



Constructive Engagement

Building a People-Oriented Community



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

One Vision, One Identity, One Community

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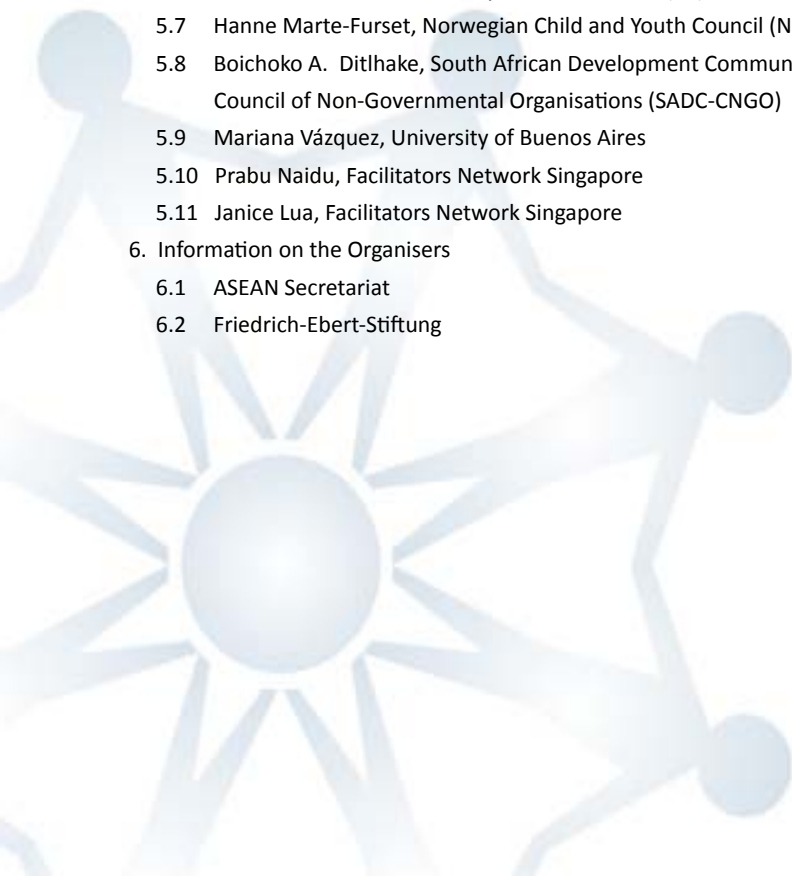
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Introduction

Introduction

1. Executive Summary

This Report summarises the proceedings of the ASEAN Secretariat (ASEC) Symposium on Methods of Stakeholder Engagement in Regional Organisations, which was held from 23 to 25 November 2009 in Jakarta, Indonesia.

In 2003, the ASEAN Leaders through the “Bali Concord” decided to establish an ASEAN Community by 2020, comprising three pillars – “Political and Security Community”, “Economic Community” and “Socio-Cultural Community”. In 2009, ASEAN reaffirmed this commitment and drew up a Roadmap with Blueprints for each of the three pillars outlining concrete actions to achieve this aim. The ASEAN Socio-Cultural Community (ASCC) Blueprint focuses on: (1) Human Development, (2) Social Welfare and Protection, (3) Social Justice and Rights, (4) Ensuring Environmental Sustainability, (5) Building ASEAN Identity and (6) Narrowing the Development Gap. To implement this Blueprint, an ASEAN Socio-Cultural Community Council (ASCC) was established with its first meeting held on 24 August 2009 to “generate wide participation of stakeholders and the peoples in building the ASEAN Community”.

There is no existing structured mechanism, process or method for the ASEAN Secretariat or ASEAN to regularly engage with stakeholders from civil society organisations (CSOs), academics, or other interest groups from ASEAN member countries. However, it is evident that ASEAN’s stakeholders can make important contributions to the community-building process, as the range of stakeholders working on the issues contained in the Blueprints for the ASEAN Community is very diverse. It is therefore timely and meaningful for ASEAN to develop a method for engagement that supports and assists the ASEAN governments to implement the three Community Blueprints and foster ASEAN integration.

With this in mind, the Secretary-General of ASEAN proposed a new conference on one of the three pillars of the ASEAN Community, the ASEAN Socio-Cultural Community. It would be the first forum of its kind to provide a platform to facilitate the wide participation of stakeholders in building the ASEAN Socio-Cultural Community. ASEC cooperated with the Friedrich-Ebert-Stiftung (FES), Office for Regional Cooperation in Asia, to provide support to the engagement processes



which could be applied at the ASEAN Secretariat's "First Socio-Cultural Community Forum" in the future. The Friedrich-Ebert-Stiftung has vast experience in facilitating such dialogues, having worked with governments, civil society representatives and other non-governmental entities in all ASEAN member states for many decades. Beyond this, FES, the largest German political foundation, has successfully worked with regional organisations in other parts of the world on the very issue of stakeholder involvement.

It was felt that sharing experiences and knowledge about similar processes in other regional organisations could contribute to the development of a unique ASEAN method to realise the ASEAN Secretariat's "First Socio-Cultural Community Forum" in the future. In order to realise these aims, the ASEAN Secretariat, in cooperation with the FES, invited international experts on stakeholder and civil society engagement in regional organisations and organised the brainstorming Symposium on Methods of Stakeholder Involvement in Regional Organisations from 23 to 25 November 2009. The Symposium involved leading representatives from ASEC, officials associated with the ASEAN Socio-cultural Community (ASCC) and relevant ASEAN bodies, universities and think-tanks, civil society and other national and regional stakeholders.

About ninety participants took part in the Symposium which used elements of the "Future Search" methodology, allowing a participatory and productive approach to the topic. The Symposium had five objectives: (1) to assess experiences with ASEAN stakeholders in the regional integration process; (2) to exchange views on practices in regional stakeholder dialogue within the socio-cultural sector from the European Union, NORDEN, South African Development Community (SADC) and MERCOSUR; (3) to outline basic features and elements for a structured dialogue of stakeholders at ASEC's "First Socio-Cultural Community Forum"; (4) to deliberate on a process in preparation, realisation and follow-up to develop a new participatory method to facilitate the exchange of ideas with CSOs which may contribute to the building of the (ASCC); and (5) to discuss an overall-topic (e.g. social safety-net, education) and a "Plan of Action" to implement the new structured dialogue with relevant stakeholders and ASEAN officials at the proposed Forum in 2010.

The Symposium enabled the officials from the ASEAN Member States, ASEC, and other stakeholders to learn about global practices in engagement with stakeholders that could develop into the First ASEAN Secretariat Socio-Cultural Community Forum.

The participants worked collectively to map the future and develop related action plans. The list of these initiatives is included in the body of this Report.

2. Foreword

The ASEAN Charter was signed on 20 November 2007 and entered into force on 15 December 2008. The document is a remarkable achievement for the region, for it signals the coming of age of the ASEAN Member States, reflecting their acceptance of a shared destiny and willingness to abide by common purposes and principles. The Charter is therefore a key guiding document for the region's future. Together with the Roadmap for the ASEAN Community (2009 to 2015) and the Initiative for ASEAN Integration (IAI) Strategic Framework (for the less developed countries in ASEAN, Cambodia, Lao PDR, Myanmar and Viet Nam), these documents spell out the direction that the ASEAN governments will take to build an ASEAN Community by 2015. They express the desire of the governments to work together to create a Community comprising three pillars, covering politics and security, economics, and socio-cultural issues.



The idea of the ASEAN Secretariat (ASEC) hosting the major conference on the three pillars of the ASEAN Community came about almost one year before the ASEC Symposium on Methods of Stakeholder Involvement in Regional Organisations, which was held from 23 to 25 November 2009. I had originally intended to hold an extended forum involving stakeholders to conceive ideas and projects, as well as to build regional networks to help implement ASEAN's key policies: the ASEAN Charter, Roadmap for the ASEAN Community and Initiative for ASEAN Integration (IAI) Strategic Framework. The major conference would be structured around issues covered in ASEAN's policies and involve a host of stakeholders, including ASEAN's Dialogue Partners, technical experts, academia, civil society, businesses, development and international organisations, philanthropic organisations, and the public. These stakeholders would possess different perspectives and expertise which could be useful in building the Community.

When I assumed office, the challenges confronting the ASEAN Secretariat became immediately apparent to me. I was mindful that the deadline for the achievement of the ASEAN Community is five years away. Member States have committed themselves to expressing the values contained in the Charter, Roadmap and IAI Strategic Framework, but the governments, are, by and large, still grappling with the details of how they will implement the vision. A key question for the ASEAN Secretariat is how it can support or facilitate the ASEAN

governments in achieving these goals for the ASEAN Peoples. With 260 or so staff at the Secretariat serving ten ASEAN countries, how well can the ASEAN Secretariat perform to assist the governments in implementing their vision of creating an ASEAN Community? Is the mandate of the ASEAN Secretariat sufficient to keep up with the work of the governments in implementing ASEAN's policies? How could the ASEAN Secretariat evolve to assist the Member States with this task, when the organisation has primarily been involved in servicing meetings, and has limited experience and expertise on the ground? How can ASEAN's stakeholders contribute to this process? Are the institutional and enforcement mechanisms sufficient for the task? Have we examined the funding requirements to support the task? How would we mobilise the Community, given the limited public understanding of what integration entails? What platforms would we need to enable rapid innovation to achieve our aims?

Unlike the ASEAN government agencies, the ASEAN Secretariat and the organs of ASEAN interact primarily with governments. Naturally, this exposure is limited, and while governments have the capacity and funding to evolve to accommodate its environment, the ASEAN Secretariat does not. In order for ASEAN to fulfil its obligations under the Roadmap, it will need to develop a regional and organisational capability to transcend the region's governments. Further, while the three Roadmaps cover the three pillars to implement the Community, there is a corresponding need to coordinate resources to create synergies across issues, and avoid overlaps in the allocation of national resources, and across bilateral and regional initiatives. I also noted the limited involvement of the private sector and other non-governmental actors in ASEAN integration. For example, most ASEAN policies are created by governments with minimal inputs from our stakeholders.

I had other concerns: The ASEAN Secretariat has an operational budget of around USD14 million, serving a population of 575 million people. This presents an enormous challenge to community-building, especially when considering that the only other comparable institution globally, the European Commission, possesses a budget of USD15 trillion to integrate its population of 490 million. ASEAN also relies heavily on foreign assistance programmes, which far exceed the contributions by ASEAN governments. To what extent could we transform our existing relationships with stakeholders, external partners, Dialogue Partners with ASEAN, donors, international organisations, the private sector and other non-governmental entities such as civil society organisations, the media, parliamentarians to create positive partnerships that could help us build this Community?

I was also aware that there are tremendous resources within the region that could be mobilised to build the ASEAN Community, but they remain largely untapped. For example, given that Viet Nam has one of the highest growth rates in the world, it would also possess the resources for ASEAN integration.

Similarly, the governments of Malaysia and Singapore have successfully mobilised its social enterprises to deliver positive social outcomes. However, in order for these activities to take place at the regional level, it would be necessary to create the necessary and important regional platforms to inspire and mobilise the private sector and other non-governmental entities to implement ASEAN's policies. These platforms would also provide the networks for creative collaborations to take place.

The ASEAN Secretariat staff then held several internal brainstorming sessions in May 2009 to gauge the level of interest in the idea, and our ability to support the creation of a major conference on the ASEAN Community. The second session was supported by the Friedrich-Ebert-Stiftung (FES) and the Economic Research Institute for ASEAN and East Asia (ERIA). The role of the ASEAN Secretariat has evolved since the entry into force of the ASEAN Charter, which enlarges the mandate of the Secretary-General. Two years later, the ASEAN Secretariat is still grappling with its new role and the demands of its stakeholders, while trying to develop the capacity and streamline the mechanisms to manage its new and expanded responsibilities. The brainstorming sessions exposed concern about the capacity of the ASEAN governments to support the new idea of the conference, as ideas had only been proposed by the states in the past. Of parallel concern was the possible overlap between existing government-led inter-sectoral platforms on each of the three pillars of the ASEAN Community.

I then decided to hold the Symposium to enable learning about practices and methods of stakeholder engagement from other regions, which could be constructive to the ASEAN region. These practices could then be applied to a Forum for one of the three pillars of the ASEAN Community, the Socio-Cultural Community. I sought the cooperation of the FES as they have vast experience on these issues throughout the world. I am convinced that governments and stakeholders alike have the same interest in the positive development of the region, and that governments will make full use of the contribution of its many stakeholders. All that remains is for us to create these platforms to realise the idea of the ASEAN Community and to summon our political will for the good of the region. I have proposed the idea of the major conferences to the ASEAN Heads of State and Government.

I am thankful for the support and cooperation of Dr Stefanie Elies of the Friedrich-Ebert-Stiftung (FES) for the Symposium on Methods of Stakeholder Involvement in Regional Organisations and the support of all participants in making the Symposium a success.

SURIN PITSUWAN
Secretary-General of ASEAN



Part I

Summaries of Addresses

Part I: Summaries of Addresses

1. Surin Pitsuwan, Secretary-General of ASEAN

The ASEAN Charter Heralds a New Direction

Dr Surin Pitsuwan, the Secretary-General of the Association of Southeast Asian Nations (ASEAN) presented a Welcome Address at the Symposium. In his speech, he emphasised the position of the civil society within the ASEAN region, especially against the backdrop of the development of the ASEAN Community and the ASEAN Charter.

Dr Surin Pitsuwan stressed that, “We are living under a contract. This contract is the ASEAN Charter – a social contract”. He added that as ASEAN moves to develop into a rules-based organisation, it will also develop more legal commitments and obligations.

Ownership and Stakeholder Involvement are Vital to the Community-Building Process

He observed that, “In order to build the ASEAN Community, the people of ASEAN must develop a sense of “ownership, participation, and the awareness that we [...] own this process and can shape this Community in our own image.” Further, he emphasised that it would not be possible to do this with the government alone. An ASEAN Community will only emerge when people recognise or accept their responsibility.

Dr Pitsuwan referred to the vital importance of stakeholder involvement and integration in inter-governmental cooperation processes. In addition, he stressed that it is crucial that ASEAN create its own distinct method for stakeholder and CSO engagement. In his opinion, ASEAN could learn from the experiences of other regional organisations, such as the EU, NORDEN, SADC and MERCOSUR, which were all represented at the Symposium.

He added that ASEAN was now playing on an international field where its leaders, people and processes are taken very seriously. He urged the ASEAN officials, the ASEAN Secretariat staff, and the regional CSOs to give their full stakeholders for the development of the ASEAN Community.



2. Mechai Viravaidya, Founder and Chairman Population and Community Development Association of Thailand

Four Aspirations for the People of ASEAN

Following this, Dr Mechai Viravaidya, Founder and Chairman of the Population and Community Development Association of Thailand, delivered the keynote address to the participants.

Aspirations 1 and 2: Eradicate Poverty and Create a New Philanthropic Environment

Dr Mechai attributed the host of social and community problems in ASEAN to the negative impact of poverty. He is of the opinion that the current welfare approach, where villages and NGOs depend on government handouts, does not empower the poor, and is ultimately unsustainable in the long run. He added that only when the problem of poverty is recognised and tackled through partnerships between villages, the private sector, civil society and governments, will collective action to address this social ill gain momentum.

