

ASEAN Institutional Reform and Strengthening
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Abstract:

The paper identifies the key issues of reform and strengthening of ASEAN institutions which has been identified in the ASEAN 2030 study as one of the most serious challenges ASEAN is facing today. By reviewing ASEAN's past history of "under-institutionalization", or bureaucratic minimalism, the paper explains the necessity and urgency to accept and implement greater institutionalization and the related need to create a strong and effective regional bureaucracy. The paper provides some evaluations on the major steps towards institutional strengthening and regional bureaucracy creation taken by ASEAN in recent years, especially focusing on the ASEAN Secretariat. Based on the above analysis, the paper will further review and elaborate the hindrances for ASEAN to turn itself into an effective organization ready to face the challenges towards 2030. These include the crucial issues of financial resources, the practice of rotational appointment of the secretary-general, and the need to attract qualified staff to the secretariat.

1. The signing of the founding ASEAN Declaration August 1967 was preceded by a visit by the five foreign ministers to a nearby golf club in Bangkok. ASEAN emerged and has traditionally functioned on the principle of 'soft institutionalism". One of the hallmarks of the ASEAN Way' is organizational or bureaucratic minimalism. ASEAN's founding fathers believed that a small secretariat will not only be in keeping with the original purpose of ASEAN, which was to promote regional cooperation, rather than integration, but also facilitate socialization among ASEAN members. Much of ASEAN's business in its early years was conducted on an interpersonal basis.

2. In the past decade, however, ASEAN has entered a new era of institutional development. It has taken a number of steps to strengthen itself as a legal and bureaucratic institution. The key developments include: (i) the adoption of the ASEAN Charter in 2008, which incorporates the consolidation of its treaties, agreements and conventions, creation of new positions at the senior management level, and mechanisms for dispute settlement, compliance and representation; and (ii) the adoption of 'blueprints' that provides for institutional complexity and expansion by ASEAN's Three Communities, namely, the Economic Community, the Political-Security Community and the Socio-Cultural Community.
3. The ASEAN Charter is especially significant. Unlike many international bodies, including regional institutions, ASEAN began life without a charter. But the need for a charter was increasingly felt as the grouping took on a number of new roles and expanded its membership and dialogue partnership in the post-Cold War period. A major outcome of this process was the signing of the ASEAN Charter in 2007, and ratification in 2008. According to the Singapore Declaration on the ASEAN Charter, “the Charter shall serve as a legal and institutional framework” for ASEAN. The Charter supports the strengthening of ASEAN as an institution by committing member states “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”.
4. Appendix 1 provides an overview of the range of functions and mechanisms required by the ASEAN Charter, the ASEAN Master Plan on Connectivity as well ASEAN’s three

communities, namely, the ASEAN Economic Community, ASEAN Political-Security Community and ASEAN Socio-Cultural Community. The list is long and the issues areas diverse and complex. Given the paucity of resources – both financial and human - that ASEAN can command now, the key challenge is whether it can realise its elaborate and ambitious agenda institutional expansion. This paper offers a snapshot into ASEAN's institutional challenge and offers some suggestions for addressing them.

5. The ASEAN Secretariat (ASEC) is a good place to start examining the progress and limitations of ASEAN institutionalization. The ASEAN Charter created a number of provisions to strengthen the ASEAN's institutional capacity generally, and the ASEAN secretariat particularly. The ASEAN Secretary-General was given ministerial rank, and the authority to sign agreements on behalf of ASEAN in non-sensitive areas and represent ASEAN in the UN (where it only has observer status). The number of deputy secretary-generals was increased from two in the past to four, two of whom are to be openly recruited based on merit. There is also openly recruited professional staff to manage the secretariat. The ASEAN heads of government meeting was turned into an ASEAN Council, and will meet twice a year. Each of ASEAN's three communities - economic, political-security and socio-cultural - have their own councils.
6. Yet, it has become fairly clear that the member states, despite their declaratory commitment to great institutionalization and legalization of ASEAN, do not want a strong secretariat. To compound matters, the member states pose many questions over ASEAN Secretariat (ASEC)' s legitimacy on a wide-range of actions. They seem to be more concerned with promoting a national agenda than a supranational one.

Only the long-time professional staff members of the secretariat seem not to be pushing for a national agenda. While this is consistent with ASEAN's aversion to EU style supranationalism, it also impedes the effective implementation of ASEAN's expanding range of tasks and functions.

