



Giving the ASEAN Inter-Parliamentary Assembly a Voice in the ASEAN Community

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Introduction

A revitalized Association of Southeast Asian Nations (ASEAN, comprising Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore, Thailand, Cambodia, Myanmar, Laos, and Vietnam) has made democracy and the promotion of people-oriented organizations one of its key purposes. The Preamble of the ASEAN Charter, which came into force in 2008, highlights the centrality of the region's people in community building and opens with the phrase, 'We, The Peoples of the Member States of the Association of Southeast Asian Nations'. This paper seeks to locate and examine certain spaces within ASEAN and the ASEAN Inter-Parliamentary Assembly (AIPA) where other actors such as parliamentarians, civil society and the public sector could play a role and thus fulfil ASEAN's democratic aspirations.

While there is no provision for a formal regional parliament in the ASEAN Charter, its current endeavours recognize the importance of the regional assembly, AIPA, as a major partner in establishing an ASEAN Community by 2015. This is in line with developments in other regional organizations such as the European Union (EU), the African Union (AU) and the Mercado Común del Sur (MERCOSUR) that have set up regional parliaments to perform a variety of legislative, budgetary, advisory, mediation and oversight functions. The nature and functions of regional parliaments in these organizations are varied and reflect the particular political, social and economic contexts of each region. The variety in the constitutive instruments and mandates of these regional parliaments also underlines the need for the knowledge and expertise of legislators in community building and the demand for broader inclusion and participation in the process. The diversity of functions also shows the different ways through which regional parliaments can be constituted to play a meaningful role in regional governance.

Unlike the EU, AU and MERCOSUR, a formal regional parliament is not part of ASEAN's institutional structure. AIPA exists as a separate regional assembly of national parliamentarians from the ten member countries of ASEAN and is a venue for dialogue, discussion and consultation. AIPA has a long history of association and cooperation with ASEAN. Current initiatives in AIPA and ASEAN point to establishing an enhanced relationship with a view to giving AIPA an effective role in the ASEAN Community planned for 2015. This paper discusses how AIPA could develop a more active role in accelerating regional integration and also, by using its institutional capacity and democratic legitimacy, assist in fostering inclusive representation and participation in ASEAN. The discussion starts by tracing the origins and



history in the formation of AIPA, its mandate and activities, and its evolving role in ASEAN. The paper also briefly looks at how a parallel movement of parliamentarians has emerged through engagement with civil society organizations in the region to campaign for democratic reforms in Myanmar and take up critical issues involving labour migration. The paper will then explore AIPA's potential direction, challenges and possibilities under the current ASEAN and AIPA frameworks and consider whether the relationship could move towards the long-term goal of building a formal parliamentary assembly within ASEAN.




The ASEAN Inter-Parliamentary Assembly: History and Origins

The ASEAN Inter-Parliamentary Assembly has had a long history and a close relationship with ASEAN, clearly signified in the incorporation of ‘ASEAN’ into its name. The initiative to form an organization of parliamentarians came from Indonesia in the early 1970s and was encouraged by positive developments in the establishment of ASEAN. This period had seen the cessation of hostilities over territorial disputes involving the original members of ASEAN and the building of trust and confidence among members that culminated in the holding of the first ASEAN summit meeting and establishment of the ASEAN Secretariat in 1976. From its inception, AIPA has aimed to contribute to the goals and objectives of ASEAN through inter-parliamentary cooperation (see the Preamble, AIPA, *Statute of the ASEAN Inter-Parliamentary Organization*) and in recognition of the fact that parliamentarians, not only executive officials, have a key role in promoting peace, freedom and prosperity in the region (Interview with AIPA Secretary General Antonio V. Cuenco, 29 September 2012).

The early meetings of ASEAN parliamentarians were convened among legislators from the five original member countries of Indonesia, Malaysia, Singapore, the Philippines and Thailand. The first meeting, known as the ASEAN Parliamentary Meeting (APM), took place on 8–11 January 1975 in Indonesia and agreed that the main objective of the organization would be to promote closer cooperation among parliaments in ASEAN and to prepare the statute of an ASEAN Inter-Parliamentary Cooperation body. A follow-up meeting of the Working Committee was held in Tugu Puncak Bogor, in Indonesia, in May 1975 and resulted in a proposal for the form and structure of the statute. It was in Malaysia on 20–23 August 1975 that the second APM was held and the proposal to change the name of the organization to ASEAN Inter-Parliamentary Organization (AIPO) made. The third APM in Manila, the Philippines, from 29 August to 2 September 1977 formally gave birth to AIPO when the draft statute of the ASEAN Inter-Parliamentary Organization (AIPO Statute) was unanimously approved and signed by the heads of the delegations from the five parliaments. Since 1977 the AIPO has convened its General Assembly every year with the exception of 1981, 1986 and 1987, as mandated in Article 10 of AIPO Statute (AIPA, ‘Background and History: From AIPO to AIPA’).

AIPA’s development is closely linked to developments in ASEAN and as the membership of ASEAN expanded so did the membership of AIPA. The development of AIPA also reflects the growth and importance of



national legislative assemblies in establishing more inclusive and responsive government. As Vietnam, Laos and Cambodia joined ASEAN in 1995, 1997 and 1999 respectively, so their parliaments also became members of AIPA. Brunei Darussalam became a full member of AIPA in 2009 after it reinstated its Legislative Council, while Myanmar was accepted as a full member during the 32nd General Assembly in Cambodia in 2011, following the elections for the Pyidaungsu Hluttaw or Assembly of the Union. Prior to full membership, Brunei and Myanmar had Special Observer status in AIPA from 1993 and 1997 respectively (AIPA, 'Background and History: From AIPO to AIPA').