He highlighted that poverty eradication must go hand-in-hand with the will to create a new philanthropic environment, where “we must begin to educate our people to share and be more philanthropic from an early age ... to create a new generation of young philanthropists”, and where people and companies see an ethical responsibility to help the less-fortunate people of ASEAN.

Aspiration 3: Launch a New Education System for the Poor

Dr Mechai emphasised that a related issue is the lack of educational opportunities for the poor. Education, he said, is the key to climbing out of the poverty trap, and excellent education is often denied to those who need it the most. For him a “revolutionary” educational opportunity for the poor, one created to impart to rural children all the necessary skills for becoming “good, honest, caring, happy, creative and resourceful citizens”, must be developed if the poverty cycle is to be broken. Dr Mechai presented some new ideas which his international organisation, the Population and Development International (PDI), had implemented, including a six-sided classroom model, where “there is no front of the class”. This is a learning process where the Internet and computers replace textbooks, where the students plan their curriculum by drawing mind-maps and are taught commercial skills that will enable them to become financially independent.

Aspiration 4: Achieve NGO Financial Sustainability

Lastly, Dr Mechai shared his aspiration for ASEAN, NGOs and CSOs to achieve financial sustainability. Although the NGO work is by nature “unprofitable”, the current NGO business model relied too heavily on donations and government grants. He believes that this welfare approach is not sustainable in the long run, as these traditional funding sources are insufficient to meet the growing needs and rising costs of CSOs. New and innovative ways of raising funds are required and new kinds of partnerships for ensuring CSO financial security without sacrificing the mission must be sought. He suggested redesigning existing programmes, private-sector partnerships, and creating a business or social enterprise branch of CSOs. He cited the example of the Carlsberg Foundation, which funds its philanthropic work with profits made from Carlsberg beer sales. The presentation was well-received.

3. Stefanie Elies, Director Friedrich-Ebert-Stiftung

Setting the Scene for Dialogues and Interaction

The Friedrich-Ebert-Stiftung, or FES, is the oldest and largest political foundation, founded in 1925 as a political legacy of Germany’s first democratically-elected president, Friedrich Ebert. From over 100 offices worldwide, 16 are situated in Asia and FES maintains offices and runs country programmes in nearly all ASEAN-member countries.

The Regional Office of FES, based in Singapore, works in close cooperation with the country offices in the region and supports:

- ASEAN cooperation and integration,
- Asia-Europe dialogue and partnership,
- ASEM process on issues of human security,
- Activities in ASEAN Member States where there are no FES offices: Cambodia, Myanmar, Lao PDR.

Among other objectives, FES sees its activities as a contribution to:

- promoting peace and understanding between peoples and inside its partner countries,
- promoting democracy and strengthening civil society,
- facilitating regional and worldwide cooperation between states and different interest groups.

These objectives characterise also FES’ work in other regions of the world, as the foundation is closely cooperating with other regional organisations, particularly the EU, MERCOSUR, and regional organisations in Africa.

Recent achievements of the ASEAN integration process and the manifestation of the commitment to establish an ASEAN Community as outlined in the ASEAN Charter and the Roadmap comprising three Blueprints are encouraging and provide new opportunities for engagement. While the question of whether there will be an integration process towards the establishment of the community pillars is answered and outlined in the Blueprints, the question of “how?” is still unanswered for some areas. One of the pre-conditions to achieve stakeholder involvement is building trust. This symposium was organised with the aim to contribute to this necessary but ambitious process. While procedures are in progress to design the way of interaction between CSOs and ASEAN, this Symposium wanted to focus on considering processes and methods for a future Socio-cultural Community forum.

When FES was asked to support this very much appreciated initiative by the ASEAN Secretariat, the aimed contribution was four-fold:

- to provide a platform for dialogue and exchange;
- to offer a protected space which allows for free discussions on important and maybe sensitive issues apart from the daily routine;
- to provide international expertise and facilitate an alternative approach, as well as to reflect own and other experiences; and
- to provide a facilitation method that allows a participatory way of interaction that is at the same time output-oriented.

Looking at the first two components, successfully gathering participants from various backgrounds at this Symposium is already an achievement in itself. Further, in order to provide the opportunity to share experiences on the methods of stakeholder involvement from other regional organisations in the world, there was the possibility to review the past experiences in ASEAN. The Singapore Institute for International Affairs was commissioned by FES to conduct a study on this, which was presented by Ms May-Ann Lim at the Symposium. Experts from the European Commission, the SADC-Council of Non-Governmental Organisations, one expert on Regional Integration of the MERCOSUR and a representative of a civil society roof organisation from NORDEN further added to the “food for thought” process. These presentations not only gave an overview on the different methods of stakeholder involvement but also provided useful insights on good practices as entry points for the discussions during the Symposium.

Returning to the question of “HOW?”, a method for constructive dialogue called the Future Search Method was used to help participants respect each other’s comfort zones. At the same time, it allowed for constructive dialogue in a roundtable setting. Participants were guided by two facilitators, Ms Janice Lua and Mr Prabu Naidu from the Facilitators Network Singapore, as well as by Dr Mechai Viravaidya, who agreed to chair the Symposium and help focus on the desired outcomes of the event.

After three days, participants jointly outlined some elements for an inclusive and constructive method of stakeholder involvement between CSOs and ASEAN, which in return could contribute to the First ASEAN Socio-Cultural Community Forum. It would be very desirable if such a forum would also be able to add to the building of a people-oriented ASEAN Community.

Willy Brandt, a German Social Democrat, Nobel Peace Laureate and fourth Chancellor to Germany once said: *“Our time gives us opportunities like no other time before – for better or worse. Nothing derives from itself. Therefore be mindful of your own strength and be aware that each time needs its own answers. And one has to be at the height of its times, to be able to do good.”*

I am glad that we found some answers and would like to thank all participants for the fruitful and constructive exchange. I would like to thank Dr Surin Pitsuwan, the Secretary-General of ASEAN, Dr Mechai Viravaidya, and the resource persons from the various regional organizations, who have shared their experiences with us. I would also like to thank the staff of the ASEAN Secretariat, especially Ms. Teh Lip Li of the Office of the Secretary-General for her cooperation in organizing this Symposium and the Report.



Part II

Summaries of Presentations

Part II: Summaries of Presentations

1. May-Ann Lim

Singapore Institute of International Affairs (SIIA)

The FES commissioned a background paper for the Symposium on the current state of engagement between ASEAN and CSOs, and the history of ASEAN and CSO engagement. This was presented by Ms May-Ann Lim from the Singapore Institute of International Affairs (SIIA).

A Multiplicity of Efforts and Pathways, and Contestation for Legitimacy

Ms Lim presented three pathways in which ASEAN-CSO engagement had evolved: Path 1, the top-down path from ASEAN, involving dialogues and committees between national government officials; Path 2, the ASEAN Associates path, such as feedback from the Track 2 process, especially the ASEAN People's Assembly (APA), and Path 3, the bottom-up path, by which CSOs themselves organised events such as the ASEAN Civil Society Conference.

There has been an increase in the number of initiatives and pathways in the last ten years of ASEAN's history, which has led to a multiplicity of efforts and intersecting pathways by which a contestation for legitimacy (in the eyes of the ASEAN and national authorities) has emerged.

Functional and Topical Engagement

Other ways in which the CSO community has engaged with ASEAN is through advocacy of topics, such as human rights, trans-boundary haze and environmental issues, nuclear safety and energy security, migrant worker rights and trade unions, youth engagement, as well as through ASEAN-related functional areas and during the drafting of the ASEAN Charter, and the ASCC Blueprint.

Three concluding observations can be made from the history of these interactions. Firstly, there is currently a proliferation of platforms for civil society. Secondly, there exists a tension over legitimacy among civil society groups. Lastly, the ASEAN mechanism currently does not or has not lived up to the ASEAN rhetoric.

Three questions for the future of ASEAN and stakeholder engagement were raised. Firstly, has ASEAN become more people-oriented as a result of these actions? Next, have the inputs from these gatherings resulted in any change in



ASEAN policies? Finally, have ASEAN and regional CSOs come to an agreement on an effective process or mechanism to facilitate engagement? Ms Lim noted that although the rationale for civil society engagement was not new, the platforms for engagement are still in their infancy, and there is a nascent movement from a national to ASEAN-level civil society engagement. She concluded that it was an appropriate time to discuss stakeholder involvement methods for ASEAN.

2. Misran Karmain

Association of Southeast Asian Nations (ASEAN)

Subsequently, the representatives of the three ASEAN communities, the ASEAN Deputy Secretary-General of the ASEAN Socio-Cultural Community, Dato' Misran Karmain, and officials from the ASEAN Secretariat presented their views on ASEAN's engagement with civil society. In doing so they stressed the need to uphold open and constructive dialogue to implement the ASEAN Community.

In his remarks, the Deputy Secretary-General for the ASEAN Socio-Cultural Community briefed the Symposium on his views on how the Symposium would allow all participants to share and learn from practices in other regional organisations, and help to further improve engagement with stakeholders. As ASEAN governments work towards building a people-centred ASEAN Community, it will need to expand its network of stakeholders.

He added that more than mere CSOs, stakeholders are people with interests or concern with a project or business. Stakeholders should therefore contribute to ASEAN's main goals and objectives. There is a need to find a *modus-operandus* to sustain a long-running and mutually rewarding relationship.

Dato' Misran Karmain quoted ASEAN Charter Article 1 "Purposes": "To promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in and benefit from, the process of ASEAN integration and community building". He added that an entire section in Chapter V of the ASEAN Charter is devoted to Entities Associated with ASEAN, which recognises and underlines the importance of stakeholder involvement in the community-building process. Moreover, he added that "ASEAN may engage with entities which support the ASEAN Charter; in particular, its purposes and principles". Rules of procedure and criteria for engagement shall be prescribed by the Committee of Permanent Representatives to ASEAN upon the recommendation of the Secretary-General of ASEAN.

Annex 2 of the Charter lists parliamentarians, business organisations, think tanks, CSOs and other stakeholders in ASEAN.

ASEAN is currently reviewing the existing "Guidelines on Engagement with Civil Society Organisations", which, in line with the ASEAN Charter, will be negotiated as the draft "Guidelines on Engagement with Entities Associated with ASEAN". The Guidelines on ASEAN's Relations with Civil Society Organisations were last amended at the 2nd Meeting of the 39th ASEAN Standing Committee (ASC), Jakarta, 18 - 19 January 2006. The 39th ASC adopted the above version of the Guidelines on 3 April 2006. These guidelines are available on the ASEAN website at <http://www.asean.org/18362.html>.

The Deputy Secretary-General added that the crucial questions for ASEAN are: "Which CSOs should ASEAN engage with?", and "How to deal with the issue of human rights?".

He added that ASEAN-CSO cooperation has only just begun and is still evolving, and both sides are still gaining familiarity with each other. There are many questions to address, such as "Can we establish *constructive* dialogues? Do we share *mutual interest*? Can we establish *trust*? Can we go beyond dialogues and *work in partnership* to serve the people. How can we better synergise interest while maintaining our independence?", etc.

Moreover, ASEAN born as an inter-governmental organisation was not equipped with mechanisms to collaborate with CSOs. He noted that this is the time to explore and develop the mechanisms for such engagement.

Officials from ASEAN Socio-Cultural Community are already engaging CSOs in various ways. Dato' Karmain cited several examples of ASEAN's engagement with CSOs:

- A Malaysian-based Global Environment Centre is assisting the ASEAN Secretariat as the regional project executing agency for the USD4.3 million GEF/IFAD Projects on Peatlands through policy dialogue and consultation to implement projects and programmes at the sectoral body level. In the environment sector, an ASEAN CSOs Consultative Forum on Environmental Protection and Sustainable Development was held from 2 - 4 May 2007 in Kuala Lumpur, Malaysia. The Forum provided a platform for CSO representatives in ASEAN to exchange ideas on key environmental issues facing the region, share experiences and lessons learned, and to explore and develop mechanisms and modalities for more formal and regular interaction, collaboration and consultation among ASEAN national CSOs, and between CSOs and the ASEAN Environmental bodies on promoting environmental protection and sustainable development.
- The education and youth sector is engaging with the leading universities in ASEAN, the Southeast Asian Ministers of Education Organisation (SEAMEO) and its centres, and the various youth councils.

- Through technical cooperation for example, a consortium of CSOs, such as World Vision, Oxfam, Mercy Malaysia and Save the Children, contributed to the recovery and reconstruction of Myanmar following Cyclone Nargis in 2007.

A number of other officials from the ASEAN Secretariat added that engagement on functional or sectoral issues develops more easily than engagement on political issues. Therefore, there is room for the institutionalisation of platforms of engagement with CSOs on sectoral issues. They also added that while the ASEAN Secretariat staff support engagement with civil society, they believe it is important for CSOs to select entry points that are realistic and practical. It may also not be important for civil society representatives to attend high-level ASEAN meetings when seeking engagement. For example, civil society representatives could seek engagement with lower-level officials who work directly on the issues. They also reminded participants that ASEAN governments avoid conflicts and work by consensus in the “ASEAN Way”.

Four experts presented different models for stakeholder engagement in other regional organisations. During these presentations, participants of the Symposium were asked to note evidence of (1) Inclusiveness, (2) Constructiveness, and (3) Possible Practices for Frameworks for Civil Society Engagement.¹

3. Frank Siebern-Thomas European Commission (EC)

Frank Siebern-Thomas, Head of Sector Social Dialogue and Industrial Relations at the Directorate-General for Employment, European Commission (EC), explained several methods for stakeholder involvement in the EU and exemplified the European Social Dialogue. He stated that relative to ASEAN, the EC had a comparative advantage in developing its CSO engagement methods as the EU possesses the legal authority as a supranational entity. Its member states are obliged to adhere to the EU’s principles. There are strong European institutions (such as the EU Parliament, Council, Court of Justice etc) which promote engagement, and many actors are involved in civil society discourse, including business and industry associations and lobby groups, social partners such as employer and labour unions, non-government partners, think tanks and academia, as well as other partner countries.

¹ The papers provided by the speakers are available in the Appendix.

Some methods and examples of stakeholder engagement from the EU include:

1. *Meetings and information exchanges* through direct contact, invitations to policy committees, regular, institutionalised meetings at the summit or ministerial level, and other ad-hoc meetings with the EC;
2. *Open and public consultations of “interested parties”*, including paper or online consultations (such as “Your Voice”), targeted consultations, and expert groups on specific topic areas such as trade and climate change and human rights;
3. *Regular, targeted, thematic stakeholder fora*;
4. *Roundtables with stakeholders and third countries*;
5. *Institutionalised consultative bodies* (within the EU Treaty, Article 11), which mandate that the EU’s institutions will provide platforms for open, transparent and regular dialogue and consultations with civil society; and
6. *European Citizens’ Initiative*, where ground-up proposals from EU citizens may be considered by the EU for implementation.

In general, the EC views CSOs as a vital bridge between the EU, member states, and EU citizens. Based on an EU Treaty obligation, the EC has a stakeholder system which increases the capacities of all participants (the CSOs, member states, as well as the EC itself) to deepen the integration within the EU.

