrifices that members have had to make to adhere to the principles?
» The facilitator then presents the key principles found in the ASEAN Charter.
  • Key principles: sovereignty (territorial integrity), equality, noninterference, unity in diversity (national identity), rule of law, nondiscrimination, consensus.
  • Emerging norms: peace, security, stability, collective commitment and responsibility.

Conclusion:

» A Charter is a formal framework.
» ASEAN now is a rules-based organisation. With its charter, it now has a legal identity and governing laws to adhere to.
» ASEAN still has a long way to go to achieve its vision.
» It needs to codify its principles according to the highest standards of human rights.
» ASEAN should formalise into action its aspiration of and unity under “One Vision, One Identity and One Caring and Sharing Community”.
» ASEAN charter is only the beginning of engaging the region and its peoples on the importance of human rights.
The ASEAN Charter serves as a firm foundation in achieving the ASEAN Community by providing legal status and institutional framework for the region. It also codifies ASEAN norms, rules and values; sets clear targets for ASEAN; and presents accountability and compliance.

The ASEAN Charter entered into force on 15 December 2008. With the initiation of the ASEAN Charter, ASEAN henceforth operates under a new legal framework and establishes a number of new organs to boost its community-building process.

In effect, the ASEAN Charter has become a legally binding agreement among the 10 ASEAN Member States. It has also been registered with the Secretariat of the United Nations, pursuant to Article 102, Paragraph 1 of the Charter of the United Nations.

The importance of the ASEAN Charter can be seen in the following contexts:

- New political commitment at the top level
- New and enhanced commitments
- New legal framework, legal personality
- New ASEAN bodies
- Two new openly-recruited DSGs
- More ASEAN meetings
- More roles of ASEAN Foreign Ministers
- New and enhanced role of the Secretary-General of ASEAN
- Other new initiatives and changes

Additional Reading Material:
http://www.zum.de/whkmla/sp/0607/seongmin/seongmin.html#major
CHARTER OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS

WE, THE PEOPLES of the Member States of the Association of Southeast Asian Nations (ASEAN), as represented by the Heads of State or Government of … :

NOTING with satisfaction the significant achievements and expansion of ASEAN since its establishment…;

RECALLING the decisions to establish an ASEAN Charter in the Vientiane Action Programme, the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter and the Cebu Declaration on the Blueprint of the ASEAN Charter;

MINDFUL of the existence of mutual interests and interdependence among the peoples and Member States of ASEAN…;

INSPIRED by and united under One Vision, One Identity and One Caring and Sharing Community;

UNITED by a common desire and collective will to live in a region of lasting peace, security and stability, sustained economic growth, shared prosperity and social progress, and to promote our vital interests, ideals and aspirations;

RESPECTING the fundamental importance of amity and cooperation, and the principles of sovereignty, equality, territorial integrity, non-interference, consensus and unity in diversity;

ADHERING to the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms;

RESOLVED to ensure sustainable development for the benefit of present and future generations and to place the well-being, livelihood and welfare of the peoples at the centre of the ASEAN community building process;

CONVINCED of the need to strengthen existing bonds of regional solidarity to realise an ASEAN Community that is politically cohesive, economically integrated and socially responsible in order to effectively respond to current and future challenges and opportunities;

COMMITTED to intensifying community building through enhanced regional cooperation and integration, in particular by establishing an ASEAN Community comprising the ASEAN Security Community, the ASEAN Economic Community and the ASEAN Socio-Cultural Community, as provided for in the Bali Declaration of ASEAN Concord II;

HEREBY DECIDE to establish, through this Charter, the legal and institutional framework for ASEAN…

CHARTER OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS

(Source: ASEAN Charter, www.asean.org)
MODULE 1.6

ASEAN Charter & Principles

Objectives:

» To familiarise participants with the key characteristics and principles of ASEAN.
» To know the various expressions of ASEAN principles.
» To recognise some key characteristics that mark ASEAN globally.