7. The key challenges to the effective functioning of the ASEC include whether ASEAN has the necessary resources to sustain its institutions; budget; human resources, and relationship with national governments. The organization structure of the ASEAN Secretariat (ASEC) does not enable ASEC to respond to changing developments and needs. ASEC's existing roles and functions continue to be based on pre-Charter needs, and are rigidly determined by member states. ASEC should have the flexibility to prioritise new roles on the basis of demand, and allocate resources accordingly.
8. A number of steps might be necessary to reform the present structure of the Secretariat, beginning with measures to enhance the Office of the Secretary-General with the appointment of a senior member of staff (like a chief of staff), with oversight responsibilities. There is a need to enhance the linkages across the departments and between OSG and the departments. Under the ASEAN Charter, the SG has a role in mediation, and monitoring compliance, but the OSG is unable to exercise this role.
9. There is a lack of policy cohesion and synergy across ASEC and ASEAN. The mix of professionally recruited DSGs and "political" appointees results in poor leadership. Hence all Deputy Secretary Generals (DSGs) should be openly recruited. Although the Charter states that two of the four DSGs should be "selected from among nationals from ASEAN member states", the reality is that three of the current DSGs were selected from among nationals of ASEAN member states. Moreover, although

the Charter states that the DSGs shall be “accountable to the SG in carrying out their functions”, the DSGs currently report to their member states. Propose salary reviews as ASEC is unable to attract DSGs with appropriate professional experience.

10. There is also a need to generate more analytical capacity for ASEAN staff at the ASEC and to create capacity for “thinking outside the box”. The current secretary general initiated an “ASEAN Secretariat Policy Forum”, but it did not last very long. Many ASEC staff do attend track-two meetings where they interact with academics, but this does not necessarily translate into strong in-house capacity for policy analysis. But efforts to create such a think-tank within the secretariat may not be welcome to member governments concerned with national sovereignty.
11. The strategic planning function at ASEC should be strengthened. The division lacks the manpower and technical capacity to manage the funds and adopt a comprehensive policy-planning role, or coordinate projects across the sectors. Dialogue Partners have given ASEAN and ASEC many tens of millions.
12. There is a need to fully professionalize the ASEAN Secretariat in the long run. ASEC staff should have specific competencies to perform specialist roles. Strengthen Corporate Affairs in the areas HR, finance, strategic planning, and legal services. (1) At the moment, ASEC’s salary structure is too low to attract professional talents in these areas (2) there is no structure in place to activate the task force on the dispute settlement mechanism. The legal services function should be strengthened with expert staff to enable ASEAN to fulfil its role as rules -based organization. ASEC should be ready to process cases to provide legal opinions.
13. The Secretary General’s ability to negotiate agreements depends on what the agreement entails. If it requires action by member states, then the member states

must be consulted. If it is about capacity building, then the secretary general should do it on his own, although there have been concerns regarding interference by the Committee of Permanent Representatives (CPR) here. Any ASEAN activity with political implications is likely to be tightly controlled by the member states.

14. Another critical issue is the financing of ASEC/ASEAN. Many observers and insiders believe that there is a severe shortage of funds for the routine management of ASEC's requirements. ASEAN's annual budget is about US 14 million. Increasing this amount runs into problems, because of the huge wealth gaps among ASEAN members. ASEAN operates on the principle that member states contribute to the ASEAN budget on an equal basis. There could be additional contributions by members on a voluntary basis for specific needs. This sort of arrangement was justified in the past on the ground that differential funding might lead to a hierarchy of powers. Members who make higher contributions may gain greater influence. Although there is no majority voting procedure in ASEAN as yet, which may mean members may seek voting power proportional to their share of the ASEAN budget, this does not mean voting is totally absent. "ASEAN votes, but seldom and not in public", is how one source familiar with ASEAN's puts it. Moreover, there are subtle ways of exercising power, not just through voting. If one member, say a large member state like Indonesia, gives more money to ASEAN, it may demand more say over the management of ASEAN and influence its objectives, at least psychologically. Moreover, one former official questioned whether ASEAN is really underfunded. Sometimes in the past, it has not been able to spend its entire budget. But this may be a question of efficient and timely use of resources, rather than the adequacy of funding.