4. Hanne Marte-Furset Norwegian Child and Youth Council (NORDEN)

Hanne Marte-Furset from the International Department of the Norwegian Child and Youth Council (LNU) gave a presentation on the NORDEN’s model of civil society engagement. The NORDEN model is driven by the region’s desire to strengthen itself as a bloc, and works with two main cooperation structures: the Nordic Council and the Nordic Council of Ministers. Both structures work with the principle of consensus-seeking to develop common initiatives for the benefit of the Nordic population.

One unique aspect of NORDEN is its tradition of organising free time especially in the aspect of civil society participation. With a 4.8 million population, the NORDEN region is home to over 300 national CSOs. CSOs are viewed as a repository for accurate research and knowledge, and play a role in providing information to increase civic participation, identifying and providing solutions to social problems, communicating through the media, and influencing the policy process through its input.

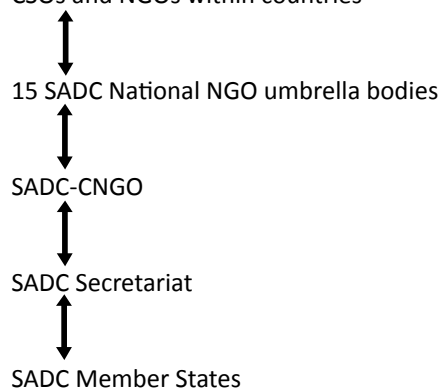
The LNU is one of the region's largest CSOs, and comprises only of youth aged between 13 and 30. Its methods of communication include formal channels, such as hearings, research and reference groups, and informal channels, including lobbying information, campaigns, and alliance-building mechanisms. Ms Furset gave an example of good practices where a reference group and open meetings between NORDEN states and CSOs have led to a United Nations (UN) Youth delegation from NORDEN being formed, where they participate and negotiate youth-related resolutions as an officially-recognised UN youth delegation.

5. Boichoko A. Dithlake

South African Development Community Council of Non-Governmental Organisations (SADC-CNGO)

Boichoko A. Dithlake from Botswana, the Executive Director of the South African Development Community (SADC) Council of Non-Governmental Organisations (CNGO) gave a presentation of SADC-NGO's framework of stakeholder engagement. The SADC-CNGO is the apex body of all national NGOs in the 15 SADC bodies. It has also signed a Memorandum of Understanding with the SADC Secretariat, which has helped to improve the communication between CNGO and SADC. The work of CNGO has also helped to facilitate the engagement between NGOs and the SADC Secretariat, and member states.

The structure of the engagement process may be illustrated as follows:
CSOs and NGOs within countries



Dithlake also shared his experiences on the challenges that SADC-CNGO has encountered. Despite their well-intentioned programmes in stakeholder engagement, the CNGO continues to experience issues such as restrictive legislation and limited freedoms, increasing suspicion between CSOs and national governments, uneven development in the civil society sectors between SADC nations, and the lack of implementation of action plans.

In closing, Mr Dithlake commended the ASEAN Secretariat for its initiative in organising a conference to discuss stakeholder engagement mechanisms, but cautioned that member states would need to support this initiative at the national level. It is also necessary to develop coordination within the civil society. He encouraged the CSOs to take advantage of the emerging possibilities of engagement in ASEAN and with the ASEAN Secretariat.

6. Mariana Vázquez

University of Buenos Aires

Mariana Vázquez, University of Buenos Aires, presented an account of the political economy of civil society engagement in the *Mercado Común del Sur* (MERCOSUR) region. She noted that despite the existence of two formal frameworks (the Asunción Treaty and the Ouro Preto Protocol) for stakeholder engagement, MERCOSUR is mainly a market-oriented institution, which will experience enormous challenges as the region develops. One of the core issues facing MERCOSUR is the fact that the most civil society engagement through the Economic and Social Consultative Forum, or *Foro Consultivo Económico y Social* (FCES), is consultative in nature, and the meeting does not possess decision-making or implementation powers.

Ms Vázquez highlighted three areas of deficiency in the MERCOSUR stakeholder engagement process through the FCES: the lack of accountability, transparency and a regional vision, which become a major stumbling block as all initiatives are inter-governmental.

Besides these challenges, she also mentioned two internal deficits of the FCES – participation rates were low, and tended to cluster around national sections instead of even participation throughout countries.

However, she also mentioned the progress that had been made – social summits have been held involving the civil society, and a successful regional-identity campaign had been underway for some time.



Future Search Method

Future Search Method

Looking to the Past and Mapping Our Future²

Following the presentations, the facilitators of the Symposium explained the “Future Search” Method to participants. Elements of this method were used for the next sessions. The facilitators provided a background of the rest of the Symposium’s proceedings, and explained that all participants would be taken through five steps to help map the future of ASEAN and stakeholder engagements.



Participants were asked to adhere to five norms throughout the Symposium:

1. keep an open mind, and recognise that there is not only one right solution;
2. respect everyone and do not judge;
3. keep eyes turned towards the future (instead of the past);
4. seek positive outcomes; and
5. trust and enjoy the process.

Participants were asked to contribute to four main sections of the proceedings:³

Section of Proceedings:	Tasks for Participants:
Part 1: Exploring the Past	Provide an overview of past developments
Part 2: Understanding the Present	Analyse the present situation of CSOs in ASEAN
Part 3: Envisioning the Future	Provide an outlook for possible cooperation in the future
Part 4: Planning for Action	Plan for the future

² Future Search is the name for a 3-day planning meeting that enables people to cooperate in complex situations, including those of high conflict and uncertainty. Started by Marvin Weisbord and Sandra Janoff, Future Search functions to help people collaborate despite differences of culture, class, gender, age, race, ethnicity, language, and education. The method has been employed in communities, schools, hospitals, churches, government agencies, foundations and NGOs. Four principles underlie a successful Future Search: 1. Getting the “whole system in the room” 2. Exploring all aspects of a system before trying to fix any part 3. Putting common ground and future action front and centre, treating problems and conflicts as information, not action items. 4. Having people accept responsibility for their own work, conclusions, and action plans.

³ Important note: The explanation of the Future Search methodology was conducted in the evening on the first day, and then elaborated by the facilitators on the second day of the Symposium. However, the actual conduct of the method began on the first day with the presentations. This report puts the presentations in the context of the Future Search method.



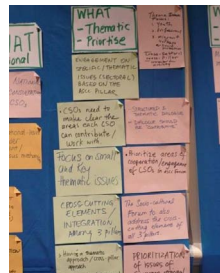
Part 1: Exploring the Past

The next part of the Symposium was the joint recollection of the “best” and “worst” practices in ASEAN’s civil society engagement. Using cards and stickers, the facilitators arranged the contributions of the participants on a large timeline or “history wall”, illustrating the shared understanding of the region’s collective past.

The exercise was one which enabled all participants to have a “bird’s eye view” of how ASEAN (as an institution) was developing in tandem with its increased desire to have better forms of civic discourse. “Prouds” moments were points of positive affirmation for all involved, and looking at the “Sorries” mounted on the wall helped to foster a desire to do better.

Part 2: Understanding the Present

In addition to the “history wall”, participants were asked to recall their notes taken during the presentations, particularly on how the case studies could provide key insights into how ASEAN could develop (1) Stakeholder Inclusiveness, (2) Stakeholder Constructiveness and (3) Possible Practices for Frameworks for Civil Society Engagement. These notes were then mapped onto a matrix which grouped the suggestions into interest areas.



Ten major priorities of the stakeholder-delegates emerged (in no order of importance):

- A prioritised, thematic dialogue format;
- Clarity in operationalising the ASCC Blueprint;
- The need/desire for a national-level dialogue or consultative process;
- Co-ownership of the leadership process for engagement;
- Selection criteria of CSO representation (on any platform) and
- Selection criteria of CSO representatives (such as issue experts);
- Institutionalisation of the engagement process and mechanisms, including developing legal frameworks and endorsement from ASEAN leadership;
- Appropriate timing of engagement process (in avoiding media grandstanding by either party);
- The development of a CSO structure (similar to SADC-CNGO);
- The need for increased communication and public education on ASEAN and its agendas.

The detailed list of the interest areas is attached in the Appendix.

Through this process of refining and defining the areas of improvement, the participants continually used the examples as common ground to develop ASEAN methods of constructive CSO engagement.

Part 3: Envisioning the Future

After developing an understanding of ASEAN’s past and present methods and challenges to stakeholder engagement, participants were brought to the third stage of the Future Search, where they were asked to envision their “Ideal Future Scenario (2015)”, describing what they see, hear, read and feel about ASEAN-CSO engagement, especially with regard to the ASCC.



Participants expressed these ideas on flip charts, and presented their visions in their groups through performances, describing key accomplishments, programmes, policies, and structures. They also cited possible challenges and triumphs that their ideal “future scenario” would entail.

Participants were then asked to envision specific projects in their areas of interest that could help to realise their ideal futures, especially projects which could cut across other interest areas which had been presented by other groups. These projects were then grouped into four categories:

- Group A1 Projects that have a leader at the table to make it happen
- Group A2 Projects that have a leader among ALL participants to make it happen
- Group B Projects that have people interested but NO leader
- Group C Projects that do not have people in the room who can lead or be part of it

These projects were used to form the basis for developing working groups in the final section of the Symposium. The working groups mapped out action plans, owned by the participants at the Symposium. The participants proposed 20 projects. The complete list of projects is shown in the Appendix.

Part 4: Planning for Action

During the final lap of the Symposium, the participants discussed the projects and developed plans of actions. The List of Proposed Projects and Action Plans is attached in the appendix.

Of the plans proposed, they were further mapped into a matrix to illustrate the scope and timeline of the proposed projects. The matrix mapped stakeholder engagement level (direct or indirect) against those applicable in 2010 or beyond.



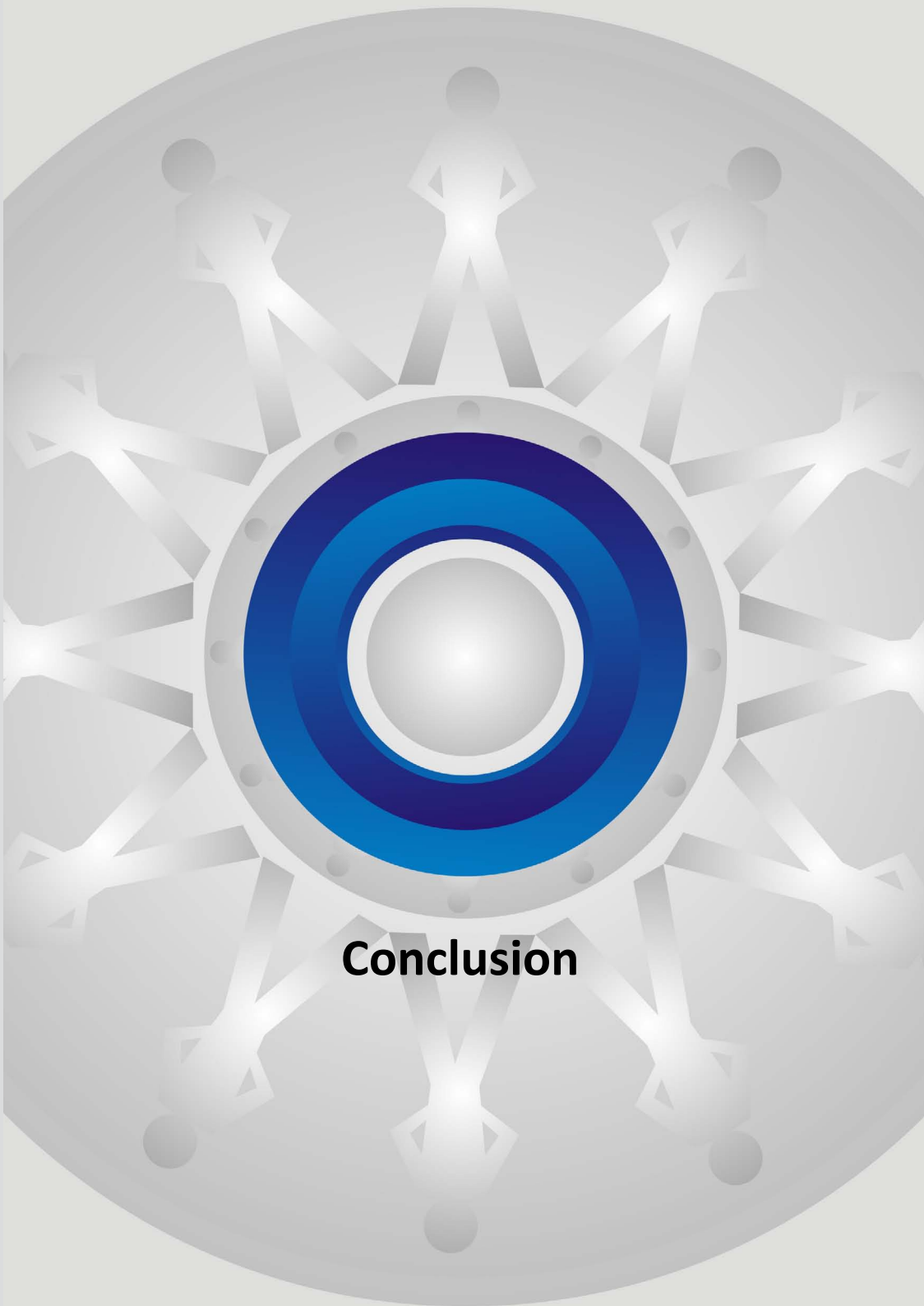
The participants proposed 10 initiatives:

1. The Establishment of an ASEAN Civil Society Council;
2. The Development of the Terms of Reference (TOR) for the ASCC Forum in 2010;
3. The Establishment of National, Regional and Thematic CSO processes (such as conferences and other fora on ASEAN issues and engagement);
4. The Mapping of the CSO landscape [in ASEAN];
5. Creation of an ASEAN-CSO Committee between CSOs and National Ministries of Foreign Affairs;
6. Training CSOs on ASEAN Community Pillars (Development of Community Pillar Champions);
7. Operationalising of Regional Human Rights Mechanisms – Alignment and Strengthening (5 year plan);
8. Creation and Implementation of a “We Are ASEAN” campaign between 2010 and 2015;
9. Development of the ASEAN Development Corps (similar to Peace Corps); and
10. Creation and Development of Publicity Materials for Education and Training on Democracy, Human Rights and Participation.

Each of these project groups then developed project plans, estimated budgets, timelines and deliverables, and included team members from the participants interested in each initiative. The projects were designed for independent implementation by the participants.

In the concluding session, all participants exchanged views on their experiences including their “hopes for the future”, their “relationships with other participants”, as well as any highlights or “wows”. Most of the participants expressed their hope for the future, but acknowledged that many challenges lay ahead.

In conclusion, Dr Stefanie Elies, of the FES, and Dr Anish Roy, of ASEC, thanked all participants for contributing to the “unique historical success” of the Symposium.



Conclusion

Conclusion



The ASEAN Secretariat (ASEC) Symposium on Methods of Stakeholder Engagement in Regional Organisations concluded with a positive outlook. Officials from the ASEAN Member States, the ASEAN Secretariat and the civil society acknowledged that despite the challenges the ASEAN governments and civil society representatives had experienced in the past, all parties share the vision of creating an ASEAN Community.