Knowledge Acquired:

» Familiarity with the ASEAN principles and the various ASEAN mechanisms.

Time: 1.5 hour
Materials: ASEAN Charter booklets

Procedures:

1. In plenary, ask what should be the key ideal principles for a regional organisation like ASEAN. List about 10 points or principles.
2. Distribute a copy of the ASEAN charter booklet to each participant. Allocate 10 minutes for participants to read the preamble, purpose, and principles sections of the Charter.
3. Have an open discussion in plenary on what are the purposes and principles of ASEAN. Key questions/points to stimulate open discussion could be:
   Q1: What is good and encouraging in the charter?
   Q2: What is seemingly weak or non-empowering in the charter?
Debriefing:
» The people in this region need to know what ASEAN as an organisation is.
» There must be a greater outreach on this message of ASEAN to the common people all over Southeast Asia

Conclusion:
There is a new rules-based regional body that has some hopeful principles as its mandates.
Handout Material 1.6

ASEAN Character and Principles

- The Association of Southeast Asian Nations, or ASEAN, was established on 8 August 1967 in Bangkok, Thailand, with the signing of the ASEAN Declaration (Bangkok Declaration) by the Founding Fathers of ASEAN, namely Indonesia, Malaysia, Philippines, Singapore and Thailand. Brunei Darussalam then joined on 8 January 1984, Vietnam on 28 July 1995, Laos and Myanmar on 23 July 1997, and Cambodia on 30 April 1999, making up what is today the ten Member States of ASEAN.
- As set out in the ASEAN Declaration, the aims and purposes of ASEAN are:
  - To accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian Nations;
  - To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter;
  - To promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields;
  - To provide assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres;
  - To collaborate more effectively for the greater utilisation of their agriculture and industries, the expansion of their trade, including the study of the problems of international commodity trade, the improvement of their transportation and communications facilities and the raising of the living standards of their peoples;
  - To promote Southeast Asian studies; and
  - To maintain close and beneficial cooperation with existing international and regional organisations with similar aims and purposes, and explore all avenues for even closer cooperation among themselves. In their relations with one another, the ASEAN Member States have adopted the following fundamental principles, as contained in the Treaty of Amity and Cooperation in Southeast Asia (TAC) of 1976:
    - Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations;
    - The right of every State to lead its national existence free from external interference, subversion or coercion;
    - Non-interference in the internal affairs of one another;
    - Settlement of differences or disputes by peaceful manner;
    - Renunciation of the threat or use of force; and
    - Effective cooperation among themselves.

(Source: www.asean.org)
MODULE 1.7

ASEAN Structure

Objectives:
» To comprehend ASEAN structure and the power relations within ASEAN.
» To know the various mandates within the ASEAN structure with its people and leaders.
» To understand the ASEAN procedures and platform as appropriate venues and tools for engagement.

Knowledge Acquired:
» Knowledge on the structure and mandate of ASEAN mechanisms.

Time: 1.5 hours
Materials: ASEAN Structure

Procedures:
1. The facilitator divides the participants into five small groups:
   Group 1: “ASEAN Summit”; identify the power and responsibilities of the ASEAN Summit. Provide them with yellow meta-cards and yellow and white yarns.
   Group 2: “ASEAN Coordinating Council”; identify the powers and responsibilities of the ASEAN Coordinating Council. They will be provided with red meta-cards and red and white yarns.
   Group 3: “ASEAN Community Council”; the powers and responsibilities of the ASEAN Community Councils, provided with blue meta-cards and blue and white yarns.
Group 4: “ASEAN Sectoral Bodies”; the powers and responsibilities of the ASEAN Sectoral Bodies, provided with green meta-cards and green and white yarns.

Group 5: “Secretary-General and the ASEAN Secretariat”; the powers and responsibilities of the Secretary-General and the ASEAN secretariat, provided with orange meta-cards and orange and white yarns.

2. As the facilitator assigns the name and the tasks of the groups, he/she explains the composition of the different ASEAN bodies.

