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Charter of the Association of Southeast Asian Nations, 20th November 2007, OXIO 26 **Association of Southeast Asian Nations [ASEAN]**

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Core Issues

1. The ways in which the introduction of the Charter of the Association of Southeast Asian Nations modified the operation of ASEAN.

This headnote pertains to: Charter of the Association of Southeast Asian Nations, a treaty which is the constituent instrument of an international organization. [Jump to full text](#)

Background

The Charter of the Association of Southeast Asian Nations ('Charter') is a multilateral treaty which was signed in Singapore on 20 November 2007 and entered into force on 15 December 2008, in accordance with Article 47 (4) thereof. While the Association of Southeast Asian Nations (ASEAN) pre-existed the adoption of the 2007 Charter, the treaty sought to develop the organization's legal and institutional framework. The reforms were envisaged as a means to bring about greater economic integration but also increased the organization's capacity with regards to security and social issues.

The parties to the Charter are Brunei, Cambodia, Indonesia, Lao, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam. [Art 4] The signing of the Charter, as pointed out in the Preamble, marked 'the 40th anniversary of the founding of ASEAN', thus indicating the continuity of the pre-existing set of ASEAN organs and associated entities whose legal framework the Charter aims to set out with greater precision, among other purposes. [ref 1]

Prior to the Charter, ASEAN was comprised of a Secretariat and Secretary-General, and a number of sectorial Ministerial Bodies and National Secretariats. In addition, the Member States met at the ASEAN Summit which took place on a semi-annual basis. The Summit was the most important organ and was responsible for setting ASEAN policies.

The Charter preparatory work placed emphasis upon the aim of progressing towards a rule-based process of integration—in the form of three communities in the security, economic, and 'socio-cultural' fields—through an intergovernmental organization possessing legal personality—to be expressly conferred by the treaty—in order to secure the observance of legal obligations by Member States, building upon the continuing operation of consultation and consensus as the principal decision-making processes in ASEAN, no transferral of sovereignty whatsoever being contemplated. [ref 2]

The aforementioned aims, commitments, and understandings took shape as a result of a process which consolidated most notably through the work of the Eminent Persons Group, who acted in their private capacity and whose reports served, among others, as a basis for the draft to be prepared by the High Level Task Force, composed of representatives of ASEAN Member States in accordance with the mandate set out in the Cebu Declaration on the Blueprint of the ASEAN Charter (13 Jan 2007) and the directions adopted in the ASEAN 11th Summit, contained in the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter ('Kuala Lumpur Declaration') (2005).

Sufficed to say that, in general, while the Charter—in accordance with the directions set out in the Kuala Lumpur Declaration—seeks to restate ASEAN rules, it incorporates principles and rules in new fields, such as democracy and human rights. [Arts 1(4), 1(7), 2(1), 2(2)(h)] While the scope of powers of ASEAN remained somewhat limited—in comparison to those of other regional international organizations—the Charter is still highly significant, as illustrated most notably by the competence of the Secretary-General to 'monitor' compliance with acts adopted through ASEAN dispute settlement mechanisms. [Art 27]

Other noteworthy features include the absence of a provision on withdrawal of members and the adoption of symbols reflecting the unity of ASEAN, in Chapter XI of the Charter.

Summary

The Charter's purpose—announced in terms of establishing 'the legal and institutional framework of ASEAN'—is specifically set out in Article 1 of the Charter, which encompasses matters ranging from security to economic and social well-being, among other fields. [ref 3] [Arts 1(1)-(3), 1(5)-(6), 1(8)]

The concrete means through which ASEAN Member States seek to pursue a 'rule-based' process of integration are furnished by provisions whereby: (i) consensus is reaffirmed as the main—but not exclusive—decision-making process, thus allowing for majority decision-making in selected areas, most notably those concerning economic integration; (ii) the conferment of legal personality to ASEAN, being the only matter governed by Chapter II of the Charter on 'Legal Personality', which was regarded in the preparatory work as a necessary condition for the operation of a rule-based integration process; (iii) and the establishment of dispute settlement mechanisms in Chapter VIII of the Charter. [Arts 2(2) (n), 3]

The Charter maintains the prevalence of consultation and consensus. As for decision-making, the Charter sought to reconcile the continuing operation of consultation and consensus with the need for adopting decisions through majority. In this vein, the decision-making process remains governed by the 'basic principle' whereby 'decision-making in ASEAN shall be based on consultation and consensus', without prejudice to 'modes of decision-making as contained in the relevant ASEAN legal instruments'. [Arts 20(1), 20(3)] Such modes of decision-making chiefly include the so-called 'ASEAN minus X' formula. [Art 21(2)] As for dispute settlement, the prevalence of consultation and consensus is reflected in the competence vested in the ASEAN Summit to settle disputes which remain 'unresolved'. [Art 26]