The presentations by the representatives of the various regional organisations revealed the existence of engagement practices that may be applied to the ASEAN region. These presentations also helped the participants to realise that the ASEAN region can learn from the experiences of other regions, particularly in the organisation of their national and regional processes. The stakeholders further learned that it may be more constructive to seek engagement with the ASEAN governments at a functional or sectoral level, and not only on major political or ASEAN-wide issues. They also gathered that while other regional organisations had succeeded in developing highly sophisticated engagement processes and institutionalising the engagement process, there were other regions that admire ASEAN's achievements in regional cooperation. The participants acknowledged that stakeholders can offer experiences to help to implement ASEAN's policies; as well as offer important insights that ASEAN governments can use to create or improve regional policies. The stakeholders and participants identified champions for the project ideas, and expressed their readiness to develop the initiatives they had collectively proposed.

The implementation of some of the project ideas is likely to be challenging, such as the creation of formal linkages between the CSOs and governments; the development of a five-year plan to operationalise and strengthen regional human rights mechanisms; and the creation of an ASEAN-CSO Committee between CSOs and national Ministries of Foreign Affairs.




However, the Symposium revealed the convergence of ideas and the mutual recognition of the different responsibilities stakeholders have in creating the ASEAN Community. The landscape of stakeholders is also very diverse and they bring a wide variety of expertise and experience to the process. There are many more thousands of stakeholders who have not yet engaged with the ASEAN governments, and who are not yet conscious of what regional integration entails. As the Community matures in the spirit of the ASEAN Charter, the Roadmap of the ASEAN Community and the Initiative for ASEAN Integration (IAI) Strategic Framework, and the mandate given by the ASEAN Leaders, both governmental and non-governmental stakeholders share the same interest in making progress along the same path.

Since the conclusion of this Symposium, Dr Surin Pitsuwan, the Secretary-General of ASEAN, has proposed the idea of the First ASEAN Secretariat ASEAN Socio-Cultural Community (ASCC) Forum in 2010 to the ASEAN Leaders. Some CSOs have developed closer relationships with the ASEAN Secretariat and ASEAN Member States, sharing information and developing trust. Others acknowledge the need to work together to establish platforms like an ASEAN Civil Society Council, establish national, regional and thematic CSO processes; commission studies to map the legislative landscape for CSOs in ASEAN; train CSOs on the ASEAN Community; and develop publicity materials for education and training on democracy, human rights and participation.

The organisers are confident that the champions of these project ideas will work hard to bring them into fruition, and hope to have the opportunity to work together again.





Appendices

Appendices

1. Papers on Methods of Stakeholder Involvement in Regional Organisations

1.1 Simon Tay and May-Ann Lim Singapore Institute of International Affairs (SIIA)

“Assessment and Overview: ASEAN and Regional Involvement of Civil Society”

November 2009

Introduction

Institutional engagement between ASEAN and civil society (CS) should be a two-way street. Engagement must be seen as both a desirable and necessary process by ASEAN as well as by civil society actors. It is only when both parties are willing and able to approach the other in a collaborative environment will a successful partnership emerge.

This assessment and overview of ASEAN and regional involvement of civil society will focus more closely on developments in ASEAN-CS engagements over the last ten years, and aims to cover a number of areas. In particular, it will discuss developments involving the pillar of ASEAN Socio-Cultural Community (ASCC), the third pillar of the ASEAN Community.

In the first part of this paper, the history of ASEAN’s engagement with civil society will be reviewed, looking at existing avenues and areas of involvement. This will include discussion on the structure of ASEAN, and its capacity to handle civil society engagement. The second part of this paper will consider particular areas of engagement in which functional or issue-based civil society organisations have had with ASEAN. The third and concluding part of the paper will provide a policy analysis of the current ASEAN and regional involvement of civil society, and make observations which may be used to frame a discussion on stakeholder involvement methods for ASEAN.

ASEAN: A Brief Introduction

ASEAN was established in 1967 by five governments: Indonesia, Malaysia, Philippines, Singapore, and Thailand. Subsequent expansion has included



Brunei Darussalam, Vietnam, Laos, Myanmar and Cambodia, bringing the membership to 10⁴. The Association's Declaration (the Bangkok Declaration⁵) includes the following goals: regional economic growth, social progress and cultural development, regional peace and stability, the promotion of collaboration and assistance between nations, and functioning as a regional grouping by which member nations may engage other existing international and regional organisations as a bloc⁶.

ASEAN Vision 2020, ASEAN Community & the Three Pillars

In 1997, a proposal for "ASEAN as a concert of Southeast Asian nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring societies" was affirmed in the ASEAN Vision 2020 statement. In 2003, ASEAN leaders signed the Bali Concord (II), which mooted the creation of an ASEAN Community by 2015, built upon three pillars: political and security cooperation, economic cooperation, and socio-cultural cooperation⁷. This development occurred in tandem with the drafting of the ASEAN Charter, which entered into force on 15 Dec 2008. The ASEAN Charter is a document that aims to help achieve the goal of creating an ASEAN Community by "providing legal status and institutional framework for ASEAN... it also codifies ASEAN norms, rules and values; sets clear targets for ASEAN; and presents accountability and compliance."⁸

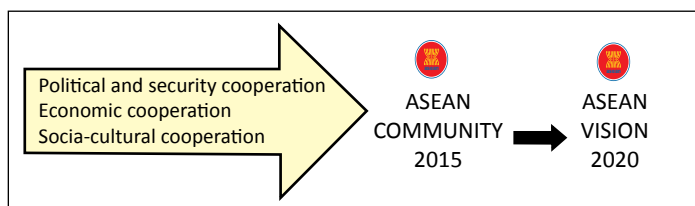


Figure 1: The Three Pillars of the ASEAN Community

In early 2009, ASEAN reaffirmed its commitment to developing the ASEAN Community through the creation of blueprints for each of the three Community Pillars⁹. This paper will focus its attention on the ASEAN Socio-Cultural Cooperation (ASCC) pillar in its assessment and review ASEAN's regional involvement in the civil society within the last ten years.

⁴ ASEAN Secretariat. (n.d.) ASEAN Overview. Retrieved 9 Nov 2009 from http://www.aseansec.org/about_ASEAN.html

⁵ ASEAN Secretariat. (8 Aug 1967). The ASEAN Declaration (Bangkok Declaration). Retrieved 9 Nov 2009 from <http://www.aseansec.org/1212.htm>

⁶ op. cit.

⁷ ASEAN Secretariat. (7 Oct 2003). Declaration of ASEAN Accord II (Bali Concord II) Retrieved 12 Nov 2009 from <http://www.aseansec.org/15159.htm>

⁸ ASEAN Secretariat (n.d.) ASEAN Overview. Retrieved 9 Nov 2009 from http://www.aseansec.org/about_ASEAN.html

⁹ ASEAN Secretariat. (April 2009). Roadmap for an ASEAN Community 2009 - 2015. Retrieved 29 Oct 2009 from <http://www.aseansec.org/publications/RoadmapASEANCommunity.pdf>

The ASEAN Socio-Cultural Community (ASCC) Blueprint¹⁰

The ASCC Blueprint narrows the focus of the region's socio-cultural development into six arenas: (a) Human Development; (b) Social Welfare and Protection; (c) Social Justice and Rights; (d) Ensuring Environmental Sustainability (e) Building the ASEAN Identity; and (f) Narrowing the Development Gap.

Of particular interest is Section E, which presents plans for building the ASEAN community through the promotion of "greater awareness and common values in the spirit of unity in diversity at all levels of society." The actions listed under Section E4, "Engagement with the community" declares its aim to "build a people-oriented ASEAN where people are at the centre of community building, through the participation of all sectors of society." Concrete implementation plans listed include the engagement of ASEAN-affiliated NGOs, as well as convening the ASEAN Social Forum (ASF) and the ASEAN Civil Society Conference (ACSC) on an annual basis.

Rationale for Civil Society Engagement

Despite these recent plans for civil society engagement, the rationale behind it traces its roots back to the original 1967 ASEAN Declaration (Bangkok Declaration), which states that it "represents the collective will of the nations of South-East Asia to bind themselves together in friendship and cooperation"¹¹. This idea eventually developed into the concept of a "people-oriented ASEAN", the ASEAN Charter of 2007.

Article 1.13 reads that one of the purposes of ASEAN was "to promote a **people-oriented ASEAN** in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building" (emphasis author's.) A media release by ASEAN on the Charter signing on 20 Nov 2007 noted the institutional decision to increase in participatory decision-making in the region, and declared that "ASEAN is moving from being State-centric to be more people-oriented¹²." The suggestion of increased civil society engagement is also supported in the ASCC Blueprint, which underlines its communication with the "involvement by all stakeholders in the integration process."

¹⁰ ibid.

¹¹ ASEAN Secretariat. (8 Aug 1967). The ASEAN Declaration. Retrieved 9 November from <http://www.aseansec.org/1212.htm>

¹² ASEAN Secretariat. (20 November 2007). ASEAN Leaders Sign ASEAN Charter. Retrieved 29 Nov 2009 from <http://www.aseansec.org/21085.htm>

The establishment of these plans by ASEAN also coincided with the maturing of the civil society space. A number of competing pathways to engage ASEAN emerged in the early 2000s, which also gave rise to greater calls from the public and the media calling for ASEAN to “listen more” to its civil society¹³. A core question facing ASEAN and civil society today is – do the current modes of CS engagement match the rhetoric of ASEAN’s “people-oriented” policy¹⁴?

History of ASEAN and Civil Society Engagement: 1967-2000

ASEAN spent the first three decades following its establishment in 1967 focused on developing the Association’s economic agenda. ASEAN engaged a number of economic actors within the region in the development of this economic agenda¹⁵ that, in some ways, can be seen as a precursor for engaging non state actors. ASEAN’s economic agenda eventually led to the formation of the ASEAN Chambers of Commerce (ASEAN-CCI) in 1972¹⁶. The ASEAN-CCI eventually went on to play a role in aiding ASEAN’s economic regionalism efforts¹⁷, particularly in the creation of the ASEAN Free Trade Area (AFTA)¹⁸. Ideally, ASEAN governments recognised early on, this process was bottom-up, driven by the business sector and their related networks.

In 1977, the Parliaments of the then ASEAN member states also took a step forward. They organised the ASEAN Interparliamentary Organisation (AIPO). This allowed Members of Parliament to engage more across borders. The MPs, while mostly elected, did not belong to governments and included those from opposition parties.

The third type of non-state actors which engaged with ASEAN during the early years of its formation was from the academic and think tank world. The most notable of these is the ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS). The network of think tanks was established in 1983¹⁹, and is formally registered with ASEAN²⁰. Like ASEAN itself, this network of regional

think tanks began with: the Centre for Strategic and International Studies (CSIS) in Jakarta, Indonesia; the Institute of Strategic and International Studies (ISIS) Malaysia; the Institute for Strategic and Development Studies (ISDS) in Philippines, the Singapore Institute of International Affairs (SIIA) and the Institute of Security and International Studies (ISIS Thailand). It has since expanded to include the Brunei Darussalam Institute of Policy and Strategic Studies (BDIPSS); the Cambodian Institute for Cooperation and Peace (CICP); the Institute of Foreign Affairs (IFA) of Laos, and the Diplomatic Academy of Vietnam (DAV), which was formerly known as the Institute for International Relations (IIR)²¹. A think tank from Myanmar has been granted status as an observer.²²

ASEAN’s early engagement with its constituent community remained limited to these two sectors of business and think tanks. During the early decades of ASEAN’s development, many CSOs and NGOs did not see ASEAN as an institution worth engaging with. Typically, they viewed ASEAN as an “elitist organisation comprising exclusively diplomats and government officials²³”, and preferred instead to focus their lobby efforts on their local governments.²⁴ Otherwise, they bypassed ASEAN altogether by engaging in international and multilateral organisations such as the United Nations (UN), the World Bank (WB), the International Monetary Fund (IMF), and the World Trade Organisation (WTO)²⁵.

Another reason for the very limited civil society engagement in the first three decades of ASEAN’s history was also because the founding nations of ASEAN were “mainly authoritarian states that did not look kindly on NGOs”. From this history, some explain the “residual hesitancy” that ASEAN governments have towards engaging in the democratised sphere of civil society²⁶.

¹³ Jakarta Post. ASEAN “must listen more” to grass roots. (9 Dec 2006). Retrieved 29 Oct 2009 from <http://pseudonymity.wordpress.com/2006/12/09/asean-must-listen-more-to-grass-roots>

¹⁴ There exists a debate on the nomenclature ASEAN chose to use: “people-oriented” versus “people-centred”. The outline for this argument can be read in Chandra’s (2009) *Civil Society in Search of an Alternative Regionalism in ASEAN*.

¹⁵ Chandra, Alexander C. (2009). *Southeast Asian Civil Society and the ASEAN Charter: The Way Forward*. Retrieved 29 Oct 2009 from http://www.asiasapa.org/index2.php?option=com_content&do_pdf=1&id=41

¹⁶ Hernandez, C. (2006). “Track Two and Regional Policy: The ASEAN ISIS in ASEAN Decision Making”, in H. Soesastro et al. eds., *Twenty Two Years of ASEAN ISIS: Origin, Evolution and Challenges of Track Two Diplomacy*. Jakarta: Centre for Strategic and International Studies, pp. 17- 30.

¹⁷ Collins, Alan. (2008). “A People-Oriented ASEAN: A Door Ajar or Closed for Civil Society Organisations?” in *Contemporary Southeast Asia* Vol. 30, No. 2 (2008), pp. 313 - 331.

¹⁸ op. cit.

¹⁹ The Myanmar Institute of Strategic and International Studies (Myanmar ISIS) is engaged in an observer capacity. Soesastro et al. (2006). “Introduction” in H. Soesastro et al. eds., *Twenty Two Years of ASEAN ISIS: Origin, Evolution and Challenges of Track Two Diplomacy*. Jakarta: Centre for Strategic and International Studies, p14.

²⁰ Hadi Soesastro, Clara Joewono and Carolina Hernandez provide an excellent history of the ASEAN ISIS Institutes in the introduction of “Twenty Two Years of ASEAN ISIS: Origin, Evolution and Challenges of Track Two Diplomacy”, published in 2006 by Indonesia’s Centre for Strategic and International Studies (CSIS Indonesia). Most of the narrative included here is derived from this chapter of the book.

²¹ ASEAN-ISIS. (2009). ASEAN Institute of Strategic and International Studies (ASEAN-ISIS). Retrieved 29 Oct 2009 from <http://www.siaonline.org/?q=node/2040>

²² The Myanmar Institute of Strategic and International Studies is an observer in this grouping, according to Hernandez. C. (2006) – see op. cit.

²³ ASEAN Secretariat. (2009). Report of the Eminent Persons Group on the ASEAN Charter. Retrieved 5 Nov 2009 from <http://www.aseansec.org/19247.pdf>

²⁴ Email interview with Dr Yeo Lay Hwee, Director of the EU Centre in Singapore and Senior Research Fellow at the Singapore Institute of International Affairs. 13 Nov 2009.

²⁵ Chandra, Alexander C. (2009). *Southeast Asian Civil Society and the ASEAN Charter: The Way Forward*. Retrieved 29 Oct 2009 from http://www.asiasapa.org/index2.php?option=com_content&do_pdf=1&id=41

²⁶ op. cit.

