

2014 RULES OF PROCEDURES AND CRITERIA FOR ENGAGEMENT FOR ENTITIES ASSOCIATED WITH ASEAN

Adopted in Jakarta, Indonesia on 21 July 2014

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I. INTRODUCTION

1. These Rules of Procedures and Criteria for Engagement are prescribed pursuant to Article 16 of the ASEAN Charter, which states that “ASEAN may engage with entities which support the ASEAN Charter, in particular its purposes and principles”. The purposes and principles of ASEAN are elaborated in Articles 1 and 2 of the ASEAN Charter.

II. ENTITIES ASSOCIATED WITH ASEAN

2. For the purpose of these Rules of Procedure and Criteria for Engagement, ASEAN may engage with Entities Associated with ASEAN as specified in Annex 2 of the ASEAN Charter, as follows:
 - (a) Parliamentarians and Judiciary are defined as members of parliaments or judiciaries of ASEAN Member States.
 - (b) Civil Society Organisations (CSOs) are defined as non-profit organisations of ASEAN entities, natural or juridical, that promote, strengthen and help realise the aims and objectives of the ASEAN Community and its three Pillars – the ASEAN Political-Security Community, the ASEAN Economic Community and the ASEAN Socio-Cultural Community.
 - (c) Think-Tanks are defined as institutes, network of institutes or group of experts organized for interdisciplinary research providing advice on issues.
 - (d) Academic Institutions are defined as institutions or network of institutions dedicated to education and research. Academic institutions usually grant academic degrees or its equivalent.
 - (e) Business Organisations are defined as business associations which are nonprofit organisations engaged in promoting the business interests of their members.
 - (f) Other Stakeholders are defined as natural or juridical persons and other entities that have a direct or indirect stake, interest or concern in ASEAN’s actions, objectives, and policies, and institutions established by ASEAN.

Entities seeking association with ASEAN shall comply with the Guidelines on Accreditation of Entities Associated with ASEAN as prescribed in Annex A (the “Guidelines”).

III. ENGAGEMENT WITH ASEAN

3. Entities Associated with ASEAN seeking engagement with ASEAN Organs including ASEAN Sectoral Bodies, shall send a written request to the relevant Chair through the ASEAN Secretariat. The request should state the purpose for the engagement and the matters on which they wish to engage on.
4. Prior to engagement with an entity, ASEAN Organs including ASEAN Sectoral Bodies must have the consensus and each ASEAN Organs including ASEAN Sectoral Bodies may determine its own internal procedure regarding collaboration. For engagement with ASEAN Summit, the ASEAN Coordinating Councils, and ASEAN Community Councils, the request

may be coursed through the CPR for recommendation and consideration by the respective organs.

5. The ASEAN Organs including ASEAN Sectoral Bodies may convey the significant outcome from the engagement with the entities to the Community Councils if deemed necessary and upon consensus.

IV. CRITERIA FOR ENGAGEMENT

6. Entities Associated with ASEAN shall abide by the following Criteria for Engagement:
 - (a) The ASEAN Charter, in particular its purposes and principles;
 - (b) Mutual respect, mutual tolerance, mutual awareness and mutual understanding of each other's roles, strength and constraints;
 - (c) Transparency, sincerity, and non-confrontational;
 - (d) Constructive and meaningful dialogue, positive thinking, and goodwill in cooperation;
 - (e) Rules-based, and proceeding at a pace comfortable to all parties concerned; and
 - (f) Working collaboratively towards the common interest of the ASEAN Community and its people.

V. MODALITY OF ENGAGEMENT

7. ASEAN and the Entities Associated with ASEAN may engage on a mutually agreed modality, including but not limited to dialogue, consultation, interface, seminar, workshop and forum.

VI. APPROVAL AND AMENDMENTS

8. These Rules of Procedure and the Criteria for Engagement shall be approved by the Committee of Permanent Representatives to ASEAN and any decision on the amendments shall be taken through consultation and consensus.
9. Any Member State may propose amendments to the Guidelines, which shall be submitted to the CPR for its consideration and agreed upon by consensus. Such amendments shall come into immediate effect.

