

PROTOCOL
AMENDING THE AGREEMENT ON THE
ESTABLISHMENT OF THE ASEAN SECRETARIAT
MANILA, 22 JULY 1992

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

DESIRING to amend the Agreement on the Establishment of the ASEAN Secretariat in order to enable the restructuring of the ASEAN Secretariat in accordance with the Singapore Declaration of 1992:

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Article 2 of the Agreement shall be amended to read as follows:

"ARTICLE 2

Composition

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

ARTICLE 2

Article 3 of the Agreement shall be amended to read as follows:

"ARTICLE 3

SECRETARY-GENERAL

Appointment

1. The Secretary-General, who shall be accorded Ministerial status, shall be selected by the ASEAN Ministerial Meeting and appointed by the Heads of Government on the basis of merit. The tenure of office shall be 5 years, provided that the Heads of Government, upon recommendation of the ASEAN Ministerial Meeting, may extend the term of the appointment.

Functions and Powers

2. The Secretary-General shall:

- (1) be responsible to the Heads of Government Meeting and to all Meetings of ASEAN Ministers when they are in session and to the Chairman of the Standing Committee at all other times.
- (2) take charge of the Secretariat and be responsible for the discharge of all the duties and responsibilities entrusted to the Secretary-General by the Heads of Government Meeting, the ASEAN Ministerial Meeting and the Standing Committee.

- (3) have the authority to address communications directly to the Contracting Parties.
- (4) initiate, advise, co-ordinate and implement ASEAN activities.
 - a) develop and provide the regional perspective on subjects and issues before ASEAN.
 - b) prepare the ASEAN 3 year Plan of Co-operation for submission to appropriate ASEAN Bodies and final approval by the Heads of Governments.
 - c) monitor the implementation of the approved ASEAN 3-year Plan and submit recommendations as and when necessary to the ASEAN Standing Committee.
 - d) conduct, and collaborate in, research activities and convene meetings of officials and experts as required.
 - e) plan, programme, coordinate, harmonize and manage all approved technical co-operation activities.
- (5)
 - a) serve as spokesman and representative of ASEAN on all matters, in the absence of any decision to the contrary in respect of a specific subject by the Chairman of the Standing Committee.
 - b) conduct consultations with the Contracting Parties, the private sector, the Non-Governmental Organizations and other constituencies of ASEAN.

- c) coordinate ASEAN dialogues with international and regional organizations and with any dialogue country that may be assigned to him.
- (6)
- a) be in attendance at all Heads of Government Meetings.
 - b) be the Secretary to all the Meetings of ASEAN Ministers.
 - c) address the ASEAN Ministerial Meeting on all aspects of regional co-operation and offer assessments and recommendations on ASEAN's external relations.
 - d) participate in and provide technical support to all Meetings of the Standing Committee and chair, on behalf of the Chairman of the ASEAN Ministerial Meeting, all Meetings of the Standing Committee except the first and last.
 - e) to participate and provide technical support for the ASEAN Economic Ministers' Meeting
 - f) participate and provide the technical support for the Senior Officials Meeting, the Senior Economic Officials Meeting, other ASEAN Committees, and the Chairmen of task forces and working groups set up within the framework of ASEAN as necessary.
 - g) attend, or designate representatives to attend and participate as a member in the Meetings of all ASEAN Committees and other similar bodies.

- h) monitor the implementation of the Agreement on the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area (AFTA), serve as a member of, and provide support to the Ministerial-level Council set up to supervise, coordinate and review the implementation of the ASEAN Free Trade Area.
- (7)
 - a) ensure that the ASEAN Committees and other similar bodies are informed of the directives of the Standing Committee and on relevant current developments in the activities of ASEAN;
 - b) act as the channel for formal communications between:
 - (i) ASEAN Committees, and other ASEAN bodies and the Standing Committee; and
 - (ii) the Secretariat and other international organizations and Governments.
- (8) administer funds established for ASEAN co-operation.
- (9) ensure organizational discipline in the Secretariat and have authority to recruit, terminate or promote staff under the provisions of this Agreement and such other Rules and Regulations as may hereafter come into effect.
- (10) exercise the administrative and financial powers vested in the Secretary-General under the provisions of this Agreement and such other Rules and Regulations as may hereafter come into effect.

- (11) prepare the Annual Budget Estimates of the Secretariat for the approval of the ASEAN Ministerial Meeting.
- (12) act as custodian of all ASEAN documents.
- (13) be responsible for the Secretariat's security.
- (14) prepare an Annual Report for submission to the ASEAN Ministerial Meeting.

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 3

Article 4 of the Agreement shall be amended to read as follows:

"ARTICLE 4

STAFF OF SECRETARIAT

Composition and Appointment

1. The Openly Recruited Professional Staff of the Secretariat shall comprise of:

- a) a Deputy Secretary-General
 - b) four Bureau Directors
 - c) eleven Assistant Directors
 - d) eight Senior officers
 - e) any additional Openly Recruited Professional Staff as the ASEAN Ministerial Meeting may deem necessary.
2. The Deputy Secretary-General shall be appointed by the Secretary-General, following open recruitment and selection by a panel, comprising of representatives of the Contracting Parties, under the Chairmanship of the Secretary-General. The tenure of office shall be three years provided that the Secretary-General may extend the term of the appointment for a period not exceeding three years. The Deputy Secretary-General shall be accorded a rank which will be equivalent to Minister or Minister-Counsellor or equivalent rank.
3. The Bureau Directors shall be accorded a rank which will be equivalent to the rank of Counsellor, the Assistant Directors shall be accorded a rank equivalent to the rank of First Secretary and the Senior Officers shall be accorded a rank equivalent to the rank of Second Secretary. They shall be appointed by the Secretary-General through open recruitment. The tenure of office shall be for an initial period of up to three years. The Secretary-General can approve an extension not exceeding three years on the basis of efficient and effective performance as well as the provisions of this Agreement and such other Rules and Regulations as may hereafter come into effect.
4. The principal considerations in such appointments, through open recruitment, shall be the highest standards of professional efficiency, competence, integrity and equitable distribution of posts among nationals of the Contracting Parties.