ASEAN and Civil Society Engagement: Three Pathways and Host Initiatives

As ASEAN began to seek an engagement with CSOs and vice-versa, there has been considerable confusion and indeed contestation over priority and legitimacy between different processes and meetings. In the following table, we try to schematically set out three different pathways that have emerged. This characterises the approaches from “top down” to “bottom up” and also notes some of the milestones and significant steps along each pathway (see Table 1.).

We also note the events – cutting across all three pathways – in which the ASEAN governments acting through the host of the ASEAN summit have sought to organise consultations with CSOs. These events were differently organised by the different host governments and with different partners.

Table 1: Three pathways of ASEAN and civil society engagement and their key components (chronologically)

Path 1 (Track 1) ASEAN Top-down Path	Path 2 (Track 2) ASEAN-Associates Path	Path 3 (Track 3) Bottom-up Path
1977 – development of the ASEAN Inter-Parliamentary Organisation (AIPO)		
	Nov 2000 – 1st ASEAN People’s Assembly (APA) in Batam, Indonesia Aug 2002 – 2nd APA in Bali, Indonesia Sep 2003 – 3rd APA in Manila, Philippines May 2005 – 4th APA in Manila, Philippines	
Dec 2005 – 1st ASEAN Civil Society Conference in Shah Alam, Malaysia, Dec 2005		
Eminent Persons Group (EPG)		
High Level Task Force (HLTF)	Dec 2006 – 5th APA in Manila, Philippines	Dec 2006 – 2nd Civil Society Conference in Cebu, Philippines
Oct 2007 – SIIA ASEAN Civil Society Conference in Singapore		
	Oct 2007 – 6th APA in Manila, Philippines	Nov 2007 – 3rd ASEAN Civil Society Conference in Singapore
1st ASEAN People’s Forum/4th ASEAN Civil Society Conference (Hua Hin, Thailand, Feb 2009)		
	Mar 2009 – 7th APA in Manila, Philippines	
2nd ASEAN People’s Forum/5th ASEAN Civil Society Conference (Cha-am, Thailand, Oct 2009)		

Path 1: The ASEAN Top-down Path

The first pathway that can be observed is the “official path” of top-down initiatives initiated by ASEAN, involving Track 1 activities and representatives appointed by ASEAN and governments. ASEAN activities populated this path, such as the development of the ASEAN Inter-Parliamentary Organisation/ Assembly (AIPO/AIPA), the Eminent Persons Group (EPG), and the High-Level Task Force (HLTF).

The ASEAN Inter-Parliamentary Assembly (AIPA) has its roots in the ASEAN Inter-Parliamentary Organisation (AIPO), which was formed on 2 September 1977. The creation of the AIPO was due to the realisation by ASEAN leaders that “the strength of ASEAN emanates from the roots of its societies”²⁷, and therefore greater participation amongst the leaders (as national representatives) was required if ASEAN was to achieve its original objectives. Its statutes were updated in 2007 to reflect the need for “more direct and active participation by the peoples of the ASEAN countries.”²⁸ It was during this time that it was also renamed the ASEAN Inter-Parliamentary Assembly (AIPA). Members of the AIPA are nominated by their own governments, and are members of their national parliaments. This is an example of the “official pathway” that ASEAN has cleared top-down, as a way for the “roots of its societies” – through its leaders – to engage in the ASEAN process.

The Eminent Persons Group (EPG)²⁹ was created at the 11th ASEAN Summit. In the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter on 12 December 2005, it was stated that ASEAN would create this group, comprising “highly distinguished and well respected citizens from ASEAN Member Countries, with the mandate to examine and provide practical recommendations on the directions and nature of the ASEAN Charter...” The EPG was to make recommendations, which the document promised to “consider... (at) subsequent meetings”. Ten civil servants or retired diplomats

²⁷ ASEAN Inter-Parliamentary Assembly. (n.d.) ASEAN Inter-Parliamentary Assembly (From AIPO to AIPA). Retrieved 10 Nov 2009 from <http://www.aipasecretariat.org/site/about-us/background-a-history>

²⁸ ASEAN Inter-Parliamentary Assembly. (n.d.) The Statutes of the ASEAN Inter-Parliamentary Assembly (AIPA). Retrieved 16 Nov 2009 from <http://www.aipasecretariat.org/site/about-us/statutes>

²⁹ ASEAN Secretariat. (12 December 2005). Kuala Lumpur Declaration on the Establishment of the ASEAN Charter. Retrieved 5 Nov 2009 from <http://www.aseansec.org/18030.htm>

³⁰ Pehin Dato Lim Jock Seng, Minister of Foreign Affairs and Trade II of Brunei Darussalam; Dr Aun Porn Moniroth, Advisor to the Prime Minister and Chairman of the Supreme National Economic Council of Cambodia; Ali Alatas, Former Minister for Foreign Affairs of Indonesia; Mr Khamphan Simmalavong, Former Deputy Minister of Lao People’s Democratic Republic; Tan Sri Musa Hitam (Chairman); Former Deputy Prime Minister of Malaysia; Dr Than Nyun, Chairman of the Civil Service Selection and Training Board of the Union of Myanmar; Fidel V. Ramos, Former President of the Philippines; Prof S. Jayakumar, Deputy Prime Minister, Coordinating Minister for National Security and Minister for Law; Mr Kasemsamosorn Kasemsri, Former Deputy Prime Minister and Minister of Foreign Affairs of Thailand; and Mr Nguyen Manh Cam, Former Deputy Prime Minister and Minister of Foreign Affairs of Vietnam. ASEAN Secretariat. (2005). List of Members of the Eminent Person’s Group (EPG) on the ASEAN Charter. Retrieved 1 Nov 2009 from <http://www.aseansec.org/18033.htm>

³¹ ASEAN Secretariat. (2009). Report of the Eminent Persons Group on the ASEAN Charter. Retrieved 5 Nov 2009 from <http://www.aseansec.org/19247.pdf>, p8.

were appointed to the EPG:³⁰ The EPG met eight times, and “actively consulted ASEAN’s various partners and stakeholders³¹”, including two meetings with civil society, before developing and submitting their report on the ASEAN Charter. After the submission of this report in December 2006, the EPG disbanded, and subsequently, the High Level Task Force (HLTF) was set up on 13 Jan 2007 to draft the ASEAN Charter³².

The High Level Task Force (HLTF) was appointed by ASEAN following recommendations from the EPG, comprising twelve persons.³³ The HLTF also meet with CSOs but less often than the EPG above, and with a narrower remit of discussions. This, we surmise, was due to the nature of their work to draft the ASEAN Charter, rather than the EPG’s broader work of considering the possibility and making suggestions for a Charter.

Path 2: ASEAN-Associates Path

Path 2 evolved from engagement of think tanks and academic institutions which were associated with ASEAN, in particular the ASEAN-Institutes of Strategic and International Studies (ASEAN-ISIS), a group of nine regional think tanks and academic institutes. ASEAN-ISIS pioneered Track 2 diplomacy, which is “the conduct of policy dialogue among government officials, think tanks, and other policy analysts and practitioners in their private capacity³⁴.” This track-2 work of the ASEAN-ISIS has resulted in many memoranda of recommendations and analyses sent directly to governments and policy-makers. For example, the first

³⁰ Pehin Dato Lim Jock Seng, Minister of Foreign Affairs and Trade II of Brunei Darussalam; Dr Aun Porn Moniroth, Advisor to the Prime Minister and Chairman of the Supreme National Economic Council of Cambodia, Ali Alatas, Former Minister for Foreign Affairs of Indonesia; Mr Khamphan Simmalavong, Former Deputy Minister of Lao People’s Democratic Republic; Tan Sri Musa Hitam (Chairman), Former Deputy Prime Minister of Malaysia; Dr Than Nyun, Chairman of the Civil Service Selection and Training Board of the Union of Myanmar; Fidel V. Ramos, Former President of the Philippines; Prof S. Jayakumar, Deputy Prime Minister, Coordinating Minister for National Security and Minister for Law; Mr Kasemsamosorn Kasemsri, Former Deputy Prime Minister and Minister of Foreign Affairs of Thailand; and Mr Nguyen Manh Cam, Former Deputy Prime Minister and Minister of Foreign Affairs of Vietnam. ASEAN Secretariat. (2005). List of Members of the Eminent Person’s Group (EPG) on the ASEAN Charter. Retrieved 1 Nov 2009 from <http://www.aseansec.org/18033.htm>

³¹ ASEAN Secretariat. (2009). Report of the Eminent Persons Group on the ASEAN Charter. Retrieved 5 Nov 2009 from <http://www.aseansec.org/19247.pdf>, p8.

³² ASEAN Secretariat. (2007). Cebu Declaration on the Blueprint of the ASEAN Charter. Retrieved 5 Nov 2009 from <http://www.aseansec.org/19257.htm>

³³ H.E. Pengiran Dato Paduka Osman Patra, Permanent Secretary, ASEAN SOM leader, Ministry of Foreign Affairs and Trade, Brunei Darussalam; H.E. Dr Kao Kim Hourn, Secretary of State, ASEAN SOM leader, Ministry of Foreign Affairs and International Cooperation Cambodia; H.E. Dian Triansyah Djani, Director-General, ASEAN-Indonesia, Department of Foreign Affairs Indonesia; H.E. Bounkeut Sangsomsak, Deputy Minister, ASEAN SOM leader, Ministry of Foreign Affairs Laos; H.E. Tan Sri Ahmad Fuzi Haji Abdul Razak, Ambassador-at-Large, Ministry of Foreign Affairs Malaysia; H.E. Aung Bwa, Director-General, ASEAN-Myanmar, Ministry of Foreign Affairs Myanmar; H.E. Rosario Manalo (Chairperson of the HTLF), Special Envoy, Department of Foreign Affairs, Philippines; H.E. Tommy Koh, Ambassador-At-Large, Ministry of Foreign Affairs Singapore; H.E. Sihanak Phuangketkeow (December 2006 – March 2007), Deputy Permanent Secretary, ASEAN SOM leader, Ministry of Foreign Affairs Thailand; H.E. Pradap Pibulsonggram (April 2007 – present), Deputy Permanent Secretary, Ministry of Foreign Affairs Thailand; H.E. Nguyen Trung Thanh, Assistant Minister, ASEAN SOM leader, Ministry of Foreign Affairs Vietnam, and H.E. Ong Keng Yong, former Secretary-General of ASEAN as a resource person. ASEAN Secretariat. (2007). Members of the High Level Task Force on the Drafting of the ASEAN Charter. Retrieved 17 Nov 2009 from <http://www.aseansec.org/ACP-HLTFMember.pdf>

³⁴ Hernandez, C. (2006). “Track Two and Regional Policy: The ASEAN ISIS in ASEAN Decision Making”, in H. Soesastro et al. eds., *Twenty Two Years of ASEAN ISIS: Origin, Evolution and Challenges of Track Two Diplomacy*. Jakarta: Centre for Strategic and International Studies, p19.

effort taken by the ASEAN ISIS (AI) Institutes to engage ASEAN leaders with official recommendations derived from AI meetings occurred in 1990. The ASEAN-ISIS submitted a Chairman’s Report on the “Superpower Military Presence and the Security of Southeast Asia: Problems, Prospects and Policy Recommendations” to ASEAN governments. In 1991, the ASEAN ISIS meeting in Jakarta submitted a Memorandum, A Time for Initiative – Proposals for the Consideration of the Fourth Summit, which “became the basis for movements and initiatives not only by ASEAN governments, but ... also had its echo with some ASEAN Dialogue Partners.”³⁵ These memoranda from the ASEAN ISIS have had an influence in creating a significant official process – the ASEAN Regional Forum that now annually gathers foreign ministers from 21 countries. The success of these submissions is due to the credibility of the organisational process of producing them, and can be seen by their acceptance from ASEAN governments. It is against this background that we turn our analysis of the ASEAN-ISIS engagement with CSOs and especially the ASEAN People’s Assembly (APA), which the ASEAN-ISIS had organised.

The concept behind the APA dated as far back as 1998, where ASEAN-ISIS submitted its Report of the Eighth Southeast Asian Forum to the ASEAN Senior Officials Meeting (SOM), recommending that ASEAN include the participation of regional civil society in its mechanism³⁶. The Memorandum noted the stark difference between the inadequacy of ASEAN’s mechanisms to engage civil society, and the fast-developing civil society sector of the region. The original intention of the ASEAN-ISIS memoranda was for ASEAN and its member governments to create such an Assembly as an official organ or process.

However, unlike some other proposals put up by ASEAN-ISIS, the governments did not at this point agree. The ASEAN-ISIS decided therefore to take a further step in line with their shared belief that NGOs and other Track 3 actors should be included within the ASEAN decision-making process. In 2000, ASEAN-ISIS organised the first ASEAN People’s Assembly (APA). This event was perhaps the first time regional CSOs in ASEAN met as a cohesive body. APA showed the strength of the ASEAN-ISIS in their ability to not just engage the Track 1 process involving officials and inter-governmental processes, but also the Track 3 processes involving the civil society of ASEAN. The first APA included a large number of participants with both credible, ‘bottom up’ CSOs as well as a number of officials, in their personal capacities.

³⁵ Soesastro et al, Introduction, in “Twenty Two Years of ASEAN ISIS: Origin, Evolution and Challenges of Track Two Diplomacy”, CSIS: Indonesia, 2006, p8.

³⁶ Mely Caballero-Anthony, “ASEAN ISIS and the ASEAN People’s Assembly (APA): Paving a Multi-Track Approach in Regional Community Building”, in Soesastro et al, “Twenty Two Years of ASEAN ISIS: Origin, Evolution and Challenges of Track Two Diplomacy”, CSIS: Indonesia, 2006, p56.

At the opening of the first APA, the then chairman of the ASEAN-ISIS characterised APA as a “bridge” created by track 2 (ASEAN-ISIS) for track 1 officials and track 3 CSOs.

A short memoranda from the first APA was prepared and sent to governments, as well as a larger publication of views from APA. This good feedback process is a result of the existing personal and professional relationships which have formed between ASEAN-ISIS and ASEAN officials.

The APA has continued to be convened by ASEAN-ISIS, most recently at its 7th Assembly at Manila, Philippines in March 2009. The APA can be said to have triggered thinking by different governments as ASEAN Summit hosts to initiate their own events to relate to CSOs.

ASEAN Host Initiatives

The beginning of this path was marked by the first ASEAN Civil Society Conference (ACSC), organised in 2005 by the Malaysian government as host of the ASEAN Summit. The organization also involved the following Malaysian CSOs: the ASEAN Studies Centre, Universiti Teknologi MARA (UiTM), Third World Network, Yayasan Dakwah Islamiah Malaysia (YADIM), Angkatan Belia Islam Malaysia (ABIM), Peace Malaysia, and the Malaysian Environmental NGOs (MENGO). It was attended by more than 120 participants from ASEAN NGOs.