3. The groups discuss and write on the meta-cards the identified powers and responsibilities of the assigned ASEAN body; paste each on the group member’s shirt for everyone to see.

4. After the allotted time for group discussion and writing, the facilitator shall ask the participants to gather themselves by group around the corners of the training hall.

5. Using the yarns, the “ASEAN Summit” enumerates its powers and binds the whole group/s to which it has the power over; binds itself with the white yarn and hand over the end of the white yarn to a group to whom you have responsibility to report or fulfil. This activity continues until all the groups have reported and have bound themselves with the yarns.

6. A round of reading aloud the powers of the group shall ensue to stress the powers that the group commands to others while pulling the string of the specified group to whom you have power or responsibility to. Allow reflection on the activity.

Debriefing:

» Is the ASEAN’s management system efficient?
» Discuss coordination and sharing of responsibilities. What do you observe?
» The ASEAN Secretariat is weak due to limited authority, roles, human resources and political support.
» The seat of power resides in the ASEAN Summit.
» Interaction and linkages between and among groups are limited.

Conclusion:

» Engaging ASEAN should be multi-level, multi-tracked to ensure level of success.
» Power relations play an important part in an organisation. Too much power over the other groups weakens coordination and interactions.
» Power should be balanced in a responsible and accountable manner.
Handout Material 1.7

ASEAN Structure

Pre-Charter

ILLUSTRATIVE ASEAN ORGANISATION STRUCTURE

Charter-Based

- ASEAN Summit: Supreme policy-making body of ASEAN.
- ASEAN Coordinating Council (Foreign Ministers): coordinates the meetings of ASEAN Summit/Coordinate the implementation of agreements and decisions of the ASEAN Summit. ASEAN Community Council (comprises of ASEAN Political Security Community Council, ASEAN Economic Community Council, and ASEAN Socio-Cultural Community Council) ASEAN Sectoral Ministerial Bodies.
- ASEAN Secretary-General.
- Committee of Permanent Representatives (CPR) to ASEAN: facilitates ASEAN cooperation with external partners (including CSOs).
- ASEAN National Secretariat.

(Source: ASEAN Charter, Understanding ASEAN: its systems, structures and mechanisms by Yuyun Wahyuningrum)
The Diagram of ASEAN Structure post-ASEAN Charter

List of ASEAN Declarations:

- ASEAN Declaration, Bangkok, 8 August 1967;
- Zone of Peace, Freedom and Neutrality Declaration, Kuala Lumpur, 27 November 1971;
- Declaration of ASEAN Concord, Bali, 24 February 1976;
- Treaty of Amity and Cooperation in Southeast Asia, Bali, 24 February 1976;
- ASEAN Declaration on the South China Sea, Manila, 22 July 1992;
- Treaty on the Southeast Asia Nuclear Weapon-Free Zone, Bangkok, 15 December 1997;
- ASEAN Vision 2020, Kuala Lumpur, 15 December 1997;
- ASEAN Declaration on the Prevention and Control of Transnational Crime, Manila, 20 December 1997;
- Manila Declaration on the Prevention and Control of Transnational Crime, 25 March 1998;
- ASEAN Declaration on Joint Action to Counter Terrorism, Bandar Seri Bengawan, 5 November, 2001;