5. The Deputy Secretary-General, Bureau Directors and Assistant Directors who have acted in the capacities nominated by their respective Governments and approved by the Standing Committee prior to the entry into force of this Protocol shall continue to carry their respective post designations for the remaining tenure of their current appointments, provided that they also be subjected to such other Rules and Regulations as may hereafter come into effect following the restructuring as envisaged in this Protocol.
6. The functions and duties of all the Staff of the Secretariat shall be set out in the Position Descriptions to be prepared by the Secretary-General and approved by the Standing Committee."

ARTICLE 4

Article 5 of the Agreement shall be amended to read as follows:

"ARTICLE 5

DEPUTY SECRETARY-GENERAL AND BUREAU DIRECTORS

1. The Deputy Secretary-General shall:
 - a) assist the Secretary-General in the performance of the Secretary-General's duties;
 - b) identify strategies on issues requiring attention by the appropriate ASEAN bodies;
 - c) assume the functions of the Secretary-General in his absence, subject to the prior authorization by the Chairman of the Standing Committee;

- d) attend meetings upon the instruction of the Secretary-General;
- e) coordinate the research activities of the ASEAN Secretariat;
- f) handle matters pertaining to affiliated ASEAN Non-Governmental Organizations; and
- g) perform such other duties as directed by the Secretary-General.

2. The Bureau Directors shall within the purview of their respective responsibilities:

- a) manage and coordinate the activities of their respective Bureaus;
- b) monitor developments on ASEAN co-operation and activities within their respective purviews and keep the Office of the Secretary-General informed of the developments thereof to facilitate their respective areas of work;
- c) prepare briefs, papers and various reports on matters within their respective purviews for purposes of information, discussions and making recommendations;
- d) participate in ASEAN and other meetings and act as resource persons at relevant ASEAN meetings as decided by the Secretary-General;
- e) supervise and direct the work of the Assistant Directors and other staff of their respective Bureaus; and
- f) perform any other functions as directed by the Secretary-General.

3. The activities of ASEAN committees, and other ASEAN bodies in so far as they relate to the activities of the Bureaus referred to in paragraph 2 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 Deputy Secretary-General as Acting Secretary-General. If for any reason the Deputy Secretary-General could not act as Secretary-General, the Chairman of the Standing Committee shall appoint the most senior Bureau Director as Officer-in-Charge.
5. If for any reason the Deputy Secretary-General is unable temporarily to perform his functions, the Secretary-General shall appoint the most senior Bureau Director to act as Deputy Secretary-General."

ARTICLE 5

Article 7 of the Agreement shall be amended to read as follows:

"ARTICLE 7

SALARIES AND ALLOWANCES

The salaries and allowances of the Secretary-General, the Deputy Secretary-General, the Bureau Directors, the Assistant Directors, Senior Officers and such other Officers as the Standing Committee may deem necessary shall be determined by the ASEAN Ministerial Meeting which shall, from time to time, on the recommendation of the Secretary-General, review such salaries and allowances.

ARTICLE 6

Article 8 of the Agreement shall be amended to read as follows:

**"ARTICLE 8
STAFF REGULATIONS**

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

ARTICLE 7

1. This Protocol shall enter into force on 8 August 1992.
2. This Agreement shall be deposited with the Secretary-General of ASEAN, who shall likewise promptly furnish a certified copy thereof to each Member State.

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

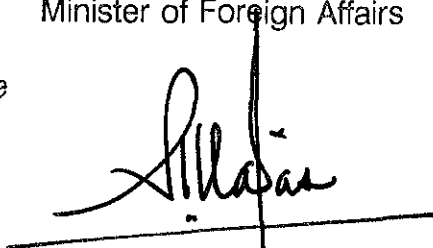
DONE at Manila, this Twenty-Second day of July, year One Thousand Nine Hundred and Ninety Two, in a single copy in the English language.

For the Government of
Brunei Darussalam:



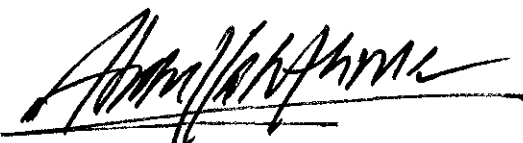
H.R.H. PRINCE MOHAMED BOLKIAH
Minister of Foreign Affairs

For the Government of the
Republic of Indonesia:




ALI ALATAS
Minister of Foreign Affairs

For the Government of Malaysia:




DATUK ABDULLAH AHMAD BADAWI
Minister of Foreign Affairs

For the Government of the
Republic of the Philippines:



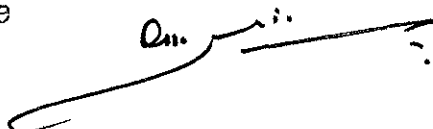
RAUL S. MANG LAPUS
Secretary of Foreign Affairs

For the Government of the
Republic of Singapore:



WONG KAN SENG
Minister of Foreign Affairs

For the Government of the
Kingdom of Thailand:



ARSA SARASIN
Minister of Foreign Affairs