Membership and Structure of AIPA

Membership to AIPA is open to all national parliaments of ASEAN member countries. Since 2011, all ten members of ASEAN have also become full members of AIPA. As with ASEAN, there is no provision for a country to renounce its membership. The AIPA organizational structure is very similar to ASEAN's early lean structure. It consists of a General Assembly, Presidency, Executive Committee, Committees and Secretariat (AIPA, *Statute*, Art. 5). There is also provision for a National Secretariat for each of the member parliaments.

The General Assembly is the highest policy-making body of AIPA. It consists of delegations not exceeding fifteen members from each member parliament, of whom at least three must be women. Each delegation is headed by the speaker of the parliament or his representative (AIPA, *Statute*, Art. 6). There is no provision as to how representatives are chosen from national parliaments; in practice, they are nominated by their peers in the assembly or designated by the speaker or head of the national assembly. In some member countries, membership is open to all political parties, although the proportion of representation is not clearly spelled out. In the Philippines, for instance, the speaker designates fifteen members, of whom five are to be drawn from opposition or non-ruling political parties, and of whom at least three must be women (Interview with AIPA Secretary General Antonio V Cuenco, 29 September 2012). The General Assembly meets once a year and, similar to ASEAN decision-making, it formulates decisions by consensus. If there is no consensus reached, the particular matter is dropped (AIPA, *Statute*, Art. 7.5). There have been 747 resolutions passed by the AIPA General Assembly to date on a range of subjects and which call for harmonization of member countries' laws and effective implementation of laws (Interview with AIPA Secretary General Antonio V. Cuenco, 29 September 2012).


As its name implies, the Executive Committee is the executive arm of AIPA. To boost the capacity of the Executive Committee, the AIPA Caucus was established in 2007 pursuant to General Assembly Resolution 28GA/2007/Pol/03 and primarily assists in monitoring the status of implementation of AIPA resolutions by requesting country reports, formulating common legislative initiatives and identifying laws for harmonization (AIPA, *Terms of Reference of the AIPA Caucus*). The President of the General Assembly is drawn from the host country of the General Assembly and is also the Chair of the Executive Committee. The President is to represent AIPA to the ASEAN Summit, when invited, and is also authorized to invite the Chair of the ASEAN Standing Committee to attend the AIPA General Assembly



and other meetings (AIPA *Statute*, Art. 8). The Executive Committee is composed of not more than three members from each member parliament. It is responsible for developing AIPA activities, drawing up the agenda of the General Assembly, considering membership or participation of other entities in AIPA, monitoring the implementation of General Assembly resolutions, and supervising and appointing the staff of the Secretariat (AIPA, *Statute*, 2007, Art. 10). The Secretariat serves as the administrative arm of AIPA and is headed by a Secretary General who is appointed by the President with the approval of the General Assembly. The Secretary General serves for three years on rotating basis among member parliaments. The National Secretariat performs a monitoring function in that it is responsible for submitting an annual country report to the AIPA Secretariat on the member parliaments' AIPA-related activities and actions taken on the resolutions passed by the General Assembly.

The first President of AIPA was Dr Yeoh Ghim Seng of Singapore, while the President of AIPA for 2011-2012 was Dr Marzuki Alie of Indonesia. President for 2012-2013 is Pehin Dato Haji Isa Ibrahim, President of the National Assembly and Speaker of the House of Representatives of Brunei Darussalam, who took up the position in the recently concluded 33rd General Assembly in Lombok, Indonesia. The Secretary General is required to reside in the country where the AIPA Secretariat is located (AIPA *Statute*, Art. 13). Indonesia's Dewan Perwakilan Rakyat (DPR) building in Jakarta currently hosts the Secretariat, and the present AIPA Secretary General is Antonio Veloso Cuenco of the Philippines.

Aside from the Presidency, Executive Committee and Secretariat, the AIPA General Assembly has formed standing committees, study groups and fact-finding missions. The standing committees established are those on Political Matters, Economic Matters, Social Matters, Organizational Matters, Joint Communique, Dialogue with Observer Countries, and Women Parliamentarians of AIPA or WAIPA (ASEAN, *Inter-Parliamentary Fact Sheet*). The AIPA Fact-Finding Committee (AIFOCOM) was formed in 2001 to facilitate information and understanding among countries in their fight against illegal drugs and trafficking. To date, it has sought information and cooperation from the United Nations Office on Drugs and Crime (UNODC) and from member countries through their country reports with a view to harmonization of illegal drug laws in the region (AIPA, *Report of the Eighth Meeting of AIFOCOM*). The list of member parliaments of the ten AIPA member countries and their respective heads of delegation are attached as Appendix A.



AIPA has also opened its doors to dialogue with partners that are invited to attend the annual General Assembly. Since 2010, AIPA has accepted ten dialogue partners: Australia, Canada, China, Japan, the Republic of Korea, New Zealand, Papua New Guinea, the Russian Federation, the European Parliament, and India (AIPA, 'Background and History: From AIPO to AIPA'). AIPA and its dialogue partners have organized exchange visits and engage in peer-to-peer learning and exchange of information. In addition, AIPA hosts a parliamentary delegation from Timor Leste, the newest country in the region seeking full membership of ASEAN, as a 'Special Guest' (AIPA, *Report of the 30th AIPA General Assembly*).



The Mandate and Functions of AIPA

AIPA sees the role of ASEAN parliamentarians as ‘intermediaries between people and the state administration’ and considers its chief responsibilities to be those of achieving ASEAN’s goals (Marzukie Alie in AIPA, *Report on the Executive Committee Meeting, 9 July 2012, Yogyakarta, Indonesia*). The aims and purposes of AIPA are clearly interlinked to that of ASEAN’s and underlying these purposes is a common vision to promote regional peace, stability and prosperity (AIPA, *Statute*).