• ASEAN Plan of Action to Combat Transnational Crime, Yangon, 23 June 1999;
• Declaration on Terrorism by the 8th ASEAN Summit, Phnom Penh, 3 November 2002
• Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues, Phnom Penh, 4 November 2002;
• Declaration of ASEAN Concord II, Bali, 7 October 2003;
• Joint Declaration on Cooperation to Combat Terrorism, 14th ASEAN-EU Ministerial Meeting, Brussels, 27 January 2003;
• ASEAN-Australia Joint Declaration for Cooperation to Combat International Terrorism, Jakarta, 1 July 2004;
• ASEAN Declaration Against Trafficking in Persons, particularly Women and Children Vientiane, 29 November 2004;
• ASEAN-Japan Joint Declaration for Cooperation to Combat International Terrorism, Vientiane, 30 November 2004;
• ASEAN-Russian Federation Joint Declaration for Cooperation to Combat International Terrorism, Jakarta, 2 July 2004;
• ASEAN-Republic of Korea Joint Declaration for Cooperation to Combat International terrorism, Vientiane, 29 July 2005;
• ASEAN-New Zealand Joint Declaration for Cooperation to Combat International Terrorism, Vientiane, 29 July 2005;
• ASEAN-Pakistan Joint Declaration for Cooperation to Combat International Terrorism, Vientiane, 29 July 2005;
• ASEAN-Canada Joint Declaration for Cooperation to Combat International Terrorism, Kuala Lumpur, 28 July 2006;
MODULE 1.8

Regionalism: Learning from other experience

Objectives:

» To understand various inter-governmental regional human rights formations and cooperation; and to lay down opportunities for peoples’ participation.
» To extract lessons from the experiences of other regional intergovernmental bodies and mechanisms for human rights advocacy.

Knowledge Acquired:

» Familiarity with the essential elements of regionalism.
» Lessons from the different experiences of regional mechanisms.

Time: 1 hour

Materials:

» Video clippings of various inter-governmental organisations.
» EU video link: http://www.youtube.com/watch?v=b2-4gpRIkUE&feature=fvw
» OAS video link: http://www.youtube.com/watch?v=2ORufbqkVXo

Procedures:

1. Present a video on various inter-governmental regional mechanisms.
2. Divide the participants into Workshop groups to discuss guide questions:

   Q1: What are the common elements of regional mechanisms presented in the video?
   Q2: Of the elements you identified, which ones do you consider ASEAN/AICHR do not have yet and should have? Why?
   Q3: Do you think it is possible for ASEAN to realise these elements in the regional grouping? Why?
Debriefing:

» Regional experiences serve as a guide for charting the future of the ASEAN and its newly formed charter-based bodies.
» Peoples and civil society play an important role in shaping a regional human rights regime.
» Good practises of other regional mechanisms/formation should be validated to fit into the ASEAN experience before any attempt of replication.

Conclusion

» NHRIs and NGOs play a very important role in developing effective regional mechanisms.
» Regional HR mechanisms should not fall short of the standard set by the United Nations.
» Regional intergovernmental formations are potentially effective tools in setting up thematic protection mechanisms.
» Over time, respect for human rights may become part of the common ASEAN identity.
» Complaint mechanisms (individual and collective) are crucial for peoples’ human rights protection.
» Monitoring HR situations in the region is a pro-active, vigilant function of every mechanism.
» Information and public report/progressive approach of interpreting HR Instruments are important.
» Promotional and protective aspects of the mandate should equally be respected.
» Human rights work should not compromise its principles of universality, indivisibility and interdependence.
Handout Material 1.8

The ORGANISATION OF AMERICAN STATES

The Organization of American States (OAS) is the world’s oldest regional organisation, dating back to the First International Conference of American States, which was held in Washington, D.C. from October 1889 to April 1890. At that conference, the establishment of the International Union of American Republics was approved and the stage was set for the weaving together of a web of provisions and institutions that came to be known as the inter-American system, the oldest of the international institutional systems.

The OAS came into being in 1948 with the signing, in Bogota, Colombia, of the Charter of the OAS. The Charter entered into force in December 1951 and was subsequently amended by the Protocol of Buenos Aires, which was signed in 1967 and which entered into force in February 1970; by the Protocol of Cartagena de Indias, which was signed in 1985 and which entered into force in November 1988; by the Protocol of Managua, which was signed in 1993 and which entered into force on January 29, 1996; and by the Protocol of Washington, which was signed in 1992 and which entered into force on September 25, 1997.

The OAS was established to achieve among its member states, as stated in Article 1 of its Charter, “an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence.” Today it comprises the 35 independent states of the Americas and has granted permanent observer status to 63 states, as well as to the European Union. The Organization of American States constitutes the principal political, juridical, and social governmental forum in the Hemisphere.

