

Preface

“Your old men shall dream dreams, your young men shall see visions”

At the 11th ASEAN Summit in Kuala Lumpur in 2005, the Leaders of ASEAN tasked the Eminent Persons Group (EPG) on the ASEAN Charter to propose major steps that could be taken to achieve an ASEAN Community. The EPG was enjoined to be “bold and visionary”. The EPG Report was presented to the Leaders at the 12th ASEAN Summit in Cebu on 12 January 2007. The following day the Cebu Declaration on the Blueprint of the ASEAN Charter was issued. The High Level Task Force (HLTF) for the Drafting of the ASEAN Charter received its mandate on the same day. That mandate came with a strict timetable: have the Charter ready for signature at the 13th ASEAN Summit in Singapore.

It is of course a pleasant task to dream dreams and see visions. The process of actually translating the dreams and visions into practical reality requires much more than idealism and a magic wand. In the case of the ASEAN Charter, it took 11 months of hard work and hard negotiation. The work went on literally to the last minute, ending at the stroke of midnight on the final day of the final meeting of the HLTF in Vientiane.

This is not meant as a textbook interpreting the Charter. It is a record of the impressions of the drafting process by members of the HLTF. Each of the contributors has focused on a different aspect of the drafting; each brings a unique perspective on the process. In his first masterwork *Rashomon*, the great Japanese film director Kurosawa Akira told the story through the various viewpoints of the different characters. The story of the creation of the ASEAN Charter is told in the same manner in this book.

We have the contributions of the two chairpersons of the HLTF, Ambassador Rosario Manalo of the Philippines and Ambassador Tommy Koh of Singapore. They provide the insights of the two personalities who steered the HLTF in their work. ASEAN Secretary-General Ong Keng Yong shares his unrivaled experience of how ASEAN works in practice. Dr Termsak Chalermphanupap (the Secretary-General's special assistant and resource person to the HLTF) puts the Charter in its proper historical and political perspective. Each of the other contributors — Director-General Aung Bwa of Myanmar, Pengiran Dato Paduka Osman of Brunei, Tan Sri Ahmad Fuzi of Malaysia, Ambassador Nguyen Trung Thanh of Vietnam, Ambassador Pradap Pibulsonggram of Thailand, Director-General Dian Triansyah Djani of Indonesia, Secretary of State Kao Kim Hourn of Cambodia and Vice-Minister Bounkeut Sangsornak of the Lao People's Democratic Republic — offers his own unique and interesting view of the drafting process. When Ambassador Tommy Koh took over as Chairman of the HLTF in August 2007, Ambassador Walter Woon was entrusted with the leadership of the Singapore delegation. Rather than overlap what Ambassador Koh has so clearly set

out in his essay, Ambassador Woon has confined himself to the most legalistic aspect of the Charter, the dispute settlement mechanisms. It is hoped that this collection of essays will enable students of ASEAN to better understand the way the Charter came to be as it is, warts and all.

The ASEAN Charter was not meant to be carved in stone, to stand unchanged for all eternity. ASEAN will evolve and the Charter will evolve with the organisation. What one sees today is a finely-balanced document taking into account the different perspectives, interests and concerns of the ten member states. Of course it could be better drafted, the phrasing could resound more, and there could be a greater dose of idealism and less of down-to-earth practicality; but what multilateral document could escape such criticisms? The important thing is that the Charter provides a practical framework for the functioning of ASEAN.

It is said that a camel is a horse designed by a committee. The ASEAN Charter is the diplomatic equivalent of a camel. It may not have the good looks of a thoroughbred, but the camel is a perfectly good and reliable animal. When the terrain is tough and dry, a camel will survive trials that would kill the toughest horse. The ASEAN Charter will take ASEAN through the next decades of the 21st century. Like any other living organism, it will adapt, change and grow. Organisms only stop adapting and growing when they are dead.

Tommy Koh
Rosario G Manalo
Walter Woon