One of the major changes brought about by the 2007 Charter was a diversification of the organs working under ASEAN. Reflecting the objectives of the reforms, three Community Councils were established: the ASEAN Political-Security Community Council, the ASEAN Economic Community Council, and the ASEAN Socio-Cultural Community Council. [Art 9] The Community Councils exercised oversight over the sectoral Ministerial Bodies The activities of these councils was to be supervised and coordinated by the ASEAN Coordinating Council, which was also responsible for preparing for Summits. [Art 8] Both the Community Councils and the Coordinating Council were to meet at least twice per year. Lastly a Committee of Permanent Representatives, composed of 'ambassador level' diplomats, exercised a residual authority while the Councils were not in session. [Art 12]

The Charter also saw an increase in the importance given to human rights. An ASEAN Human Rights Body was to be established. However, the Charter left the detail to be developed by the Foreign Ministers acting in their collective capacity as the Coordinating Council. [Art 14] Eventually this resulted in the creation of the ASEAN Intergovernmental Commission on Human Rights.

As well as creating new bodies, the Charter also consolidated the powers of several existing ones. One particularly noteworthy development was the conferral of the power of authoritative interpretation of the Charter to the Secretariat. [Art 51] However, if the

interpretation offered by the Secretariat is not accepted, it can be referred to the dispute settlement procedures outlined in Chapter VIII of the Charter.

Analysis

The Charter is generally regarded as having enhanced the process of regional integration, most notably by bringing the legal and institutional aspects of such a process to the forefront, notwithstanding limitations which the Charter may be subjected to in its implementation. In particular, from among the aforementioned means of enhancement of integration adopted in the Charter, conferment of legal personality has perhaps been most critically appraised in scholarly literature, for in the absence of a grant of powers the significance of legal personality may remain limited in practice.

Historically, ASEAN has been more of an 'agora' than an 'actor' in its own right. The reforms introduced by the Charter largely upheld this vision—notably maintaining consensus as the primary decision-making method, the limited conferral of formal legal powers, and the 'soft' dispute resolution mechanisms. However, the Charter also incorporated elements which create real potential for the ASEAN to act autonomously from its members. In particular, the vesting of authoritative interpretation in the Secretariat, the explicit conferment of international legal personality, and the increased capacity for 'external' relations created opportunities for ASEAN to develop an autonomous existence.

Impact

The adoption of the Charter had wide-ranging effects on the operations of ASEAN. Most notably, ASEAN became an active participant in international law. In a study published in 2015, it was estimated that about one-third of instruments related to ASEAN were adopted, particularly after the entry into force of the Charter. Prominent from among these instruments are the agreements and other acts which ASEAN has concluded in its capacity as an international organization vested with treaty-making power—as opposed to instances where Member States do so collectively—including, most notably, agreements and memoranda of understanding with: the International Labour Office (Cooperation Agreement between the Association of South East Asian Nations (ASEAN Secretariat) and the International Labour Office) (signed 20 March 2007)—which preceded the entry into force of the Charter—, and ASEAN Member States, such as Indonesia (Agreement between the Government of the Republic of Indonesia and the Association of Southeast Asian Nations (ASEAN) on Hosting and Granting Privileges and Immunities to the ASEAN Secretariat) (2 April 2012).

Further Analysis and Relevant Materials

Leading Comments

S Chesterman 'Does ASEAN Exist? The Association of Southeast Asian Nations as an International Legal Person' (2008) 12 SYBIL 199-211

S Chesterman *From Community to Compliance?* (Cambridge University Press 2015)

M Cremona and others *ASEAN's External Agreements* (Cambridge University Press 2015)

H L Tan *The ASEAN Intergovernmental Commission on Human Rights: Institutionalising Human Rights in Southeast Asia* (Cambridge University Press 2011)

I Venzke and Li-Ann Thio *The Internal Effects of ASEAN External Relations* (Cambridge University Press 2016)

W Woon *The ASEAN Charter: A Commentary* (National University of Singapore Press 2015)

Related Materials

Association of Southeast Asian Nations [ASEAN]

2011 Rules of Procedure for Conclusion of International Agreements by ASEAN (17 November 2011)

2010 Protocol to the ASEAN Charter on Dispute Settlement Mechanisms (signed 8 April 2010, not yet in force)

Agreement on the Establishment of the ASEAN Secretariat (24 February 1976, entered into force 21 May 1976)

Reporter(s): Diego Germán Mejía-Lemos

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PREAMBLE

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 Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam:

NOTING with satisfaction the significant achievements and expansion of ASEAN since its establishment in Bangkok through the promulgation of The ASEAN Declaration;

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 which are bound by geography, common objectives and shared destiny;

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,

AND TO THIS END, the Heads of State or Government of the Member States of ASEAN, assembled in Singapore on the historic occasion of the 40th anniversary of the founding of ASEAN, have agreed to this Charter.