According to its Statute, AIPA’s aims and purposes are the following:

1. To promote solidarity, understanding, cooperation and close relations among parliaments of ASEAN member countries, AIPA special observers, observers and other parliamentary organizations;
2. To facilitate the achievement of the goals of ASEAN as constituted in the ASEAN Declaration of August 1967 made at Bangkok, Thailand, as well as the ASEAN Vision 2020 taking into account the Bali Concord II 2003 leading to the realization of an ASEAN Community based on three pillars: the ASEAN Political Security Community (APSC), ASEAN Economic Community (AEC) and ASEAN Socio-Cultural Community (ASCC);
3. To establish and maintain exchange and dissemination of information as well as coordination, interaction, and consultations with ASEAN to offer parliamentary contributions to ASEAN integration and familiarizing the peoples of Southeast Asia with policies aimed at accelerating the realization of an ASEAN Community;
4. To study, discuss and suggest solutions to problems of common interest and express its views on such issues with the aim of bringing about action and timely response by the members of AIPA;
5. To keep all AIPA member parliaments informed of steps taken and progress achieved by each Parliament in realization of the aims and purposes of AIPA; and
6. To promote the principles of human rights, democracy, peace, security and prosperity in ASEAN. (AIPA, *Statute*, Art. 7)

AIPA closely identifies with ASEAN and its goals and clearly expresses a desire for an inclusive and participatory ASEAN. The Preamble of the AIPA Statute commits it to seeking ‘a more direct and active participation by the peoples of the ASEAN countries’ in promoting the aims of ASEAN




and affirms that ‘the strength of ASEAN emanates from the roots of our societies and that closer cooperation among the respective legislatures would result in greater participation by the peoples of ASEAN countries’ (AIPA, *Statute*). During the 29th General Assembly, AIPA passed Resolution No. 29GA/2008/Pol/02, which articulates its role ‘as legitimate representatives of the ASEAN people in strengthening democratization in regional institutions and furthering the promotion and protection of human rights’ (AIPA, *GA Resolution on Strengthening Democracy, Promotion, and Protection of Human Rights*). The Resolution also affirms its commitment to equal rights of women and to women’s participation and representation in parliament and calls on AIPA’s members to work for a democracy that is ‘based on freely expressed will of the people through open, transparent, free and fair elections to choose their own representatives’.

The Women Parliamentarians of AIPA (WAIPA) was formed in 1988 as a branch of AIPA that aims primarily to enhance participation and representation of women within AIPA and to increase representation of women in parliaments in ASEAN countries. It holds an annual meeting alongside that of the AIPA General Assembly. WAIPA has prepared and discussed thematic studies on the particular role of women parliamentarians on such topics as the Millennium Development Goals, the environment, increasing women’s participation in politics, and recently on mainstreaming gender in lawmaking.

A change of name from AIPO to AIPA (ASEAN Inter-Parliamentary Assembly) during the 27th AIPO General Assembly in Cebu City, the Philippines, in 2006 was an offshoot of an initiative for the establishment of an ASEAN parliament. First proposed in 1980 by the Philippines, the idea for a regional assembly was revived when ASEAN brought forward the goal of regional integration to 2015. The Assembly, however, considered an ASEAN parliament to be a ‘long term goal’ and the more immediate priority being to steer AIPA into closer inter-parliamentary cooperation (AIPA, ‘Background and History: From AIPO to AIPA’). As a result of this meeting, the AIPA Statute was approved on 17 April 2007. The Statute reflects the desire to turn AIPA ‘into a more effective and closely integrated institution’ and to play a more effective role in the realization of ASEAN’s goals and those of its three pillars, the APSC, AEC and ASCC. (AIPA, *Statute*, 2007, Art. 2(2)) In the words of Secretary General Cuenco:

Times and visions have changed. The reforms we implemented in the AIPA organization are aimed at fulfilling our mission to serve as the bridge connecting the peoples of Southeast Asia. Thus at the very



core of AIPA is the desire to build a new architecture of cooperation with ASEAN which upholds the principles and norms enshrined in the ASEAN Charter and to support a people-centred ASEAN Community. (AIPA, *Keynote Address*, 8th Workshop of the Inter-Parliamentary Forum on Security Sector Governance in Southeast Asia (IPF-SSG), 19–20 June, Jakarta, Indonesia.)




Recognition and Complementarity between AIPA and ASEAN

The basis of the relationship between ASEAN and AIPA is defined in their respective charters. ASEAN and AIPA recognize each other in their constitutive instruments, which makes engagement and collaboration more feasible. The ASEAN Charter lists AIPA at the top of its ‘associated entities’ (Art. 16 (1) and Annex 2, ASEAN, *Charter*, 2008) and shows the importance it gives to the parliamentarians and their role in community building. For its part, AIPA explicitly recognizes ASEAN as a partner and includes a dedicated section in its Statute, under Chapter VIII, Article 17, on ‘Partnership With ASEAN’. It specifically provides for the establishment of ‘regular communication, interaction and consultation with ASEAN to ensure better coherence and cooperation between the ASEAN governments, the National Parliaments of ASEAN countries, and stakeholders in ASEAN, as well as to enhance relationship with ASEAN bodies’ (AIPA, *Statute*, Art. 17).

