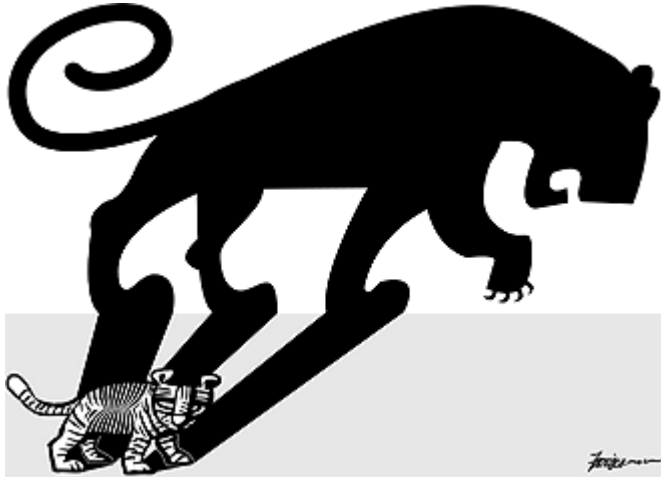


## Asean Charter at one: A thriving tiger pup

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ON DEC 15, 2009, the Asean Charter would have been in force for a year. Just before the Charter entered into force, a critic of Asean described it as a 'paper tiger'. A year later, it is time to ask whether the Charter has proven to be a paper tiger or a crouching one. I will raise here three questions:

- First, is the Charter more form or substance?

In other words, has the Charter simply codified pre-existing agreements in one document or does it contain new substance? Is the Charter a status quo document or a transformative one?

I would argue that the Charter is substantively a new document and has already had an impact on Asean.

- Second, what has Asean achieved during the first year under the Charter? I would point to four concrete achievements.

One new institution established under the Charter is the Committee of Permanent Representatives (CPR). Each of the 10 Asean countries has appointed a full-time permanent representative to Asean, based in Jakarta. The CPR has begun to function effectively. Working closely with the Asean Secretariat, it is coordinating a broad range of issues and ensuring that decisions are taken in a timely manner.

The second achievement is one which, during the year I was involved in drafting the Charter, I had thought might not be achievable. The Asean Intergovernmental Commission on Human Rights (AICHR) has been established. It has good terms of reference and credible members. Contrary to the negative views of some of the region's human rights activists, I am optimistic about the future of the AICHR.

It will, of course, have to evolve at a pace comfortable to all the members of the Asean family, beginning with education and the promotion of human rights and gradually taking up the more challenging task of protection.

My hope is that the AICHR will be different from its Western counterparts. I hope that it will emphasise both rights and responsibilities and place equal weight on political and civil rights as well as social, economic and cultural rights.

The third achievement is the adoption of the agreement on privileges and immunities. This agreement will facilitate the appointment of ambassadors to Asean by other friendly countries.

The fourth achievement is the significant strengthening of Asean's economic pillar. The Asean Free Trade Area is near completion. Cambodia, Laos, Myanmar and Vietnam are not far behind in the implementation of their commitments. The goal of achieving a single market and production base by 2015 is on track.

In the past year alone, against the backdrop of a global economic crisis, Asean signed a comprehensive free trade agreement (FTA) with Australia and New Zealand, and concluded key chapters under the FTAs with China, India and the Republic of Korea.

Third, what remains to be done?

Negotiation on a protocol to implement the chapter in the Charter on dispute settlement is the most important unfinished business. One of Asean's past failings was a culture of not taking its commitments seriously. The Charter seeks to change that by giving the Secretary-General the responsibility to monitor the compliance of member-states with their commitments. In the event of a dispute between two states over their commitments, the Charter sets out an Asean dispute settlement mechanism. Such an arrangement will give assurance to partners entering into agreements with Asean.

Under the Charter, Asean will have three communities: the economic community; the political-security community; and the social-cultural community. The economic community has made the most progress. It is time for the other two communities to catch up.

One of the aspirations of the Charter is for Asean to become a more people-oriented organisation. The Charter recognises the important roles which parliamentarians, the business community, civil society, women, youth and students play in the life of the Asean family. Dialogues between political leaders and civil servants, on the one hand, and representatives of civil society, on the other, have been institutionalised.

The one area where I would like to see more action is student exchange. I would like to see an Asean scheme under which thousands of our students will spend a year studying at another university in another Asean country.

The Charter sets out, for the first time, norms of behaviour for member-states in their dealings with their own citizens. Thus, under the Charter, all Asean countries are committed to democracy, human rights and fundamental freedoms, the rule of law, good governance, constitutional government and social justice.

Of course, these are aspirational goals. They serve as lodestars, pointing us in the direction in which we should proceed. Different countries will make progress at different speeds. There will be many setbacks along the way. But, eventually, we will all arrive at the same destination.

Finally, the Charter has empowered the Asean Secretary-General and given the secretariat an enhanced role. The Secretary-General is Asean's friendly face to the world and Dr Surin Pitsuwan deserves our appreciation for the great job he has been doing.

The Secretary-General is also the chief administrative officer of the secretariat. He and his staff have the unglamorous but essential job of helping to implement the Charter, to ensure the smooth running of the Asean processes, to help the governments deliver the key objectives of the Charter and to do all these in a professional, competent and efficient manner. We must thank the dedicated staff of the Asean Secretariat for their many contributions in this past year.

Looking back on the past year, it would be fair to say that the Charter has got off to a good start. Much has been achieved, though much more needs to be done.

Is the Charter a paper tiger? I think it would be more accurate to say that the one-year-old tiger pup is well, thriving and full of promise.

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