Chapter I Purposes and Principles

Article 1 Purposes

The Purposes of ASEAN are:

- 1.** To maintain and enhance peace, security and stability and further strengthen peace-oriented values in the region;
- 2.** To enhance regional resilience by promoting greater political, security, economic and socio-cultural cooperation;
- 3.** To preserve Southeast Asia as a Nuclear Weapon-Free Zone and free of all other weapons of mass destruction;
- 4.** To ensure that the peoples and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment;
- 5.** To create a single market and production base which is stable, prosperous, highly competitive and economically integrated with effective facilitation for trade and investment in which there is free flow of goods, services and investment; facilitated movement of business persons, professionals, talents and labour; and freer flow of capital;
- 6.** To alleviate poverty and narrow the development gap within ASEAN through mutual assistance and cooperation;
- 7.** To strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN;

- 8.** To respond effectively, in accordance with the principle of comprehensive security, to all forms of threats, transnational crimes and transboundary challenges;
- 9.** To promote sustainable development so as to ensure the protection of the region's environment, the sustainability of its natural resources, the preservation of its cultural heritage and the high quality of life of its peoples;
- 10.** To develop human resources through closer cooperation in education and life-long learning, and in science and technology, for the empowerment of the peoples of ASEAN and for the strengthening of the ASEAN Community;
- 11.** To enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice;
- 12.** To strengthen cooperation in building a safe, secure and drug-free environment for the peoples of ASEAN;
- 13.** To promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building;
- 14.** To promote an ASEAN identity through the fostering of greater awareness of the diverse culture and heritage of the region; and
- 15.** To maintain the centrality and proactive role of ASEAN as the primary driving force in its relations and cooperation with its external partners in a regional architecture that is open, transparent and inclusive.

Article 2 Principles

- 1.** In pursuit of the Purposes stated in Article 1, ASEAN and its Member States reaffirm and adhere to the fundamental principles contained in the declarations, agreements, conventions, concords, treaties and other instruments of ASEAN.
- 2.** ASEAN and its Member States shall act in accordance with the following Principles:
 - (a) respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States;
 - (b) shared commitment and collective responsibility in enhancing regional peace, security and prosperity;
 - (c) renunciation of aggression and of the threat or use of force or other actions in any manner inconsistent with international law;
 - (d) reliance on peaceful settlement of disputes;
 - (e) non-interference in the internal affairs of ASEAN Member States;
 - (f) respect for the right of every Member State to lead its national existence free from external interference, subversion and coercion;
 - (g) enhanced consultations on matters seriously affecting the common interest of ASEAN;

- (h) adherence to the rule of law, good governance, the principles of democracy and constitutional government;
- (i) respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice;
- (j) upholding the United Nations Charter and international law, including international humanitarian law, subscribed to by ASEAN Member States;
- (k) abstention from participation in any policy or activity, including the use of its territory, pursued by any ASEAN Member State or non-ASEAN State or any non-State actor, which threatens the sovereignty, territorial integrity or political and economic stability of ASEAN Member States;
- (l) respect for the different cultures, languages and religions of the peoples of ASEAN, while emphasising their common values in the spirit of unity in diversity;
- (m) the centrality of ASEAN in external political, economic, social and cultural relations while remaining actively engaged, outward-looking, inclusive and non-discriminatory; and
- (n) adherence to multilateral trade rules and ASEAN's rules-based regimes for effective implementation of economic commitments and progressive reduction towards elimination of all barriers to regional economic integration, in a market-driven economy.

Chapter II Legal Personality

Article 3 Legal Personality of Asean

ASEAN, as an inter-governmental organisation, is hereby conferred legal personality.

Chapter III Membership

Article 4 Member States

The Member States of ASEAN are Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam.

Article 5 Rights and Obligations

1. Member States shall have equal rights and obligations under this Charter.
2. Member States shall take all necessary measures, including the enactment of appropriate domestic legislation, to effectively implement the provisions of this Charter and to comply with all obligations of membership.
3. In the case of a serious breach of the Charter or noncompliance, the matter shall be referred to Article 20.