Gradual steps are being taken to establish firmer relations between ASEAN and AIPA and their officials and organs, and these could perhaps lead to an institutionalized relationship. Activities are being undertaken to establish trust and rapport among officials of AIPA and ASEAN, such as the recently concluded AIPA-ASEAN Secretariat Retreat in Lombok, Indonesia (Interview with AIPA Secretary General Antonio V. Cuenco, 29 September 2012). On 28 February 2009, the first informal meeting between AIPA leaders and ASEAN heads of state was held in Thailand. This led to opening up dialogue and cooperation between the two entities at the highest political level and initiated dialogue leading towards a strengthened relationship. Since then, meetings between AIPA and ASEAN leaders have been held each year during ASEAN’s summit meetings. AIPA had held dialogue or consultation sessions with ASEAN’s High Level Panel on the drafting of the ASEAN Charter and an ASEAN Human Rights Body. Initiatives to establish cooperation between the AIPA Secretariat and ASEAN Secretariat have been started that would see closer cooperation and the exchange of ideas and information. The executive retreat in Lombok was intended to discuss three key points for enhanced collaboration such as communication, consultation and cooperation (ASEAN, ‘Looking Forward to Better Cooperation and Closer Camaraderie between ASEAN and AIPA Secretariats’).


ASEAN’s drive towards regional integration has clearly spurred AIPA to be more visible and active. Since the adoption of its new statute in 2007, AIPA has slowly transformed itself from an annual social gathering of parliamentarians to an assembly of legislators expressing their commitment to work for the



realization of an integrated ASEAN (Interview with AIPA Secretary General Antonio V. Cuenco, 29 September 2012). It has begun to initiate various activities that tackle issues of common concern among ASEAN members with a view to engaging with ASEAN and its organs. AIPA, through its study committees and various ad hoc committees, has organized meetings, seminars and workshops on a range of subjects such as common legislation on narcotics, drug abuse and rehabilitation, the feasibility of establishing an ASEAN legislative committee, human rights, the environment and wildlife protection, marine and coastal resources, enhancement of the AIPA Permanent Secretariat, ASEAN laws related to the implementation of an AFTA or ASEAN free trade area, ASEAN laws related to tourism and human resources development, the role of ASEAN legislative bodies in the face of economic and regional crisis, ASEAN cooperation on public health, the Millennium Development Goals and the role of women parliamentarians, migrant workers, and security sector governance.

The AIPA Caucus was formed in 2007 in order to accelerate effective legislative cooperation and harmonization in member countries. Among its principal tasks are to assist the Executive Committee in monitoring the implementation of AIPA resolutions; request submission of country or status reports from member countries; identify common legislative initiatives by assessing existing legal and constitutional frameworks; and identify and harmonize a list of laws in ASEAN to facilitate regional cooperation on enforcement (AIPA, *Terms of Reference of the AIPA Caucus*). The submission of country reports, not seen in ASEAN, is a bold initiative that can operate as a mechanism for encouragement or peer pressure to reform and harmonize laws and policies and to share best practices on subjects that affect the people in the region. Member parliaments have responded positively to submitting country reports on such study areas as the Millennium Development Goals (especially MDG 5, improving maternal health and reducing maternal mortality), combating illicit drugs, and the promotion and protection of migrant workers. On these matters AIPA cooperates with various United Nations agencies such as UN Women, the International Labour Organization, International Organization for Migration, United Nations Children's Fund and the UN Office on Drugs and Crime. Academics and experts have also been invited to provide their inputs on these subjects. The reports and papers presented in the seminars are published on the AIPA website.


The Caucus also undertakes to consult or seek assistance from international and national organizations and to establish working relationships with government and non-governmental organizations (NGOs) (AIPA, First AIPA Caucus, 26–29 April 2009, *Terms of Reference*, 2009, Sec. II (7 & 8)). The



theme of the 33rd AIPA General Assembly, ‘Strengthening the Parliamentary Role towards ASEAN Community 2015’, is a continuing reflection of AIPA’s desire to enhance its role and be a relevant entity in the regional process. The agenda topics of the Assembly clearly attempt to respond to pressing concerns faced by ASEAN. The draft agenda is distributed along six main agenda items: Political Matters, Economic Matters, Social Matters, WAIPA, Organizational Matters, and a Topic for Dialogue with Dialogue Partners, which includes such topics as a solution to the South China Sea dispute, enhancing regional efforts against money laundering, the creation of a green economy along with sustainable development, disaster management, and the participation of civil society in ASEAN community building (AIPA, *Draft Agenda Items*). AIPA’s evolving agenda reflects its intention to make available its knowledge, expertise and social capital and align it with the work of ASEAN’s three pillars, the AEC, APSC and ASCC.

Where ASEAN strictly adheres to the principle of sovereignty and non-intervention, AIPA has shown flexibility and openness in discussing a range of issues faced by ASEAN including disagreements among member countries. Visibly absent in its Statute is the principle of non-interference. Through its activities, AIPA has shown its determination to ‘study, discuss and suggest solutions to problems of common interest and express its views on such issues’ (AIPA, *Statute*, Art. 2.4). The AIPA Secretariat’s website and regular newsletter publish information and news about member countries’ political developments and issues. It also regularly features a wide array of opinions and articles written by individuals, NGOs, academics, the media and politicians expressing their views on ASEAN. For instance, it has featured an opinion article that expresses the view that despite its vision to become a ‘caring and sharing community’, ASEAN has fallen short of popular participation in its 45 years of existence (Ririhena, ‘ASEAN Should Enhance Efforts to Reach Out to Its People’).