ANNEX A

GUIDELINES ON ACCREDITATION OF ENTITIES ASSOCIATED WITH ASEAN

I. SCOPE OF THE GUIDELINES

1. These Guidelines shall apply to entities seeking association with ASEAN.

II. OBJECTIVES OF ACCREDITATION

2. Entities are encouraged to seek accreditation with ASEAN. The main objectives of accreditation are:
 - (a) To draw the entities into the mainstream of ASEAN activities so that they are kept informed of major policies, directives and decisions of ASEAN and are given the opportunity and the privilege of participating in ASEAN activities;
 - (b) To ensure interaction and fruitful relationships between the existing ASEAN bodies and the entities; and
 - (c) To help promote the development of a people-oriented ASEAN Community.

III. CRITERIA FOR ACCREDITATION

3. Unless specifically provided otherwise, the following are the criteria for entities seeking accreditation:
 - (a) Entity that support ASEAN's purposes and principles;
 - (b) Non-profit in nature;
 - (c) A minimum of 2 years proven existence in ASEAN with contribution to the enhancement, strengthening and realisation of the aims and objectives of ASEAN;
 - (d) As a general rule, only an entity whose membership is confined to ASEAN nationals, may be considered for accreditation with ASEAN;
 - (e) Entity whose membership come from a relatively even spread of the ASEAN Member States may be considered for accreditation;
 - (f) Entity should be transparent on their source of funding;
 - (g) Entity has a registered office in ASEAN Member State(s).

IV. PROCESS OF ACCREDITATION

4. Entity seeking for accreditation shall submit its request in writing to the Secretary-General of ASEAN.
5. Requests for accreditation shall include:
 - (a) Nature and purpose of the entity;
 - (b) Description of its activities/aims which would support ASEAN Community, together with supporting evidence, such as annual reports, publications, pictures;
 - (c) Its constitution (statutes, articles of association/incorporation);
 - (d) By-laws (internal regulation);
 - (e) A copy of its valid registration documentation in the ASEAN Member State(s);
 - (f) Information on its membership and network;
 - (g) Complete financial statement and funding sources;
 - (h) Background information of its key officials;
 - (i) Its functions, activities and projects;
 - (j) Information on existing engagement with ASEAN bodies, if any; and Written undertaking of compliance with ASEAN purposes, principles, policies, guidelines and other decisions (as per paragraph 11.a of the Guidelines).
6. Upon receipt of the formal request for accreditation from the entity, the ASEAN Secretariat shall ensure that all documentation is in order and completed before the application is considered on its merits.
7. Approval of application for accreditation from an entity shall be based primarily upon the assessment of the positive contribution which such entity could make to the enhancement, strengthening and realisation of the aims and objectives of ASEAN.
8. If the Secretary-General considers the application to be in conformity with the Criteria for Accreditation, it shall be referred to the appropriate ASEAN Sectoral Body or ASEAN Organ for its recommendation to the Committee of Permanent Representatives to ASEAN (CPR) for its consideration and approval. When an appropriate ASEAN Sectoral Body cannot be identified, the ASEAN Secretariat, in consultation with the CPR Working Group, shall consider the application and make the appropriate recommendations to the CPR for its consideration and approval.
9. Once accreditation is granted by way of a written letter from the Secretary-General of ASEAN to the entity concerned, the entity shall be considered as an Entity Associated with ASEAN under Article 16 of the ASEAN Charter and be listed in Annex 2 of the ASEAN Charter.