Article 6 Admission of New Members

1. The procedure for application and admission to ASEAN shall be prescribed by the ASEAN Coordinating Council.

2. Admission shall be based on the following criteria:

- (a) location in the recognised geographical region of Southeast Asia;
- (b) recognition by all ASEAN Member States;
- (c) agreement to be bound and to abide by the Charter; and
- (d) ability and willingness to carry out the obligations of Membership.

3. Admission shall be decided by consensus by the ASEAN Summit, upon the recommendation of the ASEAN Coordinating Council.

4. An applicant State shall be admitted to ASEAN upon signing an Instrument of Accession to the Charter.

Chapter IV Organs

Article 7 Asean Summit

1. The ASEAN Summit shall comprise the Heads of State or Government of the Member States.

2. The ASEAN Summit shall:

- (a) be the supreme policy-making body of ASEAN;
- (b) deliberate, provide policy guidance and take decisions on key issues pertaining to the realisation of the objectives of ASEAN, important matters of interest to Member States and all issues referred to it by the ASEAN Coordinating Council, the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies;
- (c) instruct the relevant Ministers in each of the Councils concerned to hold ad hoc inter-Ministerial meetings, and address important issues concerning ASEAN that cut across the Community Councils. Rules of procedure for such meetings shall be adopted by the ASEAN Coordinating Council;
- (d) address emergency situations affecting ASEAN by taking appropriate actions;
- (e) decide on matters referred to it under Chapters VII and VIII;
- (f) authorise the establishment and the dissolution of Sectoral Ministerial Bodies and other ASEAN institutions; and
- (g) appoint the Secretary-General of ASEAN, with the rank and status of Minister, who will serve with the confidence and at the pleasure of the Heads of State or Government upon the recommendation of the ASEAN Foreign Ministers Meeting.

3. ASEAN Summit Meetings shall be:

- (a) held twice annually, and be hosted by the Member State holding the ASEAN Chairmanship; and

(b) convened, whenever necessary, as special or ad hoc meetings to be chaired by the Member State holding the ASEAN Chairmanship, at venues to be agreed upon by ASEAN Member States.

Article 8 Asean Coordinating Council

1. The ASEAN Coordinating Council shall comprise the ASEAN Foreign Ministers and meet at least twice a year.
2. The ASEAN Coordinating Council shall:
 - (a) prepare the meetings of the ASEAN Summit;
 - (b) coordinate the implementation of agreements and decisions of the ASEAN Summit;
 - (c) coordinate with the ASEAN Community Councils to enhance policy coherence, efficiency and cooperation among them;
 - (d) coordinate the reports of the ASEAN Community Councils to the ASEAN Summit;
 - (e) consider the annual report of the Secretary-General on the work of ASEAN;
 - (f) consider the report of the Secretary-General on the functions and operations of the ASEAN Secretariat and other relevant bodies;
 - (g) approve the appointment and termination of the Deputy Secretaries-General upon the recommendation of the Secretary-General; and
 - (h) undertake other tasks provided for in this Charter or such other functions as may be assigned by the ASEAN Summit.
3. The ASEAN Coordinating Council shall be supported by the relevant senior officials.

Article 9 Asean Community Councils

1. The ASEAN Community Councils shall comprise the ASEAN Political-Security Community Council, ASEAN Economic Community Council, and ASEAN Socio-Cultural Community Council.
2. Each ASEAN Community Council shall have under its purview the relevant ASEAN Sectoral Ministerial Bodies.
3. Each Member State shall designate its national representation for each ASEAN Community Council meeting.
4. In order to realise the objectives of each of the three pillars of the ASEAN Community, each ASEAN Community Council shall:
 - (a) ensure the implementation of the relevant decisions of the ASEAN Summit;
 - (b) coordinate the work of the different sectors under its purview, and on issues which cut across the other Community Councils; and

(c) submit reports and recommendations to the ASEAN Summit on matters under its purview.

5. Each ASEAN Community Council shall meet at least twice a year and shall be chaired by the appropriate Minister from the Member State holding the ASEAN Chairmanship.

6. Each ASEAN Community Council shall be supported by the relevant senior officials.

Article 10 Asean Sectoral Ministerial Bodies

1. ASEAN Sectoral Ministerial Bodies shall:

(a) function in accordance with their respective established mandates;

(b) implement the agreements and decisions of the ASEAN Summit under their respective purview;

(c) strengthen cooperation in their respective fields in support of ASEAN integration and community building; and

(d) submit reports and recommendations to their respective Community Councils.

2. Each ASEAN Sectoral Ministerial Body may have under its purview the relevant senior officials and subsidiary bodies to undertake its functions as contained in Annex 1. The Annex may be updated by the Secretary-General of ASEAN upon the recommendation of the Committee of Permanent Representatives without recourse to the provision on Amendments under this Charter.