The OAS uses a four-pronged approach to effectively implement its essential purposes, based on its pillars: democracy, human rights, security, and development

The EUROPEAN UNION

The European Union (EU) is not a federation like the United States, nor is it simply an organisation for cooperation between governments, like the United Nations. It is, in fact, unique. The countries that make up the EU (its ‘member states’) remain independent sovereign nations but they pool their sovereignty in order to gain a strength and world influence none of them could have on their own.

Pooling sovereignty means, in practice, that the member states delegate some of their decision-making powers to shared institutions they have created, so that decisions on specific matters of joint interest can be made democratically at the European level.

The EU’s decision-making process in general and the co-decision procedure in particular involve three main institutions:

- the European Parliament (EP), which represents the EU’s citizens and is directly elected by them;
- the Council of the European Union, which represents the individual member states;
- the European Commission, which seeks to uphold the interests of the Union as a whole.
This institutional triangle produces the policies and laws that apply throughout the EU. In principle, it is the Commission that proposes new laws, but it is the Parliament and Council that adopt them. The Commission and the member states then implement them, and the Commission ensures that the laws are properly taken on board.

Two other institutions have a vital part to play: the Court of Justice upholds the rule of European law and the Court of Auditors checks the financing of the Union’s activities.

The powers and responsibilities of these institutions are laid down in the Treaties, which are the foundation of everything the EU does. They also lay down the rules and procedures that the EU institutions must follow. The Treaties are agreed by the presidents and/or prime ministers of all the EU countries, and ratified by their parliaments.

In addition to its institutions, the EU has a number of other bodies that play specialised roles:

- the European Economic and Social Committee represents civil society, employers and employees;
- the Committee of the Regions represents regional and local authorities;
- the European Investment Bank finances EU investment projects, and helps small businesses via the European Investment Fund;
- the European Central Bank is responsible for European monetary policy;
- the European Ombudsman investigates complaints about maladministration by EU institutions and bodies;
- the European Data Protection Supervisor safeguards the privacy of people’s personal data;
- the Office for Official Publications of the European Communities publishes information about the EU;
- the European Personnel Selection Office recruits staff for the EU institutions and other bodies;
- the European Administrative School task is to provide training in specific areas for members of EU staff.

In addition, specialised agencies have been set up to handle certain technical, scientific or management tasks.

The African Union

The African Union succeeded the Organisation of African Unity (OAU). The African Union (AU) was officially launched in July 2002 in Durban, South Africa, following a decision in September 1999 by its predecessor, the OAU to create a new continental organisation to build on its work. The decision to re-launch Africa’s pan-African organisation was the outcome of a consensus by African leaders that in order to realise Africa’s potential, there was a need to refocus attention from the fight for decolonisation and ridding the continent of apartheid, which had been the focus of the OAU, towards increased cooperation and integration of African states to drive Africa’s growth and economic development.42

The AU is made up of 55 Member States which represent all the countries in the African region. The AU Member States were divided into five regions geographically, which were defined by the OAU in 1976 (CM/Res.464 CXVI). The following list below shows all member states grouped by region.43