While AIPA does not take an official stand on a member country’s issues or disputes, it does not shy away from printing the views or criticisms of one member against another. Some parliamentarians in their individual capacity expressed their views on Myanmar on the occasion of the AIPA General Assembly (see, for example, Israel, ‘Indonesia Calls for Release of Myanmar Democratic Leader’). AIPA has published letters from Cambodian and Thai parliamentarians over their border conflict (February and March 2011 Issue, *AIPA Newsletter*) and added the contentious South China Sea dispute to the agenda of the 33rd General Assembly held in September 2012 in Lombok, Indonesia. The plurality of background and orientation of AIPA’s members and the provision on decision-making by unanimous consensus, however,



makes it difficult to come to a decision, particularly when the issue demands action. This is one area that ASEAN and AIPA should re-examine in the light of pressing challenges in the region (Interview with AIPA Secretary General Antonio V. Cuenco, 29 September 2012).

AIPA thus complements ASEAN's vision of a caring and sharing community through its mandate and through activities that seek actively to engage with all stakeholders at the local and international level and to represent, discuss and respond to key issues faced by people in the region.




Emergence of Parallel Regional Inter-Parliamentary-Civil Society Initiatives

The long history of socialization of parliamentarians in the ASEAN region has also generated other initiatives of like-minded legislators to campaign actively for democratization, human rights and the rights of the marginalized. The ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC) and the ASEAN Inter-Parliamentary Caucus on Labour Migration networks were formed through interaction in AIPA and other informal gatherings by legislators, as well as through collaboration with civil society organizations in the region. They are not part of, nor sanctioned by, AIPA and have no existing working relationship with either AIPA or ASEAN.

AIPMC is an established network formed in 2004 of parliamentarians from Malaysia, Indonesia, Singapore, Thailand, the Philippines and Cambodia actively to call on Myanmar's military regime to restore freedom and democracy in the country. It has also taken up issues of trafficking and exploitation of migrant workers (Mizzima, 'ASEAN MPs on Migrant Labourer Inspection Tour'). AIPMC has a platform of active and open advocacy that has allowed it to cooperate with civil society groups and enabled it to enhance its voice and influence on regional affairs. Through its website and other public spaces and media, it has issued statements, press releases and information about the developments in Myanmar and harnessed the support of a broad ideological range of parliamentarians in the region.

Because members participate in their own individual capacity and without the strictures of their organizational affiliations, AIPMC has shown greater flexibility in engaging in active promotion of democracy in Myanmar. Unlike AIPA, it operates as an advocacy and pressure group in ASEAN. It has openly questioned ASEAN's position on non-interference and called for a more proactive regional organization (AIPMC, 'AIPMC on ASEAN's Non-interference'). It had successfully campaigned in ASEAN to disallow Myanmar from taking up its turn in chairing the organization in 2006 and called for the unconditional release of Aung San Suu Kyi and other political prisoners. It continues to demand a legitimate and inclusive national assembly in Myanmar and better respect for human rights, particularly those of marginalized ethnic groups. The parliamentarians who make up AIPMC come from both ruling and opposition parties.

As a loose network of parliamentarians, AIPMC's structure consists of a President, five vice-presidents, a secretary and senior advisers. Its current President is Eva Kusuma Sundari, a member of Parliament (MP) from the



Indonesian DPR and member of the Democratic Party for Struggle. She took over the position from Kraisak Choonhavan, a parliamentarian belonging to the Thai opposition Democrat Party. AIPMC has representative offices in Kuala Lumpur, Malaysia and Jakarta, Indonesia. Clearly, AIPMC has a proactive agenda in promoting democratization at the country level, at least in the case of Myanmar. The leadership composition of the AIPMC is attached (Appendix B).

The ASEAN Inter-Parliamentary Caucus on Labour Migration was formed as a parallel event to the AIPA General Assembly in Phnom Penh, Cambodia, in 2011 to discuss issues on rights protection to migrant workers, particularly the provision of social security for migrant workers and their families (Linn, 'Burma: AIPMC Declares Its New Leadership Configuration'). It is part of a broader Asian-wide parliamentary-civil society cooperative body on migrant workers, the Asian Inter-Parliamentary Caucus on Labour Migration (the Caucus), formed by a Resolution of 17 September 2011 by a gathering of parliamentarians, civil society and trade union groups coming from Cambodia, Indonesia, Laos, the Philippines, Vietnam, India, Nepal, and Malaysia (AIPA, *Parallel Event: ASEAN Inter-Parliamentary Caucus on Labour Migration*). It aims to promote the causes of migrant workers in national parliaments in ASEAN and South Asian countries. The administrative work of the Caucus is performed by Migrant Forum Asia, a regional network of NGOs, trade unions and individual advocates working for migrant workers' rights.

The emergence of these parallel inter-parliamentary initiatives in the region reflects the importance of open and inclusive collaboration in order to effectively address issues that have critical and wide-ranging impact in the region as a whole. The AIPMC and the Caucus serve as an informal venue for parliamentarian-civil society cooperation in influencing ASEAN's agenda and thus fill a gap in regional representation, participation and discussion.




The Role of AIPA in ASEAN Community Building: Future Directions and Policy Recommendations

AIPA shares ASEAN's vision of a people-centred community and goes further in demanding democratization of regional governance. It sees itself as the legitimate representatives of ASEAN peoples, playing a more direct and active role in community building. AIPA's development is a reflection of increasing maturity and capacity of national parliamentary assemblies in the region in articulating the will and interests of their constituencies. This represents a big leap from the early years of ASEAN when, under authoritarian regimes, national assemblies were regarded as mere appendages of the executive. ASEAN is no longer perceived as purely a leaders' club (Emmerson, 2005: 173), and this signifies a growing space, as well as demand, for other stakeholders to be part of the ASEAN process. ASEAN parliamentarians are now demanding a voice in the regional process, a domain which has been traditionally the preserve of executive officials.