V. PRIVILEGES FOR ACCREDITATION

10. Following the accreditation, the Entity Associated with ASEAN shall enjoy the following privileges:
 - (a) It may engage with ASEAN in accordance with the Rules of Procedure and Criteria for Engagement;

- (b) b. It may use the name “ASEAN”, display the official ASEAN flag and emblem, and play the ASEAN Anthem consistent with prevailing ASEAN Guidelines;
- (c) It may submit written statements or recommendations and views on policy matters or on significant events or regional or international concerns, to the ASEAN Sectoral Body through the ASEAN Secretariat;
- (d) It may submit its own project proposals for Third Party funding to be channeled through the ASEAN Secretariat, which will refer the matter to the relevant ASEAN Sectoral Body for consideration and subsequent approval by the CPR;
- (e) It may initiate programmes of activities for presentation to the relevant ASEAN Sectoral Body for appropriate action;
- (f) For purposes of doing research for its projects, it may be allowed access to the ASEAN documents on a selective basis in consultation with the ASEAN Secretariat and/ or its relevant ASEAN Sectoral Body;
- (g) Subject to availability and rules and regulations, it may be allowed the use of the facilities in the ASEAN Secretariat for its official meetings and other official activities in Jakarta;
- (h) It shall be encouraged to be self-reliant in terms of its material requirements. Upon request, it may be provided with key ASEAN publications by the ASEAN Secretariat every year, subject to the cost expenses being borne by the entity.

VI. OBLIGATIONS OF ACCREDITATION

11. The Entity Associated with ASEAN shall be required to comply with the following:

- (a) It shall undertake in writing to abide by the purposes, principles, policies, guidelines and other decisions of ASEAN;
- (b) It shall respect the diversities within ASEAN as well as particularities of individual ASEAN Member States;
- (c) It shall undertake to advance ASEAN interests and promote the awareness of ASEAN's principles and activities;
- (d) It shall respect and comply with the prevailing national laws and regulations of the concerned ASEAN Member State where its activities/programmes take place;
- (e) It shall endeavour to establish a working link with ASEAN through the ASEAN Secretariat;
- (f) It shall submit annually, a written summary of its activities and completed financial statement to the CPR through the ASEAN Secretariat;
- (g) It shall inform the ASEAN Secretariat of changes in its officials and memberships, as well as changes of address; and
- (h) It shall be held responsible for its actions, especially those found detrimental to ASEAN as a whole or any individual ASEAN Member State(s).

VII. PERIODIC REVIEW OF ACCREDITATION

12. The CPR, with the support of the ASEAN Secretariat, shall monitor and review the activities of accredited entities and their relations with ASEAN every three years. A negative outcome of this periodic review may result in suspension and/or revocation of accreditation. The updated list of accredited entities shall then be published on the official website of ASEAN.

VIII. SUSPENSION AND REVOCATION OF ACCREDITATION

13. The accreditation of an Entity Associated with ASEAN may be suspended or revoked for the following reasons:
 - (a) a. It fails to meet its obligations as specified in the Rules of Procedure and Criteria for Engagement;
 - (b) b. It is inactive, defunct or fails to submit an annual summary of their activities, as required under the Rules of Procedure and Criteria for Engagement for three (3) years in succession;
 - (c) It is found to have committed serious misconduct that brings disrepute to ASEAN. Examples of serious misconduct are corruption, bribery, complicit in serious involvement in human rights violation, etc;
 - (d) It acts contrary to the aims, objectives and fundamental principles of ASEAN as well as the domestic laws of the relevant ASEAN Member State(s);
 - (e) It engages in acts inimical to ASEAN or any of the ASEAN Member State(s).
14. The CPR shall, within a month, review the accreditation of an entity after a complaint has been lodged by ASEAN Sectoral Body or any ASEAN Member State to the Chair of the CPR. Pending the outcome of the review, the accreditation of such entity shall be suspended.
15. An entity whose accreditation is suspended or revoked shall be denied exercise of the privileges provided under paragraph 10 of the Guidelines. The suspension or revocation of the accreditation of an entity shall be notified in writing by the Secretary-General of ASEAN to the entity concerned.
16. An entity whose accreditation has been revoked under paragraph 12 of the Guidelines may appeal to the CPR for a consideration of the revocation. Upon appeal, the decision of the CPR shall be final and binding.