

No. 22342

MULTILATERAL

Agreement on the establishment of the Association of South-East Asian Nations (ASEAN) Secretariat. Concluded at Denpasar, Bali, on 24 February 1976

Authentic text: English.

Registered by Indonesia on 2 September 1983.

MULTILATÉRAL

Accord portant création du Secrétariat de l'Association des nations de l'Asie du Sud-Est (ANASE). Conclu à Denpasar (Bali) le 24 février 1976

Texte authentique : anglais.

Enregistré par l'Indonésie le 2 septembre 1983.

AGREEMENT¹ ON THE ESTABLISHMENT OF THE ASEAN SECRETARIAT

PREAMBLE

The Governments of the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand:

Being members of the Association of South East Asian Nations, hereinafter referred to as "ASEAN";

Mindful of the rapidly growing activities of ASEAN since its establishment on 8th August, 1967,² in Bangkok, Thailand, in the implementation of the aims and purposes of ASEAN embodied in the ASEAN Declaration;

Recognizing that the growth has increased the need in ASEAN for a central administrative organ to provide for greater efficiency in the co-ordination of ASEAN organs and for more effective implementation of ASEAN projects and activities;

Do hereby agree as follows:

Article I. THE ASEAN SECRETARIAT; ESTABLISHMENT AND LOCATION

1. The Contracting Parties hereby establish a permanent Secretariat for ASEAN which shall be called the ASEAN Secretariat, hereinafter referred to as "the Secretariat".

2. The Secretariat shall have its seat in Jakarta, Indonesia, hereinafter referred to as "the Host Country".

Article II. COMPOSITION

The Secretariat shall comprise the Head of the Secretariat who shall be known as the Secretary-General of the ASEAN Secretariat, hereinafter referred to as "the Secretary-General", a Staff and a Locally Recruited Staff.

Article III. SECRETARY-GENERAL

Appointment

1. The Secretary-General shall be appointed by the ASEAN Foreign Ministers upon nomination by a Contracting Party on a rotational basis in alphabetical order. The tenure of office shall be two years.

¹ Came into force on 7 June 1976, the date on which the fifth instrument of ratification had been deposited with the Government of Indonesia, in accordance with article XIV:

<i>State</i>	<i>Date of deposit of the instrument</i>
Indonesia	21 April 1976
Singapore	29 April 1976
Malaysia	11 May 1976
Philippines	21 May 1976
Thailand	7 June 1976

² See p. 235 of this volume.

Functions and powers

2. The Secretary-General shall:

- (1) Be responsible to the ASEAN Ministerial Meeting when it is in session and to the Standing Committee at all other times;
- (2) Take charge of the Secretariat and be responsible for the discharge of all the functions and responsibilities entrusted to him by the ASEAN Ministerial Meeting and by the Standing Committee;
- (3) Have authority to address communications directly to the Contracting Parties;
- (4)
 - (a) Attend personally all the ASEAN Ministerial Meetings as secretary;
 - (b) Be in attendance at all meetings of the Standing Committee; and
 - (c) Attend or designate a representative to attend the meetings of all ASEAN Committees and other similar bodies;
- (5) Keep himself informed of the activities of all ASEAN Committees and other similar bodies, and
 - (a) Explain, whenever necessary, the directives of the Standing Committee to ASEAN Committees and other similar bodies;
 - (b) Ensure that the ASEAN Committees and other similar bodies are informed of relevant current developments in the activities of ASEAN;
 - (c) Act as the channel for formal communications between:
 - (i) ASEAN Permanent Committees, *Ad Hoc* Committees, Expert Groups, and other ASEAN bodies and the Standing Committee; and
 - (ii) The Secretariat and other international organizations and Governments; and
 - (d) Assist, where required, various committees, groups and bodies set up within the framework of ASEAN;
- (6) Ascertain facts or seek clarifications for the purpose of reporting to the Standing Committee for its consideration;
- (7) Prepare an Annual Report for submission to the ASEAN Ministerial Meeting;
- (8) Harmonize, facilitate and monitor progress in the implementation of all approved ASEAN activities;
- (9) Initiate plans and programmes of activities for ASEAN regional co-operation in accordance with approved policy guidelines;
- (10) Be responsible for the Secretariat's security;
- (11) Prepare the Annual Budget Estimates of the Secretariat for the approval of the ASEAN Ministerial Meeting;
- (12) Exercise the administrative and financial powers vested in him under the provisions of this Agreement and such other Rules and Regulations as may hereafter come into effect;
- (13) Act as custodian of all ASEAN documents; and
- (14) Perform such other duties and missions as the ASEAN Ministerial Meeting or the Standing Committee may direct.