There is no doubt that both ASEAN and AIPA acknowledge the necessity of participation and collaboration of parliamentarians if the envisaged ASEAN Community is to be realized. ASEAN's major bottleneck in the implementation of regional integration measures is in the slow ratification of agreements by member countries, particularly of ASEAN Economic Community agreements (ASEAN, *Annual Report 2009-2010*, p. 41). ASEAN can obviously benefit from AIPA's participation in ironing out concerns or issues and speeding up the process of ratification. AIPA has shown its enthusiasm in becoming a part of ASEAN and all its activities have been geared to that purpose. The formation of the AIPA Caucus and intensification of its studies on a range of subjects are intended to provide meaningful inputs in the work of ASEAN. The studies and country reports that AIPA has made on a range of subjects could certainly be fed into the work of various councils, committees or commissions of ASEAN but exactly where and in what way are questions that need answers. What is lacking at the moment is a concrete bridge to connect AIPA and ASEAN and their organs, so that robust collaboration can be established.

The extent to which AIPA wishes to cooperate, and in what capacity, are key questions that AIPA and ASEAN need to resolve in moving forward if a bridge is to be built between the two entities. AIPA has partly answered these questions by declaring that the establishment of an ASEAN Parliament or Assembly is a long-term goal. This means that both AIPA and ASEAN would establish a working relationship based on the current framework, where AIPA




is a separate, independent entity. There is, however, a seeming disparity in how ASEAN and AIPA regard each other: to AIPA, ASEAN is a ‘partner’, while to ASEAN, AIPA is only an ‘associated entity’. Implicit in this terminology are elements of equality and hierarchy. And, as the current working relationship between the two regional organizations shows, it is more reflective of ad hoc consultation than active collaboration.

Within the ranks of national parliamentarians, there is an increasing call to enhance the status of AIPA vis-à-vis ASEAN. Muhammad Hidayat Nur Wahid, Chair of the Indonesian House of Representatives, remarked that there is a need to remind AIPA that it is the most important partner of ASEAN and that AIPA, as an inter-regional, inter-governmental organization, should enjoy a higher status than other organizations accredited or associated with ASEAN (AIPA, *Newsletter*, August 2010: 1–2). Secretary General Cuenco also expresses the opinion that AIPA should be ‘upgraded in ASEAN’s view’ so that AIPA is not seen as a mere adjunct of ASEAN (Interview with AIPA Secretary General Antonio V. Cuenco, 29 September 2012). The slow pace of ratification of the ASEAN Charter by the Indonesian Parliament underscores the growing assertiveness of national parliamentarians in having a ‘voice’ in their country’s foreign policy (Ruland, 2009: 381–8): in this case on regional instruments and policies that may have significant impact on people’s lives. As an intergovernmental organization, ASEAN lacks a regional oversight mechanism that could keep a check on its actions and policies or demand accountability of regional leaders and officials.

There are advantages, however, to AIPA’s independence that could potentially act as an effective countervailing function to ASEAN. Firstly, AIPA is not overly constrained by the principle of non-intervention that has prevented ASEAN from taking a critical stand toward a member’s internal practices and policies, particularly those that contravene basic values of democracy, good governance and human rights. Secondly, while it adopts the policy of decision-making by consensus, AIPA does not seem to be too tied to the culture of the ‘ASEAN Way’, which on many occasions has prevented ASEAN from taking more decisive action on critical issues. AIPA has so far shown some flexibility and openness to diversity in members’ views and has expressly declared its willingness to work with state and non-state actors. Working from the outside should enable AIPA to provide fresher perspectives and inputs than those of ASEAN, and perhaps contribute to shaping its agenda.


Despite the limitations of the current framework for cooperation between ASEAN and AIPA, there is no legal impediment to transcending the ad hoc consultation status that prevails between the two organizations. What is



needed is a more pragmatic and innovative engagement. ‘AIPA and ASEAN require a relationship that is visionary, intensive, cooperative and effective’, past AIPA President Marzukie Alie has stated (AIPA, *Newsletter*, June 2011: 1). There are current negotiations, however, to explore the possibility of amending the charters of both organizations to give AIPA a more prominent role in ASEAN (Interview with AIPA Secretary General Antonio V. Cuenco, 29 September 2012). Given the current legal framework and pending the negotiations between AIPA and ASEAN, I see the possibility of vesting AIPA with formal ‘advisory’ status and a technical working relationship that would allow AIPA to provide systematic and regular input to ASEAN’s three pillars as well as to the various commissions such as the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of Women and Children (ACWC). This could lay the groundwork for future deeper collaboration and familiarize AIPA and ASEAN officials and staff in the institutional functioning of their organizations.

There exist regional organizations in Europe, Africa and South America on whose experiences ASEAN could draw in exploring the form and function of AIPA, either through its current institutional form or through the platform of a formal regional assembly. Similar to ASEAN, MERCOSUR maintains its intergovernmental character yet has seen the necessity of having a regional assembly, the Parlamento del Mercosur, in its regional architecture to represent the people in the region. The Parlamento performs a variety of functions such as to ensure the democratic system and processes in member countries, prepare an annual report on the human rights situation, request information for written reports or opinions from MERCOSUR organs, prepare opinions on all projects requiring MERCOSUR legislative approval, prepare studies and draft national standards for possible harmonization of national legislation in member countries, receive and examine matters brought to its attention by states parties, individuals or corporations related to acts or omissions by MERCOSUR organs, and to approve the budget of the Consejo del Mercado Común, or Common Market Council (MERCOSUR, *Competencias*).


By contrast, the parliament of ECOWAS (the Economic Community of West African States) operates in a more supranational environment and performs a formal consultative function by delivering opinions on matters concerning the ECOWAS Community. Apart from delivering various opinions and recommendations to many ECOWAS institutions, the ECOWAS Parliament also reports having brokered peace processes in Liberia, Sierra Leone and Guinea (Magbagbeola and Onoja, 2008: 2–3). Initiatives are now under way



to transform the ECOWAS Parliament into a regional assembly with effective legislative powers (ECOWAS, *ECOWAS Parliament First Ordinary Session*).