The statement from this 1st ACSC was presented to the Heads of State during the 11th ASEAN Summit in Kuala Lumpur, the first time that civil society was given direct access to ASEAN process³⁷. The report was noted in Chairman’s Statement of the 11th ASEAN Summit, where ASEAN recognised the convening of the 1st ACSC, acknowledged the increasingly important role that civil society plays in the development of the ASEAN Community, and explicitly stated that they “supported the holding of the Conference annually on the sidelines of the ASEAN Summit and that its report be presented to the Leaders.”³⁸

This convening of the first 2005 could be said to mark a shift in ASEAN’s engagement with civil society. Unfortunately, the 1st ACSC was planned as a one-time event, with no subsequent meetings or format agreed.³⁹ However, subsequent

governments hosting the ASEAN Summit have all taken the effort to organise their own sessions between CSOs and governments. Each successive host government has however done so in their own way and this has created some confusion.

In the 2006 Summit, the Philippines as host government did not convene its own CSO event. Rather, they adopted the 5th APA in Manila, Philippines as the ‘official’ pathway. The chair of the 5th APA, Dr Carolina G. Hernandez from the ISDS (Philippines) was requested by ASEAN to make a report at the 12th ASEAN Summit in Cebu in January 2007⁴⁰. Officials from the ASEAN Secretariat observed the ACSC in Cebu, and presented remarks on behalf of the then Secretary-General, H.E. Ong Keng Yong⁴¹. The receptivity of ASEAN to the long-standing APA process of engaging civil society was seen as a good sign of ASEAN’s progress, and the invitation to report on the 5th APA was hailed as an excellent opportunity to convey the concerns of civil society to the ASEAN leaders by ASEAN-ISIS⁴². However, this led some to believe that APA had merged with the ASEAN official process to engage with CSOs and this has led to confusion with other pathways (as will be discussed).

In 2007, the Singapore government, as Summit Host, supported the SIIA think tank to organise the 2007 ASEAN Civil Society conference in October. This involved the direct participation of four representatives from the ASEAN Secretariat for two full days of discussion, including Secretary-General H.E. Ong Keng Yong. He delivered a keynote address during this conference, and also agreed to bring the chairman’s statement from the conference to the attention of the ASEAN Summit⁴³. The Singapore 2007 ACSC however included only a modest number of some 40 CSOs, relying on the fact that many of these were primary movers of larger gatherings at APA and in the bottom-up process. The Singapore 2007 Summit moreover did not feature an interactive session between the ASEAN leaders and CSOs.

In 2008, Thailand, as Summit host, made consistent efforts to consult with CSOs by convening the ASEAN Civil Society Conference together with the ASEAN People’s Forum (APF) together, continuing and enhancing the tradition of dialogue

³⁷ Salleh, Umminajah, Ainul Rusmin Ghazali, Masturah Alias, Mohammad Rizal Abidin, eds. (2006) “Preface” in ASEAN Civil Society: Building a Common Future Together (pxiii). Kuala Lumpur, Malaysia: Ampang Press.

³⁸ ASEAN Secretariat. (2005). Chairman’s Statement of the 11th ASEAN Summit. Retrieved 17 Nov 2009 from <http://www.aseansec.org/18039.htm>

³⁹ Chandra, Alexander C. (2009). Southeast Asian Civil Society and the ASEAN Charter: The Way Forward. Retrieved 29 Oct 2009 from http://www.asiasapa.org/index2.php?option=com_content&do_pdf=1&id=41

⁴⁰ Soesastro, Hadi. (2007) Foreword, in Report of the Fifth ASEAN People’s Assembly: The Role of the People in Building an ASEAN Community of Caring and Sharing Societies, pvii. Institute for Strategic and Development Studies: Philippines, 2007.

⁴¹ SEACA and SAPA, Proceedings of the 2nd ASEAN Civil Society Conference, 10 - 12 Dec 2006, p.12

⁴² *ibid.*

⁴³ Singapore Institute of International Affairs, Chairman’s Statement of the ASEAN Civil Society Conference 2007. Retrieved on 18 Nov 2009 from <http://siaonline.org/files/SIIA-ACSC.2007ChairmansStatement.pdf>

between policymakers and CSOs⁴⁴. The ASEAN hosts have also worked to ensure that representations from these gatherings are brought to the attention of the ASEAN-Secretary General (as was done in Singapore) and to allow selected CSO representatives to have a face-to-face session with leaders (as was done in the Philippines).

The 1st APF/4th ACSC was convened in Bangkok's Chulalongkorn University, Thailand in February 2009, where ASEAN Secretary-General H.E. Surin Pitsuwan participated in a dialogue with civil society. CSO representatives also met with ASEAN leaders, although one government protested the inclusion of a particular CSO representative. Following this interface, the 2nd APF/5th ACSC was held in Cha-am, Thailand between 18 and 20 October 2009. Again, the hosts organised a face-to-face session between the civil society representatives and ASEAN leaders. Unfortunately, this effort was marred by a walkout by CSOs, after they claimed that certain representatives were barred, and five of the 10 elected representatives had been replaced by government-approved nominees.⁴⁵ The meeting was cancelled in protest.⁴⁶

In 2009, the ASEAN Secretariat organised two briefing sessions to stakeholders by the Secretary-General Dr Surin Pitsuwan, the "Pre-ASEAN Summit 2009: a Briefing by Dr Surin Pitsuwan, Secretary-General of ASEAN", 20 February 2009 and "Post-ASEAN Summit 2009: a Briefing by Dr Surin Pitsuwan, Secretary-General of ASEAN", 2 March 2009, which were broadcast to eight ASEAN countries with assistance from the World Bank. The audience included civil society groups, the media, government officials, think tanks, and others.⁴⁷

Path 3: Bottom-up Path

Following the 1st ACSC held in Malaysia in 2005, new networks began to form in the civil society sector⁴⁸. A number of regional networks of NGOs developed from existing NGOs, such as the Solidarity for Asian People's Advocacy (SAPA), Forum-Asia, the Southeast Asian Committee for Advocacy (SEACA), the Third World Network (TWN) and the Asian Partnership for the Development of Human Resources in Rural Asia (AsiaDHRRA)⁴⁹.

⁴⁴ Interview with Ms Yuyun Wahyuningrum, Policy Advisor-ASEAN, 25 Nov 2009.

⁴⁵ 23 Oct 2009, Xinhua, Civil rights activists walk out of meeting with ASEAN leaders in protest, retrieved 19 Nov 2009 from <http://www.philstar.com/Article.aspx?articleId=516928&publicationSubCategoryId=200>

⁴⁶ 23 Oct 2009, The Irrawaddy, Asean Snubs Nominees from Peoples' Forum http://www.irrawaddy.org/article.php?art_id=17052

⁴⁷ Email suggestion from Ms Teh Lip Li, ASEAN Secretariat, 4 Feb 2010.

⁴⁸ Interview with Ms Marlene Ramirez, Secretary General, AsiaDHRRA Ex-Officio Member, 25 Nov 2009.

⁴⁹ *ibid.*

The 2nd ACSC was convened in Cebu, Philippines in December 2006, spearheaded by the network of SAPA. Unlike the 2005 meeting in Malaysia however, this was not officially supported by the host government. Indeed, there has been contestation over the title "ACSC" which the organisers used for the meeting. Representatives from the ASEAN Secretariat attended this conference, and the organisers developed statements and reports which were submitted to the EPG.

SAPA convened their 3rd ACSC in Singapore in November 2007. This proceeded despite the fact that the Singapore government, working with the SIIA, had organized a CSO engagement (also called the 2007 ACSC) only a month earlier (see above). Additionally in 2007, APA was held in Manila and submitted its chairman report to ASEAN through the ASEAN-ISIS. This showed a multiplicity of efforts and intersecting pathways.

In subsequent years, SAPA has not convened further ACSCs. However, many of its component NGOs have been active participants in the ASEAN Peoples' Forum organised by Thailand.

Contestation for Legitimacy

The proliferation, overlap and intersections of the above events and pathways show that civil society engagement is still an emerging and evolving concept in ASEAN. Thus far, the history of ASEAN and civil society interaction have uncovered a proliferation of platforms for civil society to gather. There currently exists a contestation over legitimacy among civil society groups: between top-down and bottom-up engagement, and between Track 2 (represented by the APA) and Track 3 (SAPA.) There are many controversies, especially following the walkout by CSO representatives at the 2009 Thai Summit.

Yet underlying this, there remain more fundamental questions. Has ASEAN become more people-oriented as a result of these interactions? Have the inputs from these gatherings resulted in any change in ASEAN policies? Have ASEAN and regional CSOs come to agreement on an effective process or mechanism to facilitate engagement?

These questions will be considered towards the end of this paper. Before such consideration, it is necessary to review another angle to the interactions between ASEAN and CSOs.

Functional / Topical Engagement

This angle is to view civil society engagement with ASEAN in functional or topical areas. A brief topical analysis of the key themes explored in all conferences associated with ASEAN and civil society (APA, ACSC and APF) reveals 15 central topics which have been the focus of civil society: art, ASEAN processes, corporate social responsibility and governance, democracy (Myanmar/East Timor), education, environment and resource sustainability, human rights and migration, human security, media and communication, peace, conflict and development/traditional security, religion, rule of law, the role of civil society and women and empowerment/children/youth. The development of some key topics which civil society has engaged with ASEAN is outlined in this section.

Human Rights Mechanism

The recent creation of the ASEAN Intergovernmental Commission on Human Rights (ASEAN ICHR) in Oct 2009 is generally viewed as one of the more successful partnerships between ASEAN and civil society. The initial idea for an ASEAN human rights mechanism came from the 1993 Declaration by ASEAN governments. This suggestion arose in the context of the governments preparing for the 1993 Vienna World Conference on human rights, and the rhetoric of the time about Asian values and differences in human rights. Thereafter, the ASEAN governments did not pursue the idea further.

Both before and after the 1993 Declaration, there were regional groups that have looked at the issue and human rights in ASEAN. The longest standing of these was the ASEAN-ISIS Colloquium on Human Rights (AICOHR). This is anchored by the ASEAN-ISIS representative in the Philippines, the Institute of Development and Strategic Studies (ISDS). AICOHR submits reports to ASEAN governments on occasion as befits a think tank, “track 2” initiative. However, AICOHR did not focus persistently on the creation of an ASEAN human rights mechanism.

This role was taken up instead by another group, which first met and coalesced at AICOHR, and has come to be known as the Working Group for an ASEAN Human Rights Mechanism (“Working Group”). The Working Group has worked consistently in partnership with various ASEAN governments to hold workshops to create recommendations, timelines, and terms of references for the ASEAN Human Rights Body. The Working Group has diligently expanded to include representatives from the national human rights commissions set up

⁵⁰ These National Human Rights Commissions work independently of the Working Group.

in Indonesia, Malaysia, the Philippines and other ASEAN member countries⁵⁰. It did not however find membership and support in some countries including Vietnam, Laos and Myanmar.

The Working Group has consistently called for a strong Commission with expert members who work independently of their home governments, with powers to initiate investigations. These ambitious proposals are seen by the Working Group to be the minimum for a body to be of ‘international standard’. Other experts and think tanks in the region have, in contrast, suggested more incremental measures for ASEAN. These have included a focus on the protection of women and children; trans-border issues such as trafficking in peoples and the protection of migrant workers; and promotional work for human rights education.

In 2007, with the draft ASEAN Charter, the ASEAN governments promised to create a human rights body. In the run-up to the creation of this body, the Working Group held its 7th Workshop on Human Rights Mechanism in Singapore in 2008 in partnership with the Singapore Institute of International Affairs. The discussions were marked by a division between the Working Group’s core recommendations for a Commission as noted above, and less ambitious proposals for ASEAN to begin with. This workshop attracted the participation of officials from all ASEAN member countries as well as the ASEAN Secretary-General. Its recommendations were made directly to Secretary-General H.E. Surin Pitsuwan and, through the officials taking part, to all of the governments⁵¹.

An ASEAN Human Rights Commission has subsequently been created by the ASEAN governments at the 2009 Summit. However, the terms of reference for the Commission are far from the principles of design propounded by the Working Group. Indeed, they fall significantly short of even the more modest proposals to focus on children, women, migrant workers and other trans-border issues. The official terms of reference will instead see the Commission meeting only twice a year, members appointed and reporting to their governments, with their work focusing on the promotion of human rights (rather than protection and investigation).

⁵¹ 7th Workshop on Human Rights Mechanism for ASEAN, 2008. Retrieved 19 Nov 2009 from <http://www.siiainline.org/?q=events/7th-workshop-human-rights-mechanism-asean>

Trans-boundary Haze⁵²

The Indonesian forest fires and haze which began in 1997-1998 have become a recurring problem that ASEAN has put much effort into resolving. However, despite the formulation of the ASEAN Agreement on Trans-boundary Haze Pollution, two countries (Philippines and Indonesia) have not ratified the Agreement. ASEAN-ISIS and the Singapore Institute of International Affairs have endeavoured to aid the process through dialogues held with the issue stakeholders, such as plantation owners, wood and pulp companies, enforcement officials, as well as ASEAN representatives.

There have been four major regional dialogues by CSOs on the haze. The first was in 1998, following an NGOs Policy Dialogue, held in Singapore and organised by the Singapore Environment Council and the Singapore Institute of International Affairs. Following this dialogue, a CSO representative, Simon Tay, was the first non-government representative invited to present the recommendations to ASEAN Senior Officials at the Regional Taskforce Meeting, which was held in Singapore that year⁵³.

Since then, there have been three haze dialogues held: in 2006, 2007 and 2009, organised by the Singapore Institute of International Affairs working in collaboration with other think tanks and CSOs. Each of the dialogues was attended by the relevant ASEAN officials to whom the statements and recommendations for action were presented for distribution to the ASEAN senior officials, and other relevant policymakers.

In response, the ASEAN officials have moved from a non-binding plan of action to a treaty as well as to more regular and focused meetings to deal with the haze. The Singapore and Malaysian governments have also undertaken to work with local Indonesian authorities and communities in provinces affected by the haze. The haze problems remain an issue, with intermittent bouts recurring. But policies and actions have been ratcheted up over the years, often aligned to CSO recommendations generated by the dialogues. The dialogues have also brought in media attention to pressure ASEAN with regard to this topic.

⁵² Francesch-Huidobro, Maria (2008), "The Power of Circumvention: Fighting the Southeast Asian Forest Fires and Haze", in *Governance, Politics and the Environment*, pp. 245 - 281. Singapore: Institute of Southeast Asian Studies.

⁵³ *ibid.*, p249.

Nuclear Safety

A number of ASEAN member states are considering the option of nuclear energy with plans being made by Indonesia, Vietnam and Thailand. Concerns about energy security and climate change have driven these considerations. Although discussions on the development of nuclear energy are just beginning, there are concerns being expressed by civil society.

In 2007, the SIIA and CSIS-Jakarta organised a conference on the issue in Indonesia, with participation from both officials and CSOs, including some from other countries. This has been followed up by Indonesian NGOs and think tanks with a study of the regional issues.

A similar meeting was held in Malaysia in October 2009, organised by the Centre for Environment, Technology And Development Malaysia (CETDEM) and Physicians against Nuclear Proliferation, and supported by the SIIA. Titled "Does Malaysia Need Nuclear Energy?", the conference revealed that civil society was highly concerned about this development, and was keen to take up the role of national watchdog on the topic.

However, it remains to be seen whether their governments will listen to ASEAN member states on the domestic front. At the regional level, the ASEAN officials have formed a "Sub-Network for Nuclear Safety" but this has not engaged with CSOs. If ASEAN will not heed civil society's call for caution in the development of nuclear energy and the development of strict and enforceable safety standards, then civil society will prove to be impotent in this topical area.

