

2012 RULES OF PROCEDURE FOR THE INTERPRETATION OF THE ASEAN CHARTER

Adopted in Phnom Penh, Cambodia on 2 April 2012

RULE 1: SCOPE OF THE RULES

1. These Rules shall be applicable to the interpretation of the ASEAN Charter by the ASEAN Secretariat upon the request of any Member State pursuant to Article 51(1) of the ASEAN Charter.
2. Notwithstanding the right of Member States to request interpretation of the ASEAN Charter, these Rules shall not prevent requests to the ASEAN Secretariat by any ASEAN organ seeking clarification or information relating to matters within the scope of its activities.

RULE 2: GENERAL PROVISIONS

1. The interpretation of the ASEAN Charter by the ASEAN Secretariat shall be non-binding and non-authoritative in nature and shall not be considered as representing the view of any Member State or of ASEAN as an intergovernmental organisation.
2. The ASEAN Secretariat shall interpret the ASEAN Charter in good faith in accordance with the ordinary meaning to be given to the terms of the ASEAN Charter in their context and in the light of its object and purpose.
3. A pending request for interpretation of the ASEAN Charter shall not affect the proceedings or suspend the effect of a decision, finding or recommendation resulting from a dispute settlement mechanism under the ASEAN Charter on the same issues.
4. A request for interpretation of the ASEAN Charter which relates to an ongoing dispute concerning the interpretation of the ASEAN Charter on the same issue shall be undertaken in accordance with the timeframe as provided in Rule 4, except when such interpretation may prejudice the dispute resolution, in which case it shall be undertaken upon the resolution of such dispute.

RULE 3: CONTENT OF REQUEST

1. A request for interpretation of the ASEAN Charter submitted by a Member State shall be addressed to and filed with the ASEAN Secretariat.
2. The request shall specify that it is a request pursuant to Article 51(1) of the ASEAN Charter and shall contain the following as a minimum:
 - (a) the provision(s) of the ASEAN Charter to be interpreted; and
 - (b) the specific question(s) on which the interpretation is sought.

RULE 4: PROCEDURE

1. Upon receipt of a request for interpretation of the ASEAN Charter, the ASEAN Secretariat shall acknowledge the receipt of the request within 15 days. In its acknowledgement, the ASEAN Secretariat may seek further clarification, as necessary, on the issues that the ASEAN Secretariat is requested to address.
2. Within seven days from the date of acknowledgement of the request, the ASEAN Secretariat shall notify and transmit copies of the request to all Member States and invite their views or observations on the request in order to enable the ASEAN Secretariat to render the requested interpretation.
3. Where a Member State wishes to provide its views or observations in accordance with paragraph 2 of this Rule, such views or observations shall be furnished to the ASEAN Secretariat and other Member States at the earliest opportunity but not later than 60 days after the date of the invitation.
4. The ASEAN Secretariat shall, upon taking into account the views or observations of Member States, if any, render its interpretation within 30 days after the expiration of the timeframe provided in paragraph 3 of this Rule, except in circumstances as provided for in paragraph 4 of Rule 2.

RULE 5: CONTENTS OF INTERPRETATION

The interpretation by the ASEAN Secretariat of the ASEAN Charter shall contain the following:

- (a) the issues presented to the ASEAN Secretariat;
- (b) the rationale of the interpretation;
- (c) the interpretation by the ASEAN Secretariat; and
- (d) the name and signature of the Secretary-General of ASEAN.

RULE 6: DELIVERY OF THE INTERPRETATION

The ASEAN Secretariat shall send the interpretation to the requesting Member State(s) and copies of such interpretation to other Member States.