3. The Secretary-General shall present drafts of Staff Regulations, Financial Regulations and Security Regulations for the Secretariat to the Standing Committee for its approval and shall apply and carry out the same from such date as it may specify.

4. The Secretary-General may propose amendments to such Regulations for the approval of the Standing Committee and such amendments shall come into force from such date as it may specify.

Article IV. STAFF OF THE SECRETARIAT; COMPOSITION AND APPOINTMENT

1. The Staff of the Secretariat shall initially comprise:

- (1) Three Bureau Directors;
- (2) A Foreign Trade and Economic Relations Officer;
- (3) An Administrative Officer;
- (4) A Public Information Officer; and
- (5) An Assistant to the Secretary-General;

who shall be appointed by the Standing Committee upon nomination by Contracting Parties.

2. The Bureau Directors shall be at least of counsellor rank and each of the other officers shall be at least of first secretary rank.

3. The principal considerations in such nominations and appointments shall be the highest standard of professional efficiency and integrity, equitable distribution and rotation of the posts among nationals of the Contracting Parties.

4. Where a Staff member nominated by a Contracting Party has been seconded from the Home Service to the Secretariat, he shall not, by reason of such appointment, lose his seniority or promotional prospects in the Home Service.

5. The appointment of Staff members shall be for a term of three years, provided that, in special circumstances, the Standing Committee, upon recommendation of the Secretary-General made after consultation by him with the nominating Contracting Party, may extend the term of such appointment for a period not exceeding another full term.

6. The functions and duties of the Officers, other than the Bureau Directors, shall be set out in the Duty Schedules to be prepared by the Secretary-General and approved by the Standing Committee.

Article V. BUREAU DIRECTORS

1. The three Bureau Directors shall head the following Bureaus respectively:

- (1) Economic;
- (2) Science and Technology; and
- (3) Social and Cultural;

in that order of seniority.

2. Each Bureau Director shall, on his own initiative or upon request by a Contracting Party to the Secretary-General, be responsible for preparing working

papers containing comments and appropriate recommendations of the Secretariat on subjects of interest and fields of activities within the charge of his Bureau, for the consideration of the representatives of the Contracting Parties at their meetings.

3. The activities of ASEAN Permanent Committees, *Ad Hoc* Committees and Expert Groups, in so far as they relate to the activities of the three Bureaus referred to above, shall also come within the purview of the respective Bureaus.

4. If for any reason the Secretary-General is unable temporarily to perform his functions, the Chairman of the Standing Committee shall appoint the most senior Bureau Director to act as Secretary-General.

Article VI. LOCALLY RECRUITED STAFF

1. The Secretary-General shall employ such Locally Recruited Staff for clerical and other office duties as are necessary to the normal functioning of the Secretariat.

2. The Locally Recruited Staff shall be nationals of the member States, recruited locally in the Host Country, and shall be appointed by the Secretary-General.

3. At the end of the first year, the Secretary-General shall make an overall recommendation to the Standing Committee on the actual requirements regarding the size, composition and emoluments of the Locally Recruited Staff.

4. The financial provision for the employment of the Locally Recruited Staff shall be incorporated in the Annual Budget of the Secretariat.