The Regions

<table>
<thead>
<tr>
<th>Central Africa</th>
<th>Eastern Africa</th>
<th>Northern Africa</th>
<th>Southern Africa</th>
<th>Western Africa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republic of Burundi</td>
<td>Union of the Comoros</td>
<td>People’s Democratic Republic of Algeria</td>
<td>Republic of Angola</td>
<td>Republic of Benin</td>
</tr>
<tr>
<td>Republic of Cameroon</td>
<td>Republic of Djibouti</td>
<td>Arab Republic of Egypt</td>
<td>Republic of Botswana</td>
<td>Burkina Faso</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>State of Eritrea</td>
<td>Libya</td>
<td>Kingdom of Eswatini</td>
<td>Republic of Cabo Verde</td>
</tr>
<tr>
<td>Republic of Chad</td>
<td>Federal Democratic Republic of Ethiopia</td>
<td>Islamic Republic of Mauritania</td>
<td>Kingdom of Lesotho</td>
<td>Republic of Côte d’Ivoire</td>
</tr>
<tr>
<td>Republic of Congo</td>
<td>Republic of Kenya</td>
<td>Kingdom of Morocco</td>
<td>Republic of Malawi</td>
<td>Republic of Gambia</td>
</tr>
<tr>
<td>Democratic Republic of Congo</td>
<td>Republic of Madagascar</td>
<td>Sahrawi Arab Democratic Republic</td>
<td>Republic of Mozambique</td>
<td>Republic of Ghana</td>
</tr>
<tr>
<td>Republic of Equatorial Guinea</td>
<td>Republic of Mauritius</td>
<td>Republic of Tunisia</td>
<td>Republic of Namibia</td>
<td>Republic of Guinea</td>
</tr>
<tr>
<td>Gabonese Republic</td>
<td>Republic of Rwanda</td>
<td></td>
<td>Republic of South Africa</td>
<td>Republic of Guinea-Bissau</td>
</tr>
</tbody>
</table>


The Constitutive Act of the African Union and the Protocol on Amendments to the Constitutive Act of the African Union lay out the aims of the AU which are: 45

- Achieve greater unity and solidarity between African countries and their people;
- Defend the sovereignty, territorial integrity and independence of its Member States;
- Accelerate the political and socio-economic integration of the continent;
- Promote and defend African common positions on issues of interest to the continent and its peoples;
- Encourage international cooperation;
- Promote peace, security, and stability on the continent;
- Promote democratic principles and institutions, popular participation and good governance;
- Promote and protect human and peoples’ rights in accordance with the African Charter on Human and Peoples’ Rights and other relevant human rights instruments;
- Establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;

• Promote cooperation in all fields of human activity to raise the living standards of African peoples;
• Coordinate and harmonise the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
• Advance the development of the continent by promoting research in all fields, in particular in science and technology;
• Work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent;
• Ensure the effective participation of women in decision-making, particularly in the political, economic and socio-cultural areas;
• Develop and promote common policies on trade, defence and foreign relations to ensure the defence of the Continent and the strengthening of its negotiating positions;
• Invite and encourage the full participation of the African Diaspora as an important part of our Continent, in the building of the African Union.

The work of the AU is implemented through several principal decision making organs:- The Assembly of Heads of State and Government, the Executive Council, the Permanent Representatives Committee (PRC), Specialised Technical Committees (STCs), the Peace and Security Council and the African Union Commission. The AU structure promotes participation of African citizens and civil society through the Pan-African Parliament and the Economic, Social & Cultural Council (ECOSOCC).46

Organs that handle judicial and legal matters as well as human rights issues include:- African Commission on Human and Peoples’ Rights (ACHPR), African Court on Human and Peoples’ Rights (AfCHPR), AU Commission on International Law (AUCIL), AU Advisory Board on Corruption (AUABC) and the African Committee of Experts on the Rights and Welfare of the Child. The AU is also working towards the establishment of continental financial institutions (The African Central Bank, The African Investment Bank and the African Monetary Fund).47

The Regional Economic Communities (RECs) and the African Peer Review Mechanism are also key bodies that that constitute the structure of the African Union.48

To ensure the realisation of its objectives and the attainment of the Pan African Vision of an integrated, prosperous and peaceful Africa, Agenda 2063 was developed as a strategic framework for Africa’s long term socio-economic and integrative transformation. Agenda 2063 calls for greater collaboration and support for African led initiatives to ensure the achievement of the aspirations of African people.49

(Source: https://au.int/en/overview and https://au.int/en/member_states/countryprofiles2)

Economic Community of West African States (ECOWAS)