15. What can be done with greater ease is a review of the ASEAN Secretariat Financial Rules and Procedures (AFRP) to allow ASEC flexibility in financial and budget management to perform and support ASEAN activities in effective and efficient manner. Moreover there is a lack of professional management of financial services. To address this, ASEAN should professionalise the tender committee to address the existing conflict of interest (it currently consists of the Permanent Missions of ASEAN Member States).
16. The ASEAN Charter, though seen as a welcome innovation and advance, has created some hurdles for ASEAN's effective functioning. A general problem is that the Charter creates a whole host of new rules ("rules for everything"). The more the rules are written, the less effective they become", is how one source put it. Too many rules limit flexibility, whether for the ASEAN Secretary General or for the member states, including foreign ministers who still play a central role in the management of ASEAN.
17. A major issue arising in the post Charter period concerns the relationship between ASEC and the CPR (Committee of Permanent Representatives). The CPR comprises permanent ambassadors for each member country to ASEAN. The existing relationship between ASEC and the CPR is complex and tensions there have the potential to undermine the functioning of ASEAN across all pillars/sectors. The CPR model for ASEAN was copied from the EU. The CPR is supposed to function like a board of trustee, not micro manage the day-to-day functions of the secretariat.¹

¹ The official functions of the CPR as stipulated by the Charter are to:

(a) support the work of the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies;
(b) coordinate with ASEAN National Secretariats and other ASEAN Sectoral Ministerial Bodies;
(c) liaise with the Secretary-General of ASEAN and the ASEAN Secretariat on all subjects relevant to its work;

18. Yet, there is a perception that the CPR members have interpreted the Charter too liberally as granting them control and supervision over ASEC. On some instances, it has indulged in the micro-management of ASEC, particularly on organizational and personnel issues, even intervening in the employment and deployment of staff, affecting the work across all pillars.
19. There was a serious conflict of interest when the Rules of Procedure (RoP) for the CPR was drafted. The CPR drafted the RoP themselves. It is also inconsistent with the spirit in which the Charter was drafted, and has reversed the role of the SG to pre-Charter conditions.
20. It is now easy for ASEC staff to go over the head of the Secretary-General and talk directly to the CPR. Despite being a body of representatives of national governments, the CPR can and does summon the ASEAN secretariat staff (by-passing the Secretary General) to report to them on a wide range of issues, although the Charter states that “each member state undertakes to respect the exclusively ASEAN character of the responsibilities of the SG and the staff, and not to seek to influence them in the discharge of their responsibilities”. Moreover, there is a view that the CPR continues to revise specific provisions in supplementary agreements of the ASEAN Charter to accommodate short term interests.
21. There could be a number of ways to address these problems. One is that the RoP of the CPR could be amended to clarify the separation of powers between the separate organs (delineate the roles of the CPR, the SG and the Staff), accommodate long-term goals of the ASEAN Community and address cross-pillar concerns. Second,

(d) facilitate ASEAN cooperation with external partners; and
(e) perform such other functions as may be determined. <http://www.aseansec.org/21069.pdf>
by the ASEAN Coordinating Council.

there is a need to build trust between the ASEC and the CPR and third, to get all parties to Respect the separation of powers as the organization matures

22. ASEAN Secretariat Staff Regulations (ASSR) is another important issue: The discussions on the ASSR have been on-going since 2009, but delay in finalising it has created uncertainty and confusion. One of the issues that need to be resolved is whether the ASSR should give full authority to SG as the Chief Administrative Officer of ASEAN to develop and maintain professional working environment in the Secretariat. The new draft ASSR that ASEC is discussing with the CPR potentially limits the SG's authority to manage the human resources function. For example, the ASSR: (i) fixes the employment term for staff, (ii) establishes a formal staff representative body, and (iii) involves external parties when resolving staff grievances. The ASSR should ensure that it provides the basis for ASEC to recruit and retain ASEAN best talents through: (i) effective workforce capability planning – 5 year plan, (ii) competitive salaries and benefits, and (iii) effective management skills and practices.

23. Turning to the issue of ASEC premises, these are seen as inadequate for its expanded responsibilities. For example, there is a severe shortage of space for new staff, and the increased number of meetings being held at the ASEC including ministerial meetings. Current building should be renovated. (Indonesia has promised to do this since 2007). It may also be better if the managers of the project funds should be situated in a separate building from ASEC. To compound matters, the long delay in finalizing the Host Country Agreement (HCA) with Indonesia has contributed to low morale. The HCA covers the ASEC premises, income taxes and privileges and immunities. The HCA should be immediately finalised.