5. The Standing Committee may approve increases of personnel during an ASEAN financial year.

Article VII. SALARIES

The salaries and allowances of the Secretary-General, the three Bureau Directors, the Foreign Trade and Economic Relations Officer, the Administrative Officer, the Public Information Officer and the Assistant to the Secretary-General shall be determined by the ASEAN Ministerial Meeting which may, from time to time, on the recommendation of the Secretary-General, review such salaries and allowances.

Article VIII. STAFF REGULATIONS

Subject to the other provisions of this Agreement, the terms and conditions of employment of the members of the Staff and of the Locally Recruited Staff of the Secretariat shall be set out in Staff Regulations.

Article IX. BUDGET AND FUNDING

1. An Annual Budget for the Secretariat shall be submitted to the ASEAN Ministerial Meeting for approval.

2. The Annual Budget shall also include the numbers and the grades of Staff personnel to be employed.

3. The budget of the Secretariat shall be categorized into:

- (1) Capital outlay; and
- (2) Recurrent expenditure.

4. Capital outlay shall include all costs related to the acquisition of land, building construction, provision of basic utilities and services, initial decoration and office furniture and equipment and installation of air conditioning plants, major maintenance and such other items as the Host Country may offer.

5. Recurrent expenditure shall include all other expenses including payment of salaries and allowances of all ASEAN Secretariat personnel, utility charges, travelling expenses, office requisites and stationery, minor and annual maintenance and all other administrative expenses.

6. Capital outlay expenditure shall be borne by the Host Country. Recurrent expenditure shall be shared on a basis to be determined by the ASEAN Foreign Ministers.

Article X. AUDITING OF THE ACCOUNTS

1. The accounts of the Secretariat shall be audited annually by the Audit Committee consisting of three qualified members nominated by three of the Contracting Parties in rotation and appointed for a period of two years by the Standing Committee.

2. The annual accounts together with the Report of the Audit Committee thereon shall be submitted to the Standing Committee which shall cause the same to be laid before the next Ministerial Meeting together with its comments.

Article XI. PRIVILEGES AND IMMUNITIES

The Host Country shall grant to the Secretariat, the Secretary-General and the Staff such privileges and immunities as may be necessary for the performance of their duties and functions.

Article XII. AMENDMENTS

Any Contracting Party may propose amendments to this Agreement. When approved by the Contracting Parties or by the ASEAN Ministerial Meeting, such amendments shall come into force from such date as may be specified.

Article XIII. RATIFICATION

1. This Agreement is subject to ratification by the Contracting Parties.

2. The Instruments of Ratification shall be deposited with the Department of Foreign Affairs of the Republic of Indonesia.

Article XIV. ENTRY INTO FORCE

This Agreement shall enter into force on the date on which the fifth Instrument of Ratification is deposited.

Article XV. ACCESSION

1. This Agreement is open for accession by any Government which is accepted as a new member of ASEAN.

2. The Instrument of Accession shall be deposited with the Department of Foreign Affairs of the Republic of Indonesia.

3. With respect to any such new member Government acceding to this Agreement after it has come into force, this Agreement shall become effective in relation to that new member Government on the date of deposit of its Instrument of Accession.

4. If such an Instrument of Accession is deposited before this Agreement comes into force, it shall become effective in relation to that new member Government on the date this Agreement comes into force.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Denpasar, Bali, in five originals in the English language this twenty-fourth day of February, one thousand nine hundred and seventy-six.

For the Government of the Republic of Indonesia:

[Signed]

ADAM MALIK

Minister for Foreign Affairs

For the Government of Malaysia:

[Signed]

TENGKU DATUK AHMAD RITHAUDEEN

Minister of Foreign Affairs

For the Government of the Republic of the Philippines:

[Signed]

CARLOS P. ROMULO

Secretary of Foreign Affairs

For the Government of the Republic of Singapore:

[Signed]

S. RAJARATNAM

Minister for Foreign Affairs

For the Government of the Kingdom of Thailand:

[Signed]

CHATICHA CHOONHAVAN

Minister for Foreign Affairs