ECOWAS is an economic bloc consisting of 15 states in West Africa. ECOWAS established a ‘Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security’ on 10 December 1999 in Lomé, Togo. ECOWAS also adopted a supplementary ‘Protocol on Democracy and Good Governance’ on 21 December 2001. Under the supplementary protocol, ECOWAS may impose sanctions on a Member State in the event

that democracy is abruptly brought to an end by any means or where there is a massive violation of human rights.\textsuperscript{50}

The Economic Community of West African States (ECOWAS) was established on 28 May, 1975, by The Lagos Treaty which was revised by the Cotonou Treaty on 24 July, 1993.\textsuperscript{51} The ECOWAS is a 15-member regional group with a mandate of promoting economic integration in all fields of activity of the constituting countries. Here the list of 15-Member States:\textsuperscript{52}

- Benin
- Burkina Faso
- Cabo Verde
- Côte D’ivoire
- The Gambia
- Ghana
- Guinea
- Guinea Bissau
- Liberia
- Mali
- Niger
- Nigeria
- Senegal
- Sierra Leone
- Togo

For additional reading see Module 1 Appendices

The reason for ECOWAS’ establishment as an integrated region was to realise a region where the population enjoys free movement, have access to efficient education and health systems and engage in economic and commercial activities while living in dignity in an atmosphere of peace and security. ECOWAS has the vision to create a borderless region where the population has access to its abundant resources and is able to exploit the same through the creation of opportunities under a sustainable environment. ECOWAS is meant to be a region governed in accordance with the principles of democracy, rule of law and good governance.\textsuperscript{53}

The ECOWAS has eleven fundamental principles, namely:\textsuperscript{54}

- equality and inter-dependence of Member States;
- solidarity and collective self-reliance;
- inter-State cooperation, harmonisation of policies and integration of programmes;
- non-aggression between Member States;
- maintenance of regional peace, stability and security through the promotion and strengthening of good neighbourliness;
- peaceful settlement of disputes among Member States,
- active cooperation between neighbouring countries and promotion of a peaceful environment as a prerequisite for economic development;

\textsuperscript{52} The Economic Community of West African States (ECOWAS), “Member States,” n.d., https://www.ecowas.int/member-states/.
• recognition promotion and protection of human and peoples’ rights in accordance with the provisions of the African Charter on Human and Peoples’ Rights;
• accountability, economic and social justice and popular participation in development;
• recognition and observance of the rules and principles of the Community;
• promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles adopted in Abuja on 6 July, 1991;
• equitable and just distribution of the costs and benefits of economic co-operation and integration.

In 2013-2014, ECOWAS enacted several Acts/Protocols/Decisions, namely: 55

<table>
<thead>
<tr>
<th>Regimes</th>
<th>Acts/Protocols/Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The 43rd ordinary session of the Authority Heads of State and Government Abuja 17-18, July 2013</td>
<td>45th Ordinary session of the Authority of Heads of State and Government Accra 10 – 11 July 2014</td>
</tr>
<tr>
<td>SUPP/ACT/SA.1/07/13 Relating to The Establishment And Implementation of The Joint Border Posts Concept Within Member States of The Economic Community of West African States</td>
<td>46th ordinary session of the Authority of Heads of State and Government Abuja 15, December 2014</td>
</tr>
<tr>
<td>SUPP/ACT/SA.2/07/13 on The ECOWAS Energy Efficiency Policy</td>
<td>Supplementary Act A/Sa. 1/07/14 Amending Paragraph 8 Of Article 1, Paragraph 1 and 2 of Article 3 and Paragraph 1 and 2 Of Article 5 Of Protocol Alp1/5/79 on Free Movement of Persons, Right of Residence and Establishment Relating to Travel Documents</td>
</tr>
<tr>
<td>SUPP/ACT/SA.4/07/13 Amending The Supplementary Act A/Sa.2/12/08 on The Establishment, Functions And Operation Of The Regional Competition Authority For ECOWAS</td>
<td>Declaration of Heads of State And Government of The Economic Community of West African States on The Implementation of The Ecowas Common External Tariff (CET)</td>
</tr>
<tr>
<td>SUPP/ACT/SA.5/07/13 Relating to The General Convention on Social Security Of Member States of ECOWAS</td>
<td>Decision A/Dec.01/12/14 Amending Decision A/Dec 2/7/85 Establishing a Travel Certificate for Ecowas Member States</td>
</tr>
<tr>
<td>SUPP/ACT/SA.6/07/13 on The ECOWAS Energy Efficiency Policy</td>
<td>Supplementary Act A/Sa.3/07/14 Repealing Chapter III, Articles 5, 6, 7, 8 And 9 on Residence Card Valid as Visiting and Residence Permit of Protocol A1sp/1/7/86 on The Implementation of The Second Stage (Right of Residence) of The Protocol on Free Movement of Persons, Right of Residence and Establishment on Residence Cards and Residence Permit</td>
</tr>
<tr>
<td>SUPP/ACT/SA.7/07/13 on The ECOWAS Renewable Energy Policy</td>
<td>Decision Aidc.02/12/14 Extending The Mandate of The Ecowas Mission in Guinea Bissau (ECOMIB)</td>
</tr>
</tbody>
</table>