Migrant Worker Rights and Trade Unions

The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was signed in January 2007. It marked the culmination of consultations between ASEAN and other trade-related stakeholders such as the International Labour Organisation (ILO), and persons involved with employers and workers organisations, skilled in industrial relations, disputes settlement and labour legislation design. The first tripartite dialogue between three major stakeholders: the ASEAN Services Employees Trade Union Council (ASETUC), representatives from the ASEAN Senior Labour Officials Meeting (ASEAN SLOM), and the ASEAN Confederation of Employers (ACE) was held on 24 Oct 2009 in Bangkok, Thailand. This was seen as an excellent platform for social dialogue

between the three groups, and further collaboration was encouraged and agreed upon⁵⁴.

Youth Engagement

The ASEAN Foundation is the main platform by which youth organisations and civil society organisations involved with youth activities may engage with ASEAN. Established in December 1997, the Foundation offers many fora, workshops, community immersion activities, scholarship programmes and youth exchanges for ASEAN youth to participate in. ASEAN Foundation Awareness Project grants are also available for application, and to date, a total of USD \$2.3 million has been devoted to the Foundation's aim of "promoting greater awareness of ASEAN"⁵⁵.

Assessing youth sector engagement is notoriously difficult, due to the revolving-door nature of this demographically-defined sector.

ASEAN Charter Draft

The drafting of the charter was by the Eminent Persons Group (EPG), and its implementation by the High Level Task Force (HLTF). As mentioned earlier in this paper, both groups comprised representatives who were government-appointed, although it must be noted that the EPG did conduct two consultations with civil society representatives before making their report on the ASEAN Charter. The HLTF, which drafted the Charter, also had one meeting with civil society organisations, but unfortunately the HLTF chair, Rosario Manalo, made no promises that the recommendations from the meeting would be implemented⁵⁶.

ASCC Blueprint Document

The characteristics and elements of the ASCC bode well for ASEAN's engagement with civil society, especially since it has set explicit actions, such as convening the annual ASEAN Social Forum and the ASEAN Civil Society Conference in an effort to engage the relevant stakeholders involved with the development of the ASCC. However, despite the fact that the Blueprint promises to "undertake activities to promote open discussion and sharing of information in implementing

the ASCC", it has been difficult to find the half-year assessment report of the Blueprint. Without access to such information and feedback processes, it will prove to be very difficult to move ASEAN and civil society engagement forward.

Concluding Observations

Has ASEAN become more people-oriented as a result of these interactions? Have the inputs from these gatherings resulted in any change in ASEAN policies? Have ASEAN and regional CSOs come to agreement on an effective process or mechanism to facilitate engagement?

From this overview of the history of ASEAN and civil society engagement, we may offer three key observations:

1) There is a proliferation of platforms for civil society

The last ten years have seen the development of many platforms by which civil society may gather – from the regional conferences such as APA, ACSC and the APF, to special-interest groups and topical consultations such as those on the trans-boundary haze, human rights, youth and trade unions. These platforms have been working in parallel, and there seems to be an increasing overlap in areas of ASEAN engagement, particularly in the last decade. However, on the positive side, the proliferation has led to a sequence of initiatives by host governments – from Malaysia through the Philippines and Singapore to Thailand. These establish a strong precedent that ASEAN can and should continue to engage CSOs. In this respect, the recommendation by ASEAN-ISIS for ASEAN to engage with civil society, while initially rejected, has clearly been accepted by the actions of ASEAN governments over the years.

2) Contestation over legitimacy

There exists a tension over the legitimacy among civil society groups. This exists on two levels: top-down and bottom-up engagement processes, and Track 2 versus Track 3 engagement. Top-down processes and organisations such as the AIPA and the EPG comprise national representatives from ASEAN countries, whose governments appoint them to the position. Questions do arise over the assumption that these appointed persons are elected representatives of their constituency. On the other hand, the bottom-up process involves a large melee of self-appointed civil society actors. The lack of a proper process by which civil society appoints its representatives could be said to contribute to ASEAN's hesitancy of engaging in more dialogue with CSOs.

⁵⁴ 24 Oct 2009, Press release: Trade Unions, Employer Organisations and Labour Ministers established tripartite dialogue on ASEAN level.

⁵⁵ ASEAN Foundation. (19 May 2009). Promoting ASEAN Among the Youth. Retrieved 18 Nov 2009 from http://www.aseanfoundation.org/documents/brochure/promoting_asean_among_the_youth_lowres.pdf

⁵⁶ Collins, Alan. (2008). "A People-Oriented ASEAN: A Door Ajar or Closed for Civil Society Organisations?" in Contemporary Southeast Asia Vol. 30, No. 2 (2008), pp. 313 - 331.

This leads us to the other contested space that exists between Track 2 and Track 3 processes. A middle ground in the form of the APF seems to have developed, but questions remain over whether these groups will be able or allowed by governments to occupy this common ground. The latest fracas at the 2009 ASEAN Summit exemplifies this on-going contestation over legitimacy between CSOs and governments.

3) The ASEAN mechanism does not live up to the ASEAN rhetoric

Although there have been many attempts by the civil society to engage in ASEAN processes, ASEAN is still struggling to arrive at a successful mechanism by which to structure modes of inclusive dialogue with civil society. Moreover, in different areas, the question of the effect and influence of CSO inputs is hard to discern. While ‘track-2’ recommendations by ASEAN-ISIS have had a track record, ASEAN has not shown clearly that it is willing not only to listen but to follow up and accept the recommendations from CSOs. The record of the Working Group for an ASEAN human rights mechanism exemplifies this state. While a “Commission” has been created, this falls far short of the principles sought by the Working Group.

Points for Discussion

The history of ASEAN’s engagement with civil society is one which is littered with examples of successes and disappointments. However, it is encouraging that there is much more institutional support for constructive dialogue on these processes. We offer a few observations on the current status of ASEAN and civil society engagement for the purposes of further discussion:

Rationale for civil society engagement is not new. As noted earlier in the paper, the rationale for engaging with ASEAN constituents was enshrined in the original Bangkok Declaration which established ASEAN in 1967.

However, civil society engagement (in its current form) is in its infancy. In the early years (pre-2000), ASEAN was not actively engaged with civil society. Thus we must view the development of civil society and ASEAN engagement over the last 10 years (1999 - 2009) as a work in progress which has just begun.

Recent movement from national to ASEAN-level civil society engagement. Prior to 2000, ASEAN governments used to engage civil society on a national level, but this dialogue is now moving in a broader direction to encompass ASEAN-level engagement with CSOs. This must be seen and acknowledged as a positive movement by all involved.

Clear resolve by ASEAN to improve its engagement with civil society. The rationale for civil society engagement has always been part of ASEAN. Recent plans and documents such as the ASEAN Vision 2020, the ASEAN Charter and the Blueprints for the development of an ASEAN Community – these indicate a clear resolve by the institution to proceed and explore this engagement.

Stakeholder involvement methods for ASEAN. It seems to be an appropriate time to open a dialogue between civil society and ASEAN on how to structure the methods and processes of engagement, making it more inclusive. Given the plethora of methods which have already been explored, ASEAN and civil society have a good knowledge base from which to draw upon to constructively discuss the structure for their next step forward.

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An ASEAN of the People, by the People, for the People

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Towards an ASEAN Community of Caring Societies

25 - 27 September 2003, Manila, Philippines

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Programme: <http://siaonline.org/files/2005-4thAPA.Programme.pdf>

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8 - 10 December 2006, Manila, Philippines

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Programme: <http://siaaonline.org/files/2006-5thAPA.Programme.pdf>
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18 - 20 Oct 2009, Cha-am, Thailand
Advancing a Peoples' ASEAN: Continuing Dialogue
Website: <http://www.aseanpeoplesforum.org>

1.2 Frank Siebern-Thomas European Union (EU)

Stakeholder Involvement in the European Union, With a Particular Focus on Civil and Social Dialogue⁵⁸

Introduction

Since the creation of the European Economic Community in 1957, the European Union (EU) has grown to become an **economic and political Union of 27 Member States**, and a further three countries have entered accession negotiations with the EU. It has a joint population of almost 500 million people and is the world's biggest internal market, the biggest donor of development assistance, and the biggest trading partner of ASEAN. It is characterised by cultural and linguistic diversity (23 official languages) as well as economic and social diversity across the Member States.

The European Union is a **treaty-based organisation** which has so far provided an experience of regional integration which is unique in the world. Through the EU Treaties (Treaty on European Union (TEU) and Treaty on the Functioning of the European Union (TFEU))⁵⁹ the Member States define the purpose, objectives, principles and goals of the Union; set up its institutions and decision-making processes; and confer **policy competence** in specific policy areas such as economic, agriculture, trade and cohesion policies — including employment and social policy — to the EU level. The EU Charter of Fundamental Rights, which is part of the EU Treaties, sets out the whole range of civil, political, economic and social rights of European citizens and all persons resident in the EU, including human and children's rights, freedom of expression and equality and non-discrimination, as well as rights to solidarity and citizens' rights.

The European **decision-making process** involves three major institutions: the European Commission (a body independent of EU governments that upholds the collective European interest and has the right to initiate legislation through its proposals), the Council of the European Union (representing national governments), and the European Parliament (directly elected and representing

the people). Each has its own responsibility and role to play in the EU. Proposing new legislation falls under the Commission's activities, while the Council and the Parliament are in charge of actually adopting the "EU laws" (regulations, directives and recommendations).

The Union has an annual **budget** at its disposal (some €134 billion Euro in 2009) to support the above policies. The budget is largely paid for by the Member States, representing a maximum of 1.24% of the combined gross national income of all Member States.

With the above in mind, this article will give a brief overview of the evolution and practices of stakeholder involvement and civil dialogue in the EU, paying particular attention to the consultation and involvement of social partners in the context of European social dialogue.

Stakeholder Involvement and Civil Society Dialogue in the EU — General Principles, Methods and Examples

The European Union is a **representative democracy** in which political decision-making processes are first and foremost legitimated by the elected representatives of the European people at national and EU levels, and in which EU citizenship is additional to national citizenship. EU citizens are directly represented at EU level through the democratically elected European Parliament. As formulated in the EU Charter of Fundamental Rights and in the Treaty on the Functioning of the European Union, citizens enjoy a number of rights related to the democratic exercise such as the rights to free expression, free movement and residence, democratic participation and good administration, including the right to consultation and access to documents, the obligation of administrations to give reasons for decisions; as well as the right to formulate petitions to the European Parliament, to apply to the European Ombudsman⁶⁰ and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language. The Charter and the Treaty also guarantee the rights of workers for information and consultation within companies and of collective bargaining and action, as well as other rights to solidarity in relation to employment protection, fair and just working conditions, access to social security, social assistance and health care, and others.⁶¹

⁵⁸ This article summarises the presentation given by Frank Siebern-Thomas, Head of Sector for Social Dialogue and Industrial Relations, Employment, Social Affairs and Equal Opportunities Directorate-General, European Commission, on the occasion of the ASEAN Secretariat Symposium on "Methods of Stakeholder Involvement in Regional Organisations" in Jakarta from 23 to 25 November 2009. It represents the views and positions of the author only and may not reflect the views and opinions of the European Commission.

⁵⁹ <http://eur-lex.europa.eu/en/treaties/index.htm>

⁶⁰ <http://www.ombudsman.europa.eu>

⁶¹ The large number of contributions forwarded from civil society / non-governmental organisations to the Convention responsible for drafting the Charter of Fundamental Rights have also been made available online under http://www.europarl.europa.eu/charter/civil/civil0_en.htm

Consultation of stakeholders and their early involvement as experts in policy-making have a long tradition in the EU. The EU Treaties have established in particular two European institutions representing various economic, social and regional actors at large that have to be consulted by the Council and the European Commission on a large number of policy initiatives and that may also issue opinions on their own initiative: the **European Economic and Social Committee (EESC)**,⁶² whose members represent the various economic and social interest groups (i.e., employers, employees and other, various interest groups) that collectively make up “organised civil society”; and the **Committee of the Regions (CoR)**⁶³ that consists of representatives of regional and local government. Following proposals from the national governments, the members of both committees are appointed by the Council for a five-year term.

However, the essential role of these advisory bodies does not exclude direct contact between the Commission and civil society organisations. In fact, wide **consultation of and dialogue with civil society** is a duty of the EU institutions, and in particular of the Commission: Article 11 of the Treaty on the European Union (TEU) stipulates that *the institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action, and maintain an open, transparent and regular dialogue with representative associations and civil society. It further requests the European Commission to carry out broad consultations with parties concerned in order to ensure that the Union’s actions are coherent and transparent.*

Furthermore, the early and comprehensive involvement of civil society in policy design and implementation helps build consensus, improves the quality of outcomes, contributes to a better understanding and acceptance by the public, and strengthens ownership and governance. In practice, the Commission is therefore in touch with external stakeholders throughout the whole legislative process including implementation, and almost all Commission services (Directorates-General) have contacts with civil society and other interested parties in their respective fields. The Commission works in a **decentralised** manner and its different services are responsible for their own **mechanisms of dialogue and consultation**. This decentralised structure allows the specific nature and conditions of different policy areas to be taken into account. Interested parties are consulted through different tools, such as Green and White Papers, communications, consultation documents, advisory committees, expert groups, direct contact, information exchange and ad-hoc consultations. Some services also manage regular, thematic stakeholder fora,

⁶² <http://www.eesc.europa.eu>

⁶³ <http://www.cor.europa.eu>

e.g., on consumer issues, development policy, trade policy, poverty and social exclusion, education and training or the integration of migrant workers.⁶⁴ In the area of employment and social policy, the Commission is in regular contact with the Platform of European Social NGOs (“Social Platform”), an alliance of representative European federations and networks of more than 1,700 non-governmental organisations active in the social sector,⁶⁵ as well as with a number of EU umbrella networks. The Commission, jointly with the Social Platform, organises biannual meetings to discuss EU policy matters and new initiatives.

Public consultation via the internet is common practice, and the Commission has created a single access point for consultation on the **“Your voice in Europe” web portal**.⁶⁶ Civil society organisations are also consulted in the context of the **impact assessments** — including trade sustainability impact assessments — that the European Commission is carrying out in relation to each policy initiative and legislative proposal to guide the policy-making process through an open analysis of all options and to ensure that their economic, social and environmental impacts are fully taken into account in the decision-making process.⁶⁷ The **consultation of social partners in the area of employment and social policy** is subject to specific rules and will be described in more detail below. Often, consultation is a combination of different tools and takes place in several phases during the preparation of a proposal.