24. There are also gaps in the ASEC's knowledge resources: The ASEC's role as a resource and institutional memory has become more significant than ever. But it does not have sufficient IT infrastructure and systems to serve as the repository of the ASEAN agreements submitted to the Secretary-General. There is an urgent need to document all information. The solution would be to set up appropriate IT infrastructure and systems such as databases, electronic transmission of reports, IT platforms and social networks to create internal transparency.
25. There is the issue of attracting quality people to ASEAN's management. The main disincentive seems to be short periods of contract (usually 3 years, renewable for another 3, unless promoted to another position, in which case the 3 year cycle starts anew). The low salary of staff is another concern, especially in recruiting staff from countries like Singapore and Brunei or getting talent already working in other international organizations like the UN. Sometimes, staff are seconded from home country governments, but this creates suspicion that the staff thus recruited may be working for their home governments.
26. There are specific challenges for institutionalization pertaining to economic and political-security cooperation in ASEAN. For example, in political-security cooperation, various ASEAN documents envisage the creation of a wide variety of instruments, such as the development of confidence-building measures, an ASEAN Arms Register to be administered by the ASEAN Secretariat, an Annual Security Outlook, an ASEAN early warning system 'to prevent occurrence/escalation of conflicts', an ASEAN Institute for Peace and Reconciliation, an ASEAN Humanitarian Assistance Centre, an ad hoc Experts Advisory Committee (EAC) or an Eminent Persons Group (EPG) that would assist in settling disputes among ASEAN members,

an 'ASEAN arrangement for the maintenance of peace and stability', coordination among national peacekeeping mechanisms and lay the groundwork for future peacekeeping activities, and an ASEAN human rights mechanism. Despite this ambitious agenda, the ASEAN secretariat and the poorer ASEAN members such as Myanmar, Laos, Cambodia and Vietnam have limited resources or in-house capacity for analysing, monitoring and developing such security cooperation measures.

27. There could be a number of further innovations when it comes to institutionalizing political and security cooperation in ASEAN. The ASEAN Charter and the ASEAN Political-Security Community Plan of Action and Blueprint enhances the office of the ASEAN Secretary-General and ASEAN Chair and require them to play a more proactive role in regional disputes, especially those with a potential for conflict. In particular, Article 23(2) of the Charter stipulates that "Parties to the Dispute may request the Chairman of ASEAN or the Secretary-General of ASEAN, acting in an ex-officio capacity, to provide good offices, conciliation and mediation." Enhancing the good offices role of the ASEAN Secretary General and the ASEAN Chair could yield a number of benefits, which are discussed in Appendix 2.
28. A number of recommendations of the EPG for ASEAN Charter were not adopted into the final version of the Charter. These include the recommendations for sanctions, majority voting, and dispute settlement procedures, all of which are important to the greater legalization of ASEAN. It recommended that ASEAN should depart from the consensus principle, if necessary, in non-sensitive areas (meaning, excluding security and foreign policy issues). It even recommended that ASEAN can go for majority voting, either a simple majority or 2/3rd or 3/4th majority.

29. But when the Charter was unveiled, decisions and actions over unresolved intra-ASEAN disputes and any breach of the Charter or non-compliance by member states were left to be decided by the ASEAN Summit, a political body of national leaders still committed to working through consensus, rather than a professional and specialized judicial or administrative mechanism. The argument against a majority vote system for ASEAN is that voting could be divisive, leading members to lose face and feel defeated. A compromise could be that certain issue areas could be open to voting. Also the 10-x formula, which allows ASEAN to go ahead with some projects even if not all members sign onto it, seems workable. Sanctions were rejected as politically impossible to implement. Hence, the Charter, although not an insignificant political commitment to advancing ASEAN's institutional trajectory, makes a small break from the grouping's traditional preference for soft institutionalism, with its rules lacking in automaticity and subject ultimately not to an inviolable regional rule of law, but to political considerations and calculations.

30. In this and other respects, ASEAN is not emulating the EU's degree of institutionalization. George Yeo, the former Foreign Minister of Singapore argued that while there was much that ASEAN can learn from the EU, it is doubtful if 'ASEAN integration will ever reach even half the level of integration in Europe today.' But the recommended measures found in the EPG Report but not incorporated into the final Charter should be adopted when the Charter is due for its first five year review. For example, ASEAN could formalise the use "ASEAN minus x" and "two plus x" formulas to undertake cooperation if consensus cannot be reached over a particular issue. Another issue, highly controversial, is compliance through sanctions - compliance with ASEAN's objectives, principles, decisions, agreements, and timetables. Before

the Charter, according to some estimates, only about 30 per cent of ASEAN agreements were implemented. As the EPG report put it, “ASEAN’s problem is not one of lack of vision, ideas, or action plans. The problem is one of ensuring compliance and effective implementation.” It urged that “ASEAN must have a culture of commitment to honour and implement decisions, agreements and timelines.”