Article 11 Secretary-General of Asean and Asean Secretariat

1. The Secretary-General of ASEAN shall be appointed by the ASEAN Summit for a non-renewable term of office of five years, selected from among nationals of the ASEAN Member States based on alphabetical rotation, with due consideration to integrity, capability and professional experience, and gender equality.

2. The Secretary-General shall:

(a) carry out the duties and responsibilities of this high office in accordance with the provisions of this Charter and relevant ASEAN instruments, protocols and established practices;

(b) facilitate and monitor progress in the implementation of ASEAN agreements and decisions, and submit an annual report on the work of ASEAN to the ASEAN Summit;

(c) participate in meetings of the ASEAN Summit, the ASEAN Community Councils, the ASEAN Coordinating Council, and ASEAN Sectoral Ministerial Bodies and other relevant ASEAN meetings;

(d) present the views of ASEAN and participate in meetings with external parties in accordance with approved policy guidelines and mandate given to the Secretary-General; and

(e) recommend the appointment and termination of the Deputy Secretaries-General to the ASEAN Coordinating Council for approval.

3. The Secretary-General shall also be the Chief Administrative Officer of ASEAN.
4. The Secretary-General shall be assisted by four Deputy Secretaries-General with the rank and status of Deputy Ministers. The Deputy Secretaries-General shall be accountable to the Secretary-General in carrying out their functions.
5. The four Deputy Secretaries-General shall be of different nationalities from the Secretary-General and shall come from four different ASEAN Member States.
6. The four Deputy Secretaries-General shall comprise:
 - (a) two Deputy Secretaries-General who will serve a non-renewable term of three years, selected from among nationals of the ASEAN Member States based on alphabetical rotation, with due consideration to integrity, qualifications, competence, experience and gender equality; and
 - (b) two Deputy Secretaries-General who will serve a term of three years, which may be renewed for another three years. These two Deputy Secretaries-General shall be openly recruited based on merit.
7. The ASEAN Secretariat shall comprise the Secretary-General and such staff as may be required.
8. The Secretary-General and the staff shall:
 - (a) uphold the highest standards of integrity, efficiency, and competence in the performance of their duties;
 - (b) not seek or receive instructions from any government or external party outside of ASEAN; and
 - (c) refrain from any action which might reflect on their position as ASEAN Secretariat officials responsible only to ASEAN.
9. Each ASEAN Member State undertakes to respect the exclusively ASEAN character of the responsibilities of the Secretary-General and the staff, and not to seek to influence them in the discharge of their responsibilities.

Article 12 Committee of Permanent Representatives to Asean

1. Each ASEAN Member State shall appoint a Permanent Representative to ASEAN with the rank of Ambassador based in Jakarta.
2. The Permanent Representatives collectively constitute a Committee of Permanent Representatives, which shall:
 - (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;

- (d) facilitate ASEAN cooperation with external partners; and
- (e) perform such other functions as may be determined by the ASEAN Coordinating Council.

ARTICLE 13 ASEAN NATIONAL SECRETARIATS

Each ASEAN Member State shall establish an ASEAN National Secretariat which shall:

- (a) serve as the national focal point;
- (b) be the repository of information on all ASEAN matters at the national level;
- (c) coordinate the implementation of ASEAN decisions at the national level;
- (d) coordinate and support the national preparations of ASEAN meetings;
- (e) promote ASEAN identity and awareness at the national level; and
- (f) contribute to ASEAN community building.

Article 14 Asean Human Rights Body

1. In conformity with the purposes and principles of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms, ASEAN shall establish an ASEAN human rights body.

2. This ASEAN human rights body shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting.

Article 15 Asean Foundation

1. The ASEAN Foundation shall support the Secretary-General of ASEAN and collaborate with the relevant ASEAN bodies to support ASEAN community building by promoting greater awareness of the ASEAN identity, people-to-people interaction, and close collaboration among the business sector, civil society, academia and other stakeholders in ASEAN.

2. The ASEAN Foundation shall be accountable to the Secretary-General of ASEAN, who shall submit its report to the ASEAN Summit through the ASEAN Coordinating Council.

Chapter V Entities Associated with Asean

Article 16 Entities Associated with Asean

1. ASEAN may engage with entities which support the ASEAN Charter, in particular its purposes and principles. These associated entities are listed in Annex 2.

2. Rules of procedure and criteria for engagement shall be prescribed by the Committee of Permanent Representatives upon the recommendation of the Secretary-General of ASEAN.

3. Annex 2 may be updated by the Secretary-General of ASEAN upon the recommendation of the Committee of Permanent Representatives without recourse to the provision on Amendments under this Charter.