What is needed at this time is to firm up the working relationship between AIPA and ASEAN. This could be done by drawing up terms of reference or an agreement stating the objectives of cooperation and prescribing the rules of procedure and engagement. This is within ASEAN's framework and falls within the responsibility of the ASEAN Committee of Permanent Representatives and Secretary General (ASEAN, *Charter*, Art. 16) and is one of the stated principal purposes of AIPA. There should be some degree of institutionalization of this relationship if effective collaboration is to be achieved. This would involve identifying and establishing a mode of institutional cooperation between organs of ASEAN and AIPA and creating channels of regular communication. The ongoing Secretariat-to-Secretariat meetings between AIPA and ASEAN should examine operational issues of cooperation. Establishing a working relationship between the two as the first level of cooperation should provide a testing ground and an opportunity to learn for their officials and professional staff. At the higher political level, the meeting between the AIPA leadership and ASEAN heads of state should become a regular feature of ASEAN summits, not only for the symbolic purpose of acknowledging the peoples' representatives but also for building trust and rapport. In any case, parliamentarians and state leaders are not entirely strangers to each other. The same should be done in AIPA's General Assembly. The 33rd AIPA General Assembly had two ASEAN heads of state attending, President Susilo Bambang Yudhono of Indonesia and Prime Minister Hun Sen of Cambodia.

There are key issues, however, for AIPA itself to resolve in order to enhance its status and relationship with ASEAN. Foremost is the question of its capacity and consequent sustainability to take up a more demanding role in ASEAN. It has a very lean and simple organizational structure in which most of its committees or study groups exist on an ad hoc basis. Membership is also almost temporary, since parliamentarians are by nature routinely elected or not elected during elections. Strengthening its current Secretariat, which is currently staffed by seven people including the Secretary General and President, is a priority. The number of professional staff should be increased and their capacity to coordinate with ASEAN strengthened. Funding is also a major constraint for AIPA if it wishes to take up a major role in ASEAN (Interview with AIPA Secretary General Antonio V. Cuenco, 29 September 2012). ASEAN itself has made robust strides in recent years in building its organs and creating a stable framework through which its various entities can work together effectively. Certainly, AIPA as the newer evolving organization could learn from ASEAN.



An equally important question relates to AIPA's substantive capacity for inclusive representation and participation. There is no question as to AIPA's standing as a body that represents the peoples of the ASEAN countries; this is guaranteed by virtue of its members belonging to their national parliaments. How inclusive this representation is remains to be seen, given the wide diversity in the political and governance practices of member countries. AIPA has called for broader representation and participation in ASEAN including effective engagement with civil society. Perhaps AIPA could lead by example in having more inclusive representation in its membership from both the ruling and non-ruling parties, and by encouraging more women parliamentarian members of AIPA. There are no guidelines in AIPA to date as to how parliamentarians are chosen by their national parliaments to become AIPA members. A truly representative AIPA should at least reflect the proportionate composition of national parliaments in its membership. Only a truly representative AIPA can fulfil an honest oversight function of ASEAN and its actions. But whether AIPA will perform an oversight function in ASEAN is a question that AIPA also needs to resolve.

AIPA may also need to enhance its deliberative capacity. A democratic deliberative process should include both the capacity to receive and deliberate on a plurality of interests and views and the capacity for participation of the represented or affected sectors in the process (Fishkin, 2009). While direct participation may not always be feasible, the capacity to take into consideration and be responsive to the needs of marginalized sectors in ASEAN member states is an important aspect of the legitimacy of a representative and inclusive assembly. AIPA has shown openness to the differences in the views of its members and those of some members of the broader public and international organizations. It needs to show more, however, in terms of its own engagement with various civil society organizations in the region and in taking up the needs of the marginalized. Its recent Resolution to strengthen the capacities of the AIPA Secretariat to promote civil society participation in ASEAN community building is a positive step that should also increase civil society input and participation in AIPA's activities (AIPA, *33rd General Assembly Draft Resolution on Encouraging ASEAN Member State to Actualize the Initiated Concepts on Enhancing Public Awareness and Promoting Participation of Civil Society in ASEAN Community Building*). Likewise, it may be necessary for AIPA to create its own mechanism and modalities for engaging with civil society organizations either in the General Assembly or in its various commissions, study groups and fact-finding missions or through the holding of regular public discussions and forums.



Should AIPA decide to take a more permanent role in ASEAN, it may need to reconsider what some of its member countries are proposing: the establishment of an ASEAN Parliament. There are various modalities and models that AIPA can learn from in other regional parliaments in Europe, Africa and the Americas. An equally critical consideration for this change is ASEAN's willingness and preparedness to accommodate an institutionalized role for a regional parliament.




Conclusion

The ASEAN Inter-Parliamentary Assembly presents untapped potential to assist ASEAN in accelerating community building and contribute to its democratic credentials. AIPA has existed in parallel with ASEAN but has remained largely on the sidelines owing in part to its status as a separate and independent organization. There is increasing recognition on the part of AIPA and ASEAN of the necessity to strengthen their relationship and cooperation. However, there is likewise a need to re-examine the existing basis of the relationship and the capacity required to develop a more effective mode of engagement.