31. To this end, ASEAN now has instituted a compliance monitoring mechanism with a score card system. According to this official scorecard, “as of 31 December 2009, 91 out of 124 ASEAN Economic Community (AEC) legal instruments have entered into force. This represents 73 percent of all AEC-related legal instruments, compared to 50 percent in 2002.” (<http://www.asean.org/publications/AEC%20Scorecard.pdf>). By April 2010, the compliance figure was 85 percent. I have not seen any such scorecard for ASEAN’s two other communities.

32. But the scorecard system is for all practical purposes a limited measure. What it really measures is ratification of agreements by members, rather than measuring the impact and effectiveness of agreements. So a major recommendation here is to expand monitoring to assess whether members are actually following up on their commitments and implementing – both domestically, and internationally – the treaties and agreements they have signed and ratified. In other words, compliance lies in change in behaviour, not just ratification of treaties.

33. To this end, the ASEAN Charter EPG had recommended that members found to be in "serious breach" of ASEAN agreements and commitments should be taken to task. They may be deprived of their membership rights and privileges, or, in extraordinary circumstances, may even be expelled. But the approved draft of the Charter dropped

these provisions and left it to the ASEAN leaders to decide issues of compliance, thereby subjecting it political expediency, rather than juridical or legal rules.

34. Dispute-settlement is another area where institutional strengthening is badly needed. Currently, the ASEAN Free Trade Area has its dispute settlement mechanism, and ASEAN's Treaty of Amity and Cooperation (1976) provides for a High Council to deal with disputes in political and security fields. But the former has been seldom used while the latter has never been used, in 2011, ASEAN Foreign Ministers discussed the Cambodia-Thailand border dispute in a manner that came close to such a Council without actually calling it as such. It should be noted that the High Council is meant to take cognizance of problems and recommend measures; it is not really a dispute-settlement body.
35. It is argued that coordination and dispute settlement in ASEAN depends on the political systems of members states, which are highly diverse. Sometimes, there is a problem of coordination of in domestic implementing of ASEAN mandated measures *within* member states, not *between* them. For example, in dealing with the recurring Indonesian forest fires, despite the strong stand taken by the Indonesian government to prevent and manage such fires, the forestry ministry and the local governments concerned have been opposed to collective action. An ASEAN Transboundary Haze Pollution Control Fund is supposed to implement the Agreement while an ASEAN Coordinating Centre for Transboundary Haze Pollution Control implements operational activities associated with the Agreement. But the Indonesian national legislature in April 2008 refused to ratify the ASEAN Transboundary Pollution Agreement, with some lawmakers arguing that since

national action by Indonesian will be enough and blaming the haze on logging companies from Malaysia and Singapore.

36. In the economic arena, ASEAN's institutional capacity will follow the political will of its members. It is not clear whether such political will to ensure compliance exists now. For example, enforcing the rules of origin provisions in AFTA has proven to be difficult. On harmonization of rules, member states' economic interests and sovereignty concerns have been a major obstacle. They do not want to give up national control. A rare example of the AFTA dispute settlement being used was in the case of Malaysia's delay in moving cars out of the AFTA exclusion. Thailand objected to the delay. Singapore similarly objected to the Philippines' failure to take petrochemicals out of the exclusion list. But in neither case, a formal dispute settled occurred. The issues were settled through direct bilateral negotiations, which also provided under AFTA. In the meantime, ASEAN members have shown less hesitation in going to the WTO dispute settlement mechanism, as happened between Singapore and Malaysia. One reason for the hesitancy in invoking the ASEAN dispute settlement mechanism is the perception of partiality, something that is not an issue with the WTO mechanism. This fear of partiality applies to both political and economic disputes.

Appendix 1: ASEAN's Key Institutional Mechanisms

ASEAN Charter 2008	
<u>Mechanism</u>	<u>Description</u>
ASEAN Community Councils	Comprised of three distinct councils representing the three pillars of ASEAN Connectivity- Political/Security, Economic and Socio-Cultural.
Committee of Permanent Representatives to ASEAN	Supporting the work of the ASEAN Community Councils, Coordinating ministries
Human Rights Body	ASEAN Inter-Governmental Human Rights Commission, already established.
ASEAN Minus X Formula	In the implementation of economic commitments- formula of flexible participation- applied when a consensus to do so is reached
Dispute Settlement Mechanism	Creation of appropriate dispute settlement mechanisms- such as arbitration. If a dispute remains unresolved, the dispute shall be referred to the ASEAN Summit for its decision (p.25). Compliance.
ASEAN Master Plan on Connectivity	
<u>Mechanism</u>	<u>Description</u>
ASEAN Connectivity Coordinating Committee	Comprising the Permanent Representatives to ASEAN or any other special representatives appointed by ASEAN Member States, shall be put in place to ensure the effective implementation of the strategies and policies put forward. The ASEAN Connectivity Coordinating Committee shall coordinate the overall implementation of the Master Plan together with the National Coordinators who should be appointed by the Governments of respective ASEAN Member States, with the support of a dedicated unit with adequate funding in the ASEAN Secretariat.
Scorecard Mechanism	To monitor and evaluate achievements and constraints, this mechanism, will be set up to effectively review, on a regular basis, the status of the Master Plan implementation and the impact of enhanced ASEAN Connectivity, and especially to ensure that all the list of priority measures and actions undertaken are responsive to the needs and priorities of ASEAN.