Chapter VI Immunities and Privileges

Article 17 Immunities and Privileges of Asean

1. ASEAN shall enjoy in the territories of the Member States such immunities and privileges as are necessary for the fulfilment of its purposes.
2. The immunities and privileges shall be laid down in separate agreements between ASEAN and the host Member State.

Article 18 Immunities and Privileges of the Secretary-General of Asean and Staff of the Asean Secretariat

1. The Secretary-General of ASEAN and staff of the ASEAN Secretariat participating in official ASEAN activities or representing ASEAN in the Member States shall enjoy such immunities and privileges as are necessary for the independent exercise of their functions.
2. The immunities and privileges under this Article shall be laid down in a separate ASEAN agreement.

Article 19 Immunities and Privileges of the Permanent Representatives and Officials on Asean Duties

1. The Permanent Representatives of the Member States to ASEAN and officials of the Member States participating in official ASEAN activities or representing ASEAN in the Member States shall enjoy such immunities and privileges as are necessary for the exercise of their functions.
2. The immunities and privileges of the Permanent Representatives and officials on ASEAN duties shall be governed by the 1961 Vienna Convention on Diplomatic Relations or in accordance with the national law of the ASEAN Member State concerned.

Chapter VII Decision-Making

Article 20 Consultation and Consensus

1. As a basic principle, decision-making in ASEAN shall be based on consultation and consensus.
2. Where consensus cannot be achieved, the ASEAN Summit may decide how a specific decision can be made.
3. Nothing in paragraphs 1 and 2 of this Article shall affect the modes of decision-making as contained in the relevant ASEAN legal instruments.
4. In the case of a serious breach of the Charter or noncompliance, the matter shall be referred to the ASEAN Summit for decision.

Article 21 Implementation and Procedure

1. Each ASEAN Community Council shall prescribe its own rules of procedure.
2. In the implementation of economic commitments, a formula for flexible participation, including the ASEAN Minus X formula, may be applied where there is a consensus to do so.

Chapter VIII Settlement of disputes

Article 22 General Principles

1. Member States shall endeavour to resolve peacefully all disputes in a timely manner through dialogue, consultation and negotiation.
2. ASEAN shall maintain and establish dispute settlement mechanisms in all fields of ASEAN cooperation.

Article 23 Good Offices, Conciliation and Mediation

1. Member States which are parties to a dispute may at any time agree to resort to good offices, conciliation or mediation in order to resolve the dispute within an agreed time limit.
2. 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 or mediation.

Article 24 Dispute Settlement Mechanisms in Specific Instruments

1. Disputes relating to specific ASEAN instruments shall be settled through the mechanisms and procedures provided for in such instruments.
2. Disputes which do not concern the interpretation or application of any ASEAN instrument shall be resolved peacefully in accordance with the Treaty of Amity and Cooperation in Southeast Asia and its rules of procedure.
3. Where not otherwise specifically provided, disputes which concern the interpretation or application of ASEAN economic agreements shall be settled in accordance with the ASEAN Protocol on Enhanced Dispute Settlement Mechanism.

Article 25 Establishment of Dispute Settlement Mechanisms

Where not otherwise specifically provided, appropriate dispute settlement mechanisms, including arbitration, shall be established for disputes which concern the interpretation or application of this Charter and other ASEAN instruments.

Article 26 Unresolved Disputes

When a dispute remains unresolved, after the application of the preceding provisions of this Chapter, this dispute shall be referred to the ASEAN Summit, for its decision.

Article 27 Compliance

1. The Secretary-General of ASEAN, assisted by the ASEAN Secretariat or any other designated ASEAN body, shall monitor the compliance with the findings, recommendations or decisions resulting from an ASEAN dispute settlement mechanism, and submit a report to the ASEAN Summit.
2. Any Member State affected by non-compliance with the findings, recommendations or decisions resulting from an ASEAN dispute settlement mechanism, may refer the matter to the ASEAN Summit for a decision.

Article 28 United Nations Charter Provisions and other Relevant International Procedures

Unless otherwise provided for in this Charter, Member States have the right of recourse to the modes of peaceful settlement contained in Article 33(1) of the Charter of the United

Nations or any other international legal instruments to which the disputing Member States are parties.

Chapter IX Budget and Finance

Article 29 General Principles

1. ASEAN shall establish financial rules and procedures in accordance with international standards.
2. ASEAN shall observe sound financial management policies and practices and budgetary discipline.
3. Financial accounts shall be subject to internal and external audits.

