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Terms of Reference of the Eminent Persons Group (EPG) on the ASEAN Charter

Background

1. At the 11th ASEAN Summit, held in Kuala Lumpur, Malaysia, ASEAN Leaders signed the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter on 12 December 2005.
2. The Declaration calls for, among other things, the establishment *of an Eminent Persons Group (EPG), comprising highly distinguished and well respected citizens from ASEAN Member Countries, with the mandate to examine and provide practical recommendations on the directions and nature of the ASEAN Charter relevant to the ASEAN Community as envisaged in the Bali Concord II and beyond, taking into account, but not limited to, the principles, values and objectives contained in this Declaration.*

Purpose

3. The EPG will examine ASEAN in all areas of its cooperation activities, codify and build upon all ASEAN norms, principles, values and goals as contained in ASEAN's milestone agreements, treaties and declarations, as well as undertake a thorough review of the existing ASEAN institutional framework and propose appropriate improvements if so required. It will put forth bold and visionary recommendations on the drafting of an ASEAN Charter, which will serve as the legal and institutional framework for ASEAN, aimed at enabling the building of a strong, prosperous, and caring and sharing ASEAN Community that is cohesive, successful and progressing in the 21st century.

Scope of Work

4. The scope of the EPG includes but is not limited to the following :

4.1 Take stock of ASEAN's 38 years of existence to identify its major achievements and shortcomings, and assess current ASEAN cooperation as well as propose improvements in the following areas:

- a. Political and security (the ASEAN Security Community)
- b. Economic and finance (the ASEAN Economic Community)
- c. Functional (the ASEAN Socio-Cultural Community)
- d. External relations, bilaterally and inter-regionally
- e. Narrowing the development gap among ASEAN Member Countries, in the context of the ASEAN Initiative for ASEAN Integration (IAI), and the UN's Millennium Development Goals (MDGs)
- f. ASEAN structure, including decision-making process, administrative modalities, sources of funds, working methods, cross-sectoral coordination, conduct of meetings, documentation of meetings, roles of the Secretary-General and the ASEAN Secretariat

4.2 Recommend desirable key elements of an ASEAN Charter, including, among others :

- a. Vision of ASEAN beyond 2020
- b. Nature, principles and objectives of ASEAN
- c. Membership of ASEAN
- d. Areas for enhanced ASEAN cooperation and integration
- e. Narrowing the development gap among ASEAN Member Countries
- f. Organs of ASEAN and their functions and working methods
- g. ASEAN administrative structure (mechanisms, roles of the Secretary-General and the ASEAN Secretariat)
- h. Legal personality of ASEAN
- i. Effective conflict resolution mechanisms
- j. External relations

4.3 Recommend a strategy for the ASEAN Charter drafting process :

- a. National consultations
- b. Region-wide consultations of all relevant stakeholders in ASEAN in the ASEAN Charter drafting process, especially representatives of the civil society
- c. Public information

Composition and Chairmanship

5. The EPG shall consist of 10 eminent persons, one from each of the 10 Member Countries, who are nominated by their respective Governments and appointed by ASEAN Leaders at the 11th ASEAN Summit under the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter.

6. The EPG Members shall elect a Chairman at its Coordination Meeting in Kuala Lumpur on 12 December 2005.

7. The EPG Members participate in all EPG activities in their personal and independent capacity, and not as representatives of their respective Governments or countries.

8. Each EPG Member shall have at least one assistant. The assistant may be assigned by the EPG Member to attend an EPG meeting on his behalf when the EPG Member is unable to attend. The EPG who cannot attend an EPG meeting shall inform the EPG Chairman well in advance.

Frequency of Meetings

9. The EPG will decide on the frequency and venue of meetings.

Agenda

10. The agenda of each EPG meeting shall be prepared by the Chairman in consultation with all EPG Members, based on the TOR of the EPG and the work programme to be developed by the EPG.

11. The agenda will be circulated to every EPG Members at least two weeks before an EPG meeting.

Decision-Making

12. All decisions of the EPG shall be based on consultation and consensus.

13. All pertinent decisions of the EPG shall be kept in a summary record of each EPG meeting for reference.

Secretariat Support

14. The Secretary-General of ASEAN will assign two of his senior staff members to act as resource persons of the EPG.

15. The Secretary-General of ASEAN will brief the EPG on pertinent ASEAN issues as and when requested by the EPG.

16. The ASEAN Secretariat shall, together with the EPG assistants, prepare a summary record of every EPG meeting. They will also assist the EPG Members in drafting the EPG Report.

Funding

17. Funding support for the participation of EPG Members and their assistants, including air tickets and hotel accommodations and per diem, will come from each of the ASEAN Member Countries concerned.

18. The ASEAN Member Country hosting an EPG meeting will provide logistical services and administrative assistance for the meeting, such as the local transport of EPG Members and their assistants as well as the resource persons from the ASEAN Secretariat, meals, arrangement of facilities and documentation, etc.

Reporting

19. The EPG Report shall be submitted to each of the ASEAN Leaders by the EPG Chairman before the 12th ASEAN Summit in the Philippines, scheduled in December 2006.

20. The EPG shall decide how to inform the general public of its views and recommendations after the EPG Report has been presented to ASEAN Leaders at the 12th ASEAN Summit.

Amendment

21. These Terms of Reference can be amended by mutual agreement of the EPG Members through consultation and consensus.

Adopted at the First Meeting of the EPG on the ASEAN Charter
Kuala Lumpur, 12-13 December 2005