ASEAN Fund for Infrastructure development	Objective to mobilise financial resources within ASEAN to support regional infrastructure development. The ADB has been requested to support this establishment of the AIF. It is envisaged that the proposed AIF will reduce infrastructure deficit, provide the resources to support growth and poverty reduction, facilitate private sector participation and development, promote regional economic integration, and support social and environmental aspects of infrastructure. More concretely, the proposed AIF would help ensure best practice designs and execution arrangements for priority infrastructure projects, and help ensure that these priority projects are approved and implemented.
ASEAN Single Shipping Market	development of the maritime network infrastructure will lead towards a stronger ASEAN maritime sector, operating efficiently and delivering quality goods and services at competitive prices.
Non-Tariff Measures Database	
ASEAN Consultative Committee for Standards and Quality (ACCSQ)	These include harmonising standards, technical requirements, development of MRAs, setting up of technical infrastructure and harmonising technical regulations for some sectors. Much is yet to be accomplished in terms of establishing the overarching framework for standards, technical regulations and conformity assessment procedures in ASEAN.
ASEAN Harmonised Tariff Nomenclature	
ASEAN Single Window (ASW)	Trade facilitating platform, which is designed to expedite customs clearance and release of shipments coming to and departing from ASEAN. The National Single Window is a prerequisite of the ASEAN Single Window.
The Roadmap for Integration of Logistics Services (RILS)	Calls for liberalisation of cargo handling services, storage and warehousing services, freight transport agency services, courier services, packaging services, custom clearance services, international freight transportation excluding cabotage, international rail freight transport services, and international road freight transport services
ASEAN Comprehensive Investment Agreement (ACIA)	Comprehensive provisions, covering investment liberalisation, protection, facilitation and promotion. ACIA puts together the two separate initiatives, namely the ASEAN Investment Guarantee Agreement (AIGA) and the ASEAN Investment Area (AIA). ACIA was concluded in 2008 and signed in 2009. ACIA grants immediate benefits to ASEAN investors and ASEAN-based foreign investors to achieve free and open

	investment by 2015.
Customs, Immigration, Quarantine (CIQ) mechanisms	Central to effective and timely cross-border facilitation and management- this mechanism- requires not only investment in the necessary infrastructure and technology at border checkpoints, but also the harmonisation of relevant rules and standards.
Second Initiative for ASEAN integration (IAI) Work Plan	Objectives of narrowing the development gap (NDG) and accelerating economic integration in ASEAN, particularly Cambodia, Lao PDR, Myanmar, and Viet Nam (CLMV countries).The IAI provides assistance to the CLMV countries in meeting ASEAN-wide targets and commitments towards realising the ASEAN Community.
ASEAN Single Telecommunications Market	To be established after 2015
Trans-ASEAN Gas Pipeline (TAGP)	
ASEAN Power Grid (APG)	
Inter and Multi-Agency Interconnection projects- ASEAN Power Utilities/Authorities (HAPUA) Council and ASEAN Senior Officials Meeting on Energy (SOME)/ASEAN Ministers on Energy Meeting (AMEM)	To be established under the ASEAN Power Grid project.
ASEAN Framework Agreement on the Facilitation of Goods in Transit (AFAFGIT)	Establish an efficient, effective, integrated and harmonised transit transport system in ASEAN
ASEAN Framework Agreement on the Facilitation of Inter-State Transport (AFAFIST)	Facilitates inter-state transport of goods, harmonisation of customs regulation and requirement for inter-state movement of goods
Developing a ASEAN Single Shipping Market and Single Aviation Market	