Article 30 Operational Budget and Finances of the Asean Secretariat

1. The ASEAN Secretariat shall be provided with the necessary financial resources to perform its functions effectively.
2. The operational budget of the ASEAN Secretariat shall be met by ASEAN Member States through equal annual contributions which shall be remitted in a timely manner.
3. The Secretary-General shall prepare the annual operational budget of the ASEAN Secretariat for approval by the ASEAN Coordinating Council upon the recommendation of the Committee of Permanent Representatives.
4. The ASEAN Secretariat shall operate in accordance with the financial rules and procedures determined by the ASEAN Coordinating Council upon the recommendation of the Committee of Permanent Representatives.

Chapter X Administration and Procedure

Article 31 Chairman of Asean

1. The Chairmanship of ASEAN shall rotate annually, based on the alphabetical order of the English names of Member States.
2. ASEAN shall have, in a calendar year, a single Chairmanship by which the Member State assuming the Chairmanship shall chair:
 - (a) the ASEAN Summit and related summits;
 - (b) the ASEAN Coordinating Council;
 - (c) the three ASEAN Community Councils;
 - (d) where appropriate, the relevant ASEAN Sectoral Ministerial Bodies and senior officials; and
 - (e) the Committee of Permanent Representatives.

Article 32 Role of the Chairman of Asean

The Member State holding the Chairmanship of ASEAN shall:

- (a) actively promote and enhance the interests and wellbeing of ASEAN, including efforts to build an ASEAN Community through policy initiatives, coordination, consensus and cooperation;
- (b) ensure the centrality of ASEAN;
- (c) ensure an effective and timely response to urgent issues or crisis situations affecting ASEAN, including providing its good offices and such other arrangements to immediately address these concerns;
- (d) represent ASEAN in strengthening and promoting closer relations with external partners; and
- (e) carry out such other tasks and functions as may be mandated.

Article 33 Diplomatic Protocol and Practices

ASEAN and its Member States shall adhere to existing diplomatic protocol and practices in the conduct of all activities relating to ASEAN. Any changes shall be approved by the ASEAN Coordinating Council upon the recommendation of the Committee of Permanent Representatives.

Article 34 Working Language of Asean

The working language of ASEAN shall be English.

Chapter XI Identity and Symbols

Article 35 Asean Identity

ASEAN shall promote its common ASEAN identity and a sense of belonging among its peoples in order to achieve its shared destiny, goals and values.

Article 36 Asean Motto

The ASEAN motto shall be: "*One Vision, One Identity, One Community*"

Article 37 Asean Flag

The ASEAN flag shall be as shown in Annex 3.

Article 38 Asean Emblem

The ASEAN emblem shall be as shown in Annex 4.

Article 39 Asean Day

The eighth of August shall be observed as ASEAN Day.

Article 40 Asean Anthem

ASEAN shall have an anthem.

Chapter XII External Relations

Article 41 Conduct of External Relations

1. ASEAN shall develop friendly relations and mutually beneficial dialogue, cooperation and partnerships with countries and sub-regional, regional and international organisations and institutions.
2. The external relations of ASEAN shall adhere to the purposes and principles set forth in this Charter.
3. ASEAN shall be the primary driving force in regional arrangements that it initiates and maintain its centrality in regional cooperation and community building.
4. In the conduct of external relations of ASEAN, Member States shall, on the basis of unity and solidarity, coordinate and endeavour to develop common positions and pursue joint actions.
5. The strategic policy directions of ASEAN's external relations shall be set by the ASEAN Summit upon the recommendation of the ASEAN Foreign Ministers Meeting.
6. The ASEAN Foreign Ministers Meeting shall ensure consistency and coherence in the conduct of ASEAN's external relations.
7. ASEAN may conclude agreements with countries or subregional, regional and international organisations and institutions. The procedures for concluding such agreements shall be prescribed by the ASEAN Coordinating Council in consultation with the ASEAN Community Councils.

Article 42 Dialogue Coordinator

1. Member States, acting as Country Coordinators, shall take turns to take overall responsibility in coordinating and promoting the interests of ASEAN in its relations with the relevant Dialogue Partners, regional and international organisations and institutions.
2. In relations with the external partners, the Country Coordinators shall, inter alia:
 - (a) represent ASEAN and enhance relations on the basis of mutual respect and equality, in conformity with ASEAN's principles;
 - (b) co-chair relevant meetings between ASEAN and external partners; and
 - (c) be supported by the relevant ASEAN Committees in Third Countries and International Organisations.

Article 43 Asean Committees in Third Countries and International Organisations

1. ASEAN Committees in Third Countries may be established in non-ASEAN countries comprising heads of diplomatic missions of ASEAN Member States. Similar Committees may be established relating to international organisations. Such Committees shall promote ASEAN's interests and identity in the host countries and international organisations.
2. The ASEAN Foreign Ministers Meeting shall determine the rules of procedure of such Committees.