AIPA wants a voice in ASEAN community building, and ASEAN acknowledges that it should have one. The mutual recognition of this necessity from both entities means that there is a more enhanced and visible role for parliamentarians in ASEAN and thus improved prospects for more inclusive representation, participation and deliberation in regional governance and decision-making. The current legal frameworks in ASEAN and AIPA have their limitations in that AIPA is not in a position to play a formal legislative and oversight function in the ASEAN Community. There is no impediment, however, from moving beyond the current ad hoc and informal consultative relationship into a more robust and effective collaboration.

AIPA's role in the ASEAN community can go beyond the mere symbolic act of representing the ASEAN people, so that ASEAN can claim proper democratic legitimacy. Through more diverse membership, AIPA has shown openness and flexibility in discussing differences of interests and contentious issues affecting the peoples of ASEAN and has called on effective participation of civil society in the regional process. Inherent, however, in this plurality and diversity in ideologies and practices among member countries and parliaments lies the challenge of how AIPA can promote and uphold representative democracy in each of the member countries and thus be a genuine pillar of democracy in ASEAN community building.

AIPA has shown its potential to contribute significantly in the work of the three community pillars of ASEAN as well as in the various commissions through its role in speeding up ratification of ASEAN agreements, identifying priority areas for legal harmonization, conducting thematic studies and fact-finding missions, providing advice on issues affecting ASEAN and its members, and facilitating engagement among various state and non-state actors at the national and regional levels. From other existing regional parliaments such as the MERCUSOR Parlamento and the ECOWAS Parliament, as well as




from the parallel inter-parliamentary networks in the region, AIPA can learn how it can play an enhanced and more effective role in performing a range of advisory, oversight and deliberative functions.

For AIPA to fulfil its enhanced role in the ASEAN Community, the current challenge lies in resolving both its practical and its substantive capacities, rather than in the perception of disparity in the status of relationship between AIPA and ASEAN. Practical considerations refer to AIPA's own institutional capacity and the establishment of institutional linkages between AIPA and ASEAN. AIPA's substantive challenge pertains to how it can be a genuine peoples' representative in ASEAN and how it can likewise embody the values of inclusive participation and deliberation in its practices in both (regional and national processes).



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Acronyms and Abbreviations

ACWC	ASEAN Commission on the Promotion and Protection of Women and Children
AEC	ASEAN Economic Community
AIFOCOM	AIPA Fact-Finding Committee
AIHCR	ASEAN Intergovernmental Commission on Human Rights
AIPA	ASEAN Inter-Parliamentary Assembly
AIPMC	ASEAN Inter-Parliamentary Myanmar Caucus
AIPO	ASEAN Inter-Parliamentary Organization
APM	ASEAN Parliamentary Meeting
APSC	ASEAN Political and Security Community
ASCC	ASEAN Socio-Cultural Community
ASEAN	Association of Southeast Asian Nations
AU	African Union
DPR	Dewan Perwakilan Rakyat (Indonesia)
ECOWAS	Economic Community of West African States
EU	European Union
MERCOSUR	Mercado Común del Sur (Southern Common Market)
MP	member of Parliament
NGO	non-governmental organization
UNODC	United Nations Office on Drugs and Crime
WAIPA	Women Parliamentarians of AIPA

Appendix A: AIPA Member Countries

ASEAN Member Parliaments	Year - Full Membership	Head of Delegation	Title of Head of Delegation
Brunei Darussalam—Majlis Mesyuarat Negara (Legislative Council)	2009	HE Pehin Dato Haji Awang Isa bin Pehin Haji Awang Ibrahim	Speaker of the Legislative Council
Cambodia—Rathasaphea (National Assembly) and Prithasaphea (Senate)	1999	HE Samdech Akka Moha Ponhea Chakrei Heng Samrin	President of the National Assembly
Indonesia—Dewan Perwakilan Rakyat (House of Representatives)	1977	HE Marzuki Alie	Speaker of the House of Representatives
Laos—Sapha Hengsat (National Assembly)	1997	HE Mrs. Pany Yathotou	President of the National Assembly
Malaysia—Dewan Rakyat (House of Representatives) and Dewan Negara (Senate)	1977	HE Tan Sri Datuk Pandikar Amin bin Haji Mulia	Speaker of the House of Representatives
		HE Tan Sri Dato Seri Dr Abdul Hamid Pawanteh	President of the Senate
Myanmar—Pyidaundsu Hluttaw: Pyithu Hluttaw (Lower House) and Amyotha Hluttaw (Upper House)	2011	HE Khin Aung Myint	Speaker of bicameral legislature
		HE Thura U Shwe Mann	Speaker of the House of Representatives
Philippines—Kongreso (House of Representatives) and Senado (Senate)	1977	HE Feliciano R Belmonte	Speaker of the House of Representatives
		HE Juan Ponce Enrile	President of the Senate
Singapore—Parliament	1977	HE Michael Palmer	Speaker of Parliament
Thailand—Rathasapha (National Assembly)	1977	HE Somsak Kiatsuranont	Speaker of the House of Representatives
Vietnam	1995	HE Nguyen Sinh Hung	President of the National Assembly

Source: 'AIPA Member Countries', <<http://www.aipasecretariat.org/about/directory/member-countries/>>; and AIPA, *Statute*, 2007

Appendix B: AIPMC Network

Position	Name	Country
President	Eva Kusuma Sundari	Indonesia
Vice-presidents	Charles Chong	Singapore Caucus
	Son Chhay	Cambodia Caucus
	Lorenzo Tanada	Philippines Caucus
	Lim Kit Siang	Malaysia Caucus
	Kraisak Choonhavan	Thailand Caucus
Secretary	Teresa Kok	Malaysia
Senior advisers	Loretta Ann Rosales	Philippines
	Wan Azizah Wan Ismail	Malaysia
	Nursyahbani Katjasungkana	Indonesia
	Djoko Susilo	Indonesia