ASEAN Framework Agreement on Multimodal Transport (AFAMT).	Governs door-to-door delivery of goods using various modes of transport
ASEAN Trade Repository (ATR)	Promotes transparency and foster voluntary compliance while providing more certainty and predictability to business and industries.
ASEAN Conformity Mark	Demonstrates compliance with harmonised regional legislations and that the product conforms to the applicable provisions of the overarching regional requirements for product safety and has been subject to the appropriate conformity assessment procedures as a mark of confidence that only products that meet the essential requirements of safety are placed in the ASEAN market.
ASEAN Community Building Programme	To be jointly but proportionately funded principally by ASEAN Member States by 2013.
World Bank-ASEAN Infrastructure Finance Network (IFN)	Providing technical support to individual countries in developing policies and mechanisms for private financing of infrastructure through regional knowledge exchange and capacity building platforms
Private Sector Consultative Group	Position the regional PPP development agenda as a strategic partnership between public and private sectors, as well as to solicit ideas and seek technical support through meetings and consultations of PPP units in the respective ASEAN Member States and the private sector.
ASEAN regional ratings scale	To assign credit ratings on issuers located in Southeast Asia. The scale is designed to enable investors participating in national or regional ASEAN capital markets by providing finer distinctions of credit quality, allowing an assessment of the relative creditworthiness of issues and debt issuers, based on credit assessment measures that are consistent across the ASEAN region
Credit Guarantee Investment Facility (CGIF)	Developed under the ASEAN+3 Asian Bonds Market Initiative, has been proposed to help develop deeper and more liquid local currency and regional bond markets
Establish Good Agriculture / Aquaculture Practices (GAP), Good Animal Husbandry Practices (GAHP), Good Hygiene Practices (GHP), Good Manufacturing Practices (GMP), and Hazard Analysis Critical Control Point (HACCP) based systems	

The ASEAN Economic Community Blueprint	
<u>Mechanism</u>	<u>Description</u>
ASEAN Customs Transit system	facilitate movement of goods and means of transport; dealing with special customs regimes such as Temporary Admission, Outward Processing and Inward Processing with the view to facilitate integration of production and supply chains
Investor-state dispute settlement mechanism	Investor Protection
ASEAN Joint Venture (JV) Gas Pipeline Company	
ASEAN Coordinating Committee on Consumer Protection (ACCCP)	Strengthen consumer protection
The ASEAN Political and Security Community Blueprint	
<u>Mechanism</u>	<u>Description</u>
Strengthen Rule of Law, the Justice System and Legal Infrastructure- cooperation among both the ALAWMM and ALA	Entrusting ASEAN Law Ministers Meeting (ALAWMM), with the cooperation of other sectoral bodies and entities associated with ASEAN including ASEAN Law Association (ALA) to develop cooperation programmes to strengthen the rule of law, judicial systems and legal infrastructure
ASEAN Maritime Forum	Already formed
ASEAN Fisheries Consultative Forum(AFCF)	Combating IUU fishing in the region
ASEAN Convention on Counter-Terrorism (ACCT)	
The Coordinating Conference for the ASEAN Political-Security Community Plan of Action (ASCCO)	Coordinating the efforts of various sectoral bodies through exchanges of information, best practices, and lessons learned in the implementation of the APSC Blueprint. ASCCO's new initiatives and recommendations on emerging issues shall be reported to the ASEAN Political-Security Council.
The ASEAN Socio-Cultural Community Blueprint	

<u>Mechanism</u>	<u>Description</u>
ASEAN university games, ASEAN youth peace corps, ASEAN computer games and ASEAN Science Olympiad	promote greater interaction and understanding among the youths in the region
Network Of Science and Technology Centers	promote cooperation, sharing of research facilities, technology transfer and commercialization, and joint research and technology development by 2011
ASEAN Forum on Youth Entrepreneurship	
Women entrepreneurship network	create favourable conditions for women entrepreneurs in the region, including by providing at the national level, access to micro credit, technology, trainings, markets and social protection services
ASEAN Conference on Civil Service Matters (ACCSM)	promote ASEAN collaboration in the promotion of effective and efficient Civil Service, public accountability and good governance, and hold workshops in these fields on annual basis, starting in 2008
ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre)	facilitate cooperation and coordination among ASEAN Member States and with relevant UN agencies and international organizations;
ASEAN Disaster Information Sharing and Communication Network	By the year 2010, to promote sharing of information and best practices and facilitate decision making process;
ASEAN volunteer programme	assist disaster stricken areas which will also enhance ASEAN togetherness
ASEAN commission on the promotion and protection of the rights of women and children	
ASEAN network of social workers	To be created by 2013
ASEAN Consortium of Social Welfare Practitioners, Educators and Schools of Social Work.	
Operationalise the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of Rights of Migrant Workers	Implementing the provisions of the Declaration and work towards the development of an ASEAN instrument on the protection and promotion of the rights of migrant workers;