Article 44 Status of External Parties

1. In conducting ASEAN's external relations, the ASEAN Foreign Ministers Meeting may confer on an external party the formal status of Dialogue Partner, Sectoral Dialogue Partner, Development Partner, Special Observer, Guest, or other status that may be established henceforth.

2. External parties may be invited to ASEAN meetings or cooperative activities without being conferred any formal status, in accordance with the rules of procedure.

Article 45 Relations with the United Nations System and Other International Organisations and Institutions

1. ASEAN may seek an appropriate status with the United Nations system as well as with other sub-regional, regional, international organisations and institutions.

2. The ASEAN Coordinating Council shall decide on the participation of ASEAN in other sub-regional, regional, international organisations and institutions.

Article 46 Accreditation of Non-Asean Member States to Asean

Non-ASEAN Member States and relevant inter-governmental organisations may appoint and accredit Ambassadors to ASEAN. The ASEAN Foreign Ministers Meeting shall decide on such accreditation.

Chapter XIII General and Final Provisions

Article 47 Signature, Ratification, Depository and Entry into Force

1. This Charter shall be signed by all ASEAN Member States.

2. This Charter shall be subject to ratification by all ASEAN Member States in accordance with their respective internal procedures.

3. Instruments of ratification shall be deposited with the Secretary-General of ASEAN who shall promptly notify all Member States of each deposit.

4. This Charter shall enter into force on the thirtieth day following the date of deposit of the tenth instrument of ratification with the Secretary-General of ASEAN.

Article 48 Amendments

1. Any Member State may propose amendments to the Charter.

2. Proposed amendments to the Charter shall be submitted by the ASEAN Coordinating Council by consensus to the ASEAN Summit for its decision.

3. Amendments to the Charter agreed to by consensus by the ASEAN Summit shall be ratified by all Member States in accordance with Article 47.

4. An amendment shall enter into force on the thirtieth day following the date of deposit of the last instrument of ratification with the Secretary-General of ASEAN.

Article 49 Terms of Reference and Rules of Procedure

Unless otherwise provided for in this Charter, the ASEAN Coordinating Council shall determine the terms of reference and rules of procedure and shall ensure their consistency.

Article 50 Review

This Charter may be reviewed five years after its entry into force or as otherwise determined by the ASEAN Summit.

Article 51 Interpretation of the Charter

1. Upon the request of any Member State, the interpretation of the Charter shall be undertaken by the ASEAN Secretariat in accordance with the rules of procedure determined by the ASEAN Coordinating Council.
2. Any dispute arising from the interpretation of the Charter shall be settled in accordance with the relevant provisions in Chapter VIII.
3. Headings and titles used throughout the Charter shall only be for the purpose of reference.

Article 52 Legal Continuity

1. All treaties, conventions, agreements, concords, declarations, protocols and other ASEAN instruments which have been in effect before the entry into force of this Charter shall continue to be valid.
2. In case of inconsistency between the rights and obligations of ASEAN Member States under such instruments and this Charter, the Charter shall prevail.

Article 53 Original Text

The signed original text of this Charter in English shall be deposited with the Secretary-General of ASEAN, who shall provide a certified copy to each Member State.

Article 54 Registration of the Asean Charter

This Charter shall be registered by the Secretary-General of ASEAN with the Secretariat of the United Nations, pursuant to Article 102, paragraph 1 of the Charter of the United Nations.

Article 55 Asean Assets

The assets and funds of the Organisation shall be vested in the name of ASEAN.

Done in Singapore on the Twentieth Day of November in the Year Two Thousand and Seven, in a single original in the English language.

For Brunei Darussalam:

HAJI HASSANAL BOLKIAH

Sultan of Brunei Darussalam

For the Kingdom of Cambodia:

SAMDECH HUN SEN

Prime Minister

For the Republic of Indonesia:

DR. SUSILO BAMBANG YUDHOYONO

President

For the Lao People's Democratic Republic:

BOUASONE BOUPHAVANH Prime Minister

For Malaysia:

DATO' SERI ABDULLAH AHMAD BADAWI

Prime Minister

For the Union of Myanmar:

GENERAL THEIN SEIN

Prime Minister

For the Republic of the Philippines:

GLORIA MACAPAGAL-ARROYO

President

For the Republic of Singapore:

LEE HSIEN LOONG

Prime Minister

For the Kingdom of Thailand:

GENERAL SURAYUD CHULANONT (RET.)

Prime Minister

For the Socialist Republic of Viet Nam:

NGUYEN TAN DUNG

Prime Minister