ECOWAS is made up of Institutions and Specialised Agencies. The Institutions comprise of: The Authority of Heads of States and Government, The Commission, The Community Parliament, The Community Court of Justice, Council of Ministers, Specialised Technical Committees as well as the ECOWAS Bank for Investment and Development (EBID). While ECOWAS Specialised Agencies include: West African Health Organisation (WAHO), West African Monetary Agency (WAMA), Intergovernmental Action Group against Money Laundering and Terrorist Financing in West Africa (GIABA), ECOWAS Gender and Development Centre, ECOWAS Youth and Sports Development Centre, ECOWAS Water Resources Coordination Centre, West African Power Pool, ECOWAS Regional Centre for Renewable Energy and Energy Efficiency (ECREEE), ECOWAS Regional Electricity Regulatory Authority (ERERA), ECOWAS Infrastructure Projects Preparation and Development Unit (PPDU) as well as ECOWAS Brown Card Scheme.\(^{56}\)

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56 The Economic Community of West African States (ECOWAS), “Basic Information”, https://www.ecowas.int/about-ecowas/basic-information/.
ECOWAS has also established the Community Court of Justice which was created pursuant to the provisions of Articles 6 and 15 of the ECOWAS Revised Treaty. Its organisational framework, functioning mechanism, powers, and procedure applicable before it sets out in Protocol A/P1/7/91 of 6 July 1991, Supplementary Protocol A/SP.1/01/05 of 19 January 2005, Supplementary Protocol A/SP2/06/06 of 14 June 2006, Regulation of 3 June 2002, and Supplementary Regulation C/REG.2/06/06 of 13 June 2006.

CCJ’s Composition
The Court is composed of five (5) independent Judges who are persons of high moral character, appointed by the Authority of Heads of State of Government, from nationals of Member States, for a four-year term of office, upon recommendation of the Community Judicial council.

CCJ’s Mandate and Jurisdictions

**Mandate**
The Mandate of the Court is to ensure the observance of law and of the principles of equity and in the interpretation and application of the provisions of the Revised Treaty and all other subsidiary legal instruments adopted by the community.

**Jurisdiction**

**Advisory Jurisdiction**
The Court gives legal advisory opinion on any matter that requires interpretation of the Community text.

**Contentious Jurisdiction**

- The Court examines cases of failure by Member States to honour their obligations under the Community law;
- The Court has competence to adjudicate on any dispute relating to the interpretation and application of acts of the Community;
- The Court adjudicates in disputes between Institutions of the Community and their officials;
- The Court has power to handle cases dealing with liability for or against the Community;
- The Court has jurisdiction to determine cases of violation of human rights that occur in any Member State;
- The Court adjudged and made declarations on the legality of Regulations, Directives, Decisions, and other subsidiary legal instruments adopted by ECOWAS.

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57 The Economic Community of West African States (ECOWAS), Revised Treaty.