ASEAN Forum on Migrant Labour	
ASEAN-wide 'Youth for Sustainable Environment' Network and ASEAN sustainable/green/eco-school network	
ASEAN Environmental Education Conference/ Forum	Environmental Education stakeholders as a platform for the exchange of information, materials, experience and networking.
ASEAN Network on Environmentally Sound Technology (ASEAN-NEST)	To be created by 2015

**Appendix 2:
Developing A Good Offices, Conciliation and Mediation (GOCM) Role for the ASEAN
Secretary-General and the ASEAN Chair**

Background and Legal Basis:

ASEAN has entered a new era of institutional development with the adoption of the ASEAN Charter and the ASEAN Political-Security Community Plan of Action and Blueprint. These documents enhance the office of the ASEAN Secretary-General and require him to play a more proactive role in regional disputes, especially those with a potential for conflict. In particular, Article 23 of the Charter stipulates that “Parties to the Dispute may request the Chairman of ASEAN or the Secretary-General of ASEAN, acting in an ex-officio capacity, to provide good offices, conciliation and mediation.”

Against this backdrop, the aim of the this project is to

1. Establish the principles and modalities of the good offices, conciliation and mediation role (GOCM) for the ASEAN SG and ASEAN Chair.
2. To study the experience of other international and regional organizations, both European and non-European, in offering GOCM roles and compile a list of best practices that may be of relevance to ASEAN.
3. To identify the resources, human and institutional required for supporting the GOCM role of the ASEAN SG and ASEAN Chair.
4. To develop a capacity building program within the ASEAN Secretariat to support the GOCM role of the ASEAN SG and ASEAN Chair.

Definitions:

The following are brief working definitions of the key concepts:

“Good Offices”:

The term good offices has been defined as “services as a mediator” (Meriam-Webster Dictionary), or as “Third-party influence that facilitates one party's dealings with another.” The term is originally associated with the office of the UN Secretary-General. As the Conflict Research Consortium at the University of Colorado, puts it, “The UN Secretary General uses what is termed his "good offices" (generally meaning his prestige and the weight of the world community he represents) when he meets with world leaders, either publicly or privately, in an effort to prevent international disputes from developing, escalating, or spreading.” (http://www.colorado.edu/conflict/peace/!treating_core.htm#3ptyint)

“Conciliation”

A “process whereby the parties to a dispute (including future interest disputes) agree to utilize the services of a conciliator, who then meets with the parties separately or jointly in an attempt to resolve their differences. He does this by lowering tensions, improving communications, interpreting issues, providing technical assistance, exploring potential solutions and bringing about a negotiated settlement.”

(<http://en.wikipedia.org/wiki/Conciliation>)

“Mediation”

“Mediation is a form of third-party intervention in which the mediator helps the parties negotiate an agreement which they then have the option of accepting or rejecting. In some cases, mediators play a problem-solving role focused upon negotiating an agreement to the immediate dispute. In other cases mediation focuses more upon improving relationships, with the assumption that the improved relationship will lead to conflict resolution or constructive confrontation.”

(http://www.colorado.edu/conflict/peace/treating_core.htm#3ptyint)

Benefits of GOCM Role

The benefits of the GOCM role for ASEAN SG and Chair include:

1. Signaling the seriousness of concern of ASEAN community to the parties to a conflict compensating for ASEAN’s current lack of arbitration mechanisms;
2. Enabling regional countries to shape the terms of dispute settlement and resolution without outside interference;
3. Complimenting the role of the UN in international peace and security consistent with the Article

Types of Good Offices Role:

The concept of good offices is integral to the idea of preventive diplomacy. Measures under this role can range from simple fact-finding or information gathering mission to mediation efforts. There are four sequences of GOR.

1. Fact-finding based on early warning symptoms
2. Crisis management and diffusion
3. Mediation
4. Monitoring of peace agreements

Actions:

1. Make a visit to the capitals of parties involved to collect information that could be passed to the ASEAN ministers or leaders.
2. Make recommendations to diffuse the crisis directly to the parties
3. Make recommendation to ASEAN ministers/leaders
4. Call special ASEAN meeting over the crisis

Personnel and Resources

As noted, good offices missions can be conducted either directly or through a representative, especially if long-term action is needed. Such a representative would be assisted by a staff based on site. The terms of good offices are derived from the accords/agreements. For example, Brian Urquhart represented the Secretary General's office for many years, proving "good offices" in the Congo, the Middle East, Cyprus, and Namibia.

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