The Commission further supports the **capacity-building of civil society actors** to act at the EU level and to contribute to developing and implementing EU policies. It can provide financial support to civil society organisations in pursuance of EU policies, either by paying the operational costs of the organisations or networks or by supporting specific projects, e.g., in fields such as social affairs, research, development, education, environment, consumer protection and external policies. In the area of employment and social policy, the Commission currently funds the operational costs of 25 European umbrella NGO networks in the areas of anti-discrimination, gender equality, integration of people with disabilities and social inclusion.⁶⁸ On their side, in order to strengthen their voice vis-à-vis the EU institutions, eight large European NGO networks from various sectors (i.e., culture, environment, education, development, human rights, public health, social affairs, and women’s rights) have grouped themselves in an informal network called the EU Civil Society Contact Group (CSCG).⁶⁹

⁶⁴ See, e.g., civil society dialogue on trade policy: <http://trade.ec.europa.eu/civilsoc>; and the stakeholders’ forum on cooperation in education and training: http://ec.europa.eu/education/lifelong-learning-policy/doc1339_en.htm

⁶⁵ <http://www.socialplatform.org>

⁶⁶ <http://ec.europa.eu/yourvoice>

⁶⁷ For further information on the Commission’s impact assessment process, see: http://ec.europa.eu/governance/impact/index_en.htm

⁶⁸ <http://ec.europa.eu/social/main.jsp?catId=330&langId=en>

⁶⁹ <http://www.act4europe.org>

The promotion of civil society and support to civil society participation in public decision-making are also part of EU foreign policy objectives, with dedicated instruments such as “Non-State Actors” (NSA) and “European Instrument for Democracy and Human Rights” (EIDHR) being used throughout Asia and elsewhere.

Over the last decade or more, the European Commission has undertaken a series of **initiatives to further reinforce consultation and social and civil dialogue**, to integrate all stakeholders for better participation, and to improve access to information and public participation, notably in environmental matters.

In the Discussion Paper on the relations between the Commission and non-governmental organisations in 2000 (European Commission, 2000) and the White Paper on European Governance in 2001 (European Commission, 2001), the Commission recognised the need to strengthen interaction with civil society actors and reinforce the culture of consultation and dialogue. The results of the open consultation on the White Paper have led the Commission to clarify the **general principles and minimum standards for consultation of interested parties** in a Communication in 2002 (European Commission, 2002): consultations should be based on the following five principles of good governance, to be applied by both sides involved in the consultation process: openness, participation, accountability, effectiveness and coherence. Consultations of external interested parties should be further based on the following minimum consultation standards to ensure that consultations are carried out in a transparent and coherent ways: (1) the content of consultation is clear; (2) relevant parties have an opportunity to express their opinions; (3) the Commission publishes consultations widely in order to meet all target audiences at all levels, European, national, regional and local; (4) participants are given sufficient time for responses (8 weeks for open public consultations); and (5) acknowledgement and adequate feedback are provided and results and contributions are published.

It should be noted that there is no generally accepted **definition of civil society** which comprises business and industry associations and other interest or lobby groups; social partners, i.e., representatives of management and labour; consumer organisations; non-governmental organisations and NGO networks; churches and religious communities; charitable organisations, educational and training organisations, etc.; community-based organisations, i.e., organisations set up at grassroots level which pursue member-oriented objectives, e.g., youth organisations, family associations and all organisations through which citizens

⁷⁰ See also European Commission (2002), pp. 5 – 6.

participate in local and municipal life; think tanks and academia; as well as stakeholders in partner countries outside the EU.⁷⁰ In its policy of consultation, the Commission wants to maintain a **dialogue which is as open as possible** and does not make a distinction between civil society organisations or other forms of interest groups. Therefore, there is **no general accreditation system** for interest groups and contrary to other international organisations such as the Council of Europe, the Commission consults “interested parties” on the widest possible basis, which comprises all those who wish to participate in consultations run by the Commission, to ensure that every interested party, irrespective of size or financial backing, is given the opportunity of being heard.

At the same time, however, as highlighted in European Commission (2000), civil society organisations and other interest groups *also have responsibilities [...]. They in particular must recognise and take into account the formal institutional set-up, obligations related to representativity, proper communication of information to member organisations (transparency, accountability) and respect the confidentiality of [...] information where required. With regard to funding, [they] have a duty to demonstrate that they have the expertise, management systems and internal quality control systems appropriate to the work they are undertaking on behalf of the Commission.* They must operate in a transparent manner and it must be clear which interests they represent. This is why the Commission set up, in 2008, a **voluntary register of interest representatives**,⁷¹ by which the Commission intends to inform citizens which general or specific interests are influencing the decision-making process of the European institutions, and the resources mobilised to that end. Organisations and companies that want to contribute to the policy process are requested to sign up to the register and provide specific information about their objectives, members, sources of funding and expenditure. By registering, they also commit to a code of conduct.⁷²

Last but not least, Article 11 of the Lisbon Treaty which entered into force in December 2009 provides for a new so-called “**European citizens’ initiative**” by which *not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the*

⁷⁰ See also European Commission (2002), pp. 5 – 6.

⁷¹ <https://webgate.ec.europa.eu/transparency/regrin>

⁷² <https://webgate.ec.europa.eu/transparency/regrin/infos/codeofconduct.do?locale=en&en>

⁷³ http://ec.europa.eu/dgs/secretariat_general/citizens_initiative

*purpose of implementing the Treaties.*⁷³ The European Commission undertook a broad, open consultation of civil society and stakeholders to work out the procedures and conditions for the citizens' initiative which need to be set out by a regulation of Parliament and Council. Most contributions received through this consultation have welcomed this new instrument of **participatory democracy** which they consider a potentially good opportunity to bridge the gap between the European Commission and EU citizens, encouraging dialogue and stimulating the feeling of a European identity.⁷⁴

Employment and Social Policy in the EU and European Social Dialogue

While most of the above also applies to the stakeholder involvement in the area of employment and social policy, the EU Treaty contains a **specific recognition of social dialogue** — i.e., the dialogue between the representatives of management/employers, on the one hand, and the representatives of labour on the other — and it confers upon the recognised European social partner organisations **some exclusive rights and competences**. These exclusive rights and competences only refer to the area of employment and social policy which is a shared responsibility between the Member States and the Union. The EU Treaty provides for **EU competences and policy instruments** in the following areas:

Legislation: The EU has **legislative competence** in a number of areas specified in the Treaty such as health and safety, working time, parental leave, worker consultation, equal opportunities, restructuring, anti-discrimination, health and safety, free movement of workers, and coordination of social security schemes. In those areas, the EU can pass laws — called “regulations” or “directives” — which are to be transposed into national law. Examples include directives on the protection of young people at work, information and consultation of employees, part-time and fixed-term work, free movement of workers or equal treatment for men and women as regards employment, vocational training, promotion, pay, working conditions and social security.

Policy Coordination: Employment and social policies largely remain national competencies. The employment situation varies significantly across Member States and each country has its own range of diverse employment and social policies. However, many of the challenges at national level are common to all countries, and there is consensus between EU Member States

⁷³ http://ec.europa.eu/dgs/secretariat_general/citizens_initiative

⁷⁴ For a full overview of the consultations received, see: http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/docs/sec_2010_370en.pdf

on the need to **coordinate national policies** in the areas of employment, social protection and social inclusion, pensions, health care and long-term care. This coordination is based on the so-called open method of coordination (OMC) which establishes common objectives at the European level, while at the same time giving Member States freedom to choose how they will achieve those objectives. By agreeing on objectives, priorities and targets at EU level, the EU can help to coordinate national strategies for increased employment and to exchange best practices across Member States.

Financial Instruments: Created in 1957, the **European Social Fund (ESF)** is the EU's main source of financial support for efforts to improve employment and job opportunities, skills development and employability. It is one of the EU's four Structural Funds, which were set up to reduce differences in prosperity and living standards and help areas of Europe which are suffering difficulties. It supports the goals agreed in the context of policy coordination. The fund provides finances for projects in areas such as migration and integration, active ageing, lifelong learning, and promoting the adaptability of workers (e.g., training and capacity building). In the period 2000 – 2006, the ESF granted some €70 billion to people and projects across the EU. In addition to the ESF, the European Commission has recently established a new **European Globalisation Adjustment Fund** which supports Member States to adapt to the changes brought about by trade and globalisation.

European Social Dialogue: The **European social dialogue** was launched over 25 years ago. It refers **to the discussions, consultations, negotiations and joint actions** that take place between employers and trade unions at EU level as well as between them and the EU institutions. It is a unique and indispensable component of the European social model, with a clearly defined legal basis in the Treaty. Article 152 TFEU in particular stipulates that the Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. The Union shall facilitate dialogue between the social partners, respecting their autonomy. It further institutionalises the **Tripartite Social Summit for Growth and Employment** at which social partners discuss broad policy orientations with the political leaders of the Union twice a year ahead of the European Council meetings.

Social dialogue relates to all of the above policy areas, as social partners are consulted and involved in legislation, policy coordination and the implementation and evaluation of financial funds and programmes. Furthermore, social dialogue is the essential means by which the social partners assist in the definition of European social standards, and play a vital role in the governance of the Union.

European social dialogue takes two main forms: a **bipartite dialogue** between the European employers and trade union organisations at inter-professional or sectoral level; and a tripartite dialogue involving interaction between the social partners and the public authorities. In bipartite social dialogue at European level, employer and trade union organisations discuss cross-cutting issues affecting the industry as a whole, as well as issues relating to specific sectors of the economy. Dialogue takes place in **social dialogue committees** and working groups, with the European Commission acting as facilitator and mediator. In addition to the inter-professional social dialogue committee there are currently 40 sectoral social dialogue committees, covering economic sectors as diverse as agriculture, commerce, construction, civil aviation, maritime transport, sea fisheries, the chemical industry, the metal industry, education, financial services and more. In **tripartite social dialogue**, employers' and workers' representatives meet together with representatives of the EU institutions (i.e., President of the Commission, President of the Council, Council of Ministers) at the biannual Tripartite Social Summit for Growth and Employment, as well as in regular talks on a technical and political level on macro-economics, employment, social protection and education and training.

The **fundamental role of social partners in shaping EU legislation in the field of employment and social policy** is recognised in the EU Treaty. According to Article 154 TFEU, **the social partners must be consulted on social policy matters before any EU legislation is proposed**: *The Commission shall have the task of promoting the consultation of management and labour at Community level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.* On this occasion, the social partners may inform the Commission of their intention to take up **negotiations for a possible agreement between the social partners**, in which case the Commission would suspend its legislative action and await the outcomes of the social partner negotiations. These may not exceed nine months, unless the social partners and the Commission jointly decide to extend it. Alternatively, the Commission can take back the initiative and continue to develop its legislative proposal, taking into account the opinions and recommendations of the social partners.

Article 155 TFEU recognises that, *should management and labour so desire, the dialogue and negotiations between the European social partners may lead to contractual relations, including agreements.* It further allows for the

implementation of such **agreements** either in accordance with national procedures and practices, i.e., in the responsibility of the European and national social partners (so-called autonomous agreements), or, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission (so-called framework agreements). The European Parliament shall be informed, or in other words: the European social partners, after reaching an agreement, can ask the Commission to propose this agreement to the Council for adoption as a Council directive which would then become a binding part of the law in all EU Member States. This role of the European social partners is referred to by some commentators as a **role of “co-legislators” at EU-level** who can contribute best to policy-making and standard-setting in the area of employment and social policy at EU level based on their first-hand experience and in-depth knowledge of the issues at stake. It is important to note that social partners may decide to launch negotiations in response to a Commission consultation or on their own, autonomous, initiative.

The European social partners are increasingly involved in the European decision-making process, and the pace and number of formal consultations under Article 154 TFEU have increased in recent years including, e.g., the revision of the working time directive and on environmental tobacco smoke. Moreover, the European social partners are consulted by other Commission services dealing with sectoral policies (such as trade, internal market, education, industrial or transport policies), and the Commission's **guidelines on impact assessment**⁷⁵ contain a specific section on **standards for consulting social partners**, clarifying that European sectoral social dialogue committees have to be consulted on initiatives that may create social implications for the sector in question. Consultation of sectoral social dialogue committees is complementary to other forms of consultation, notably public consultations, and it differs from wider consultation of other actors of civil society in that social partners engaged in sectoral social dialogue committees are recognised by the Commission as representative actors of the sector concerned.

Since the mid-1990s, the social partners have also been making increasing use of the possibility to negotiate, and they have reached framework agreements which have been implemented through Council directive on issues such as part-time work, fixed-term work, parental leave, working conditions in the maritime sector, working conditions of mobile workers assigned to cross-border services, working time in the transport sectors, and health and safety in the hospitals and health-care sector. They have further reached autonomous agreements on

⁷⁵ http://ec.europa.eu/governance/impact/commission_guidelines/commission_guidelines_en.htm

issues such as teleworking, stress at work, inclusive labour markets, drivers' licenses for cross-border services, recognition of qualifications and training certificates, and risk prevention from the use of crystalline silica.

European social dialogue is based on the **autonomy and responsibility of the social partners** and goes well beyond consultation and negotiation as described above. In their work and outcomes, the European inter-professional and sectoral social dialogue committees address a large number of thematic issues, including: working conditions, working time, restructuring and management of change, occupational health and safety, education, training and lifelong learning, social and employment aspects of EU policies, corporate social responsibility, labour market integration, migration, social security, work/life balance and equal opportunities. Recently, they have also addressed European-level priorities outside the traditional space of labour law, including responses to the financial crisis, and new topics like the social consequences of climate change and energy dependency are also coming up for discussion.⁷⁶

As a result of their work, the social dialogue committees have produced numerous declarations and joint opinions through which they intend to influence policy-making at European level, as well as many **tools of soft law** (guidelines, handbooks, codes of conduct) and other practical tools (joint websites, etc.).⁷⁷

With regard to the **practical functioning of the social dialogue committees**, the social partners decide on the rules of procedure, the objectives and annual or rolling multi-annual work programme and the nature and implementation of the outcomes of their work. The European Commission provides logistic and administrative support to the functioning of the committee, including the organisation of its meetings (in plenary, working group or steering group format) and related interpretation and translation services, as well as the reimbursement of participation costs of social partner representatives. The Commission further provides topical input and legal advice to the work of the committee, where relevant, and it contributes to regular consultation on developments in all policy areas of interest to the committee (such as trade policy, internal market, industrial policy, transport, etc.).

⁷⁶ For further information on the functioning and outcomes of European social dialogue committees, see also European Commission (2010a, 2010b).

⁷⁷ All outcomes of European social dialogue are available in an online text database at: http://ec.europa.eu/employment_social/dsw/dspMain.do?lang=en

The provisions concerning the establishment, representativeness and operation of sectoral social dialogue committees have been laid down in a Commission Decision in 1998.⁷⁸ Contrary to civil dialogue in the EU where, as explained above, no formal accreditation of interest groups is foreseen and their registration is voluntary, the question of the **representativeness of the social partner organisations** at European level is fundamental in relation to European social dialogue as it constitutes the basis of their right to be consulted by the Commission (Art. 154 TFEU) and to engage in negotiations leading to agreements to be implemented by a Council decision or in accordance with relevant national procedures and practices (Art. 155 TFEU). The Commission has clearly set out the **criteria for the representativeness** of the European social partners in a Communication in 1993⁷⁹ as well as in its 1998 Decision establishing sectoral social dialogue committees: to be representative, organisations shall: (a) be cross-industry or relate to specific sectors or categories and be organised at European level; (b) consist of organisations which are themselves an integral and recognised part of Member State social partner structures, have the capacity to negotiate agreements and be representative of several Member States; and (c) have adequate structures to ensure their effective participation in consultation processes and the work of the committees.

Based on regularly updated assessments of their compliance with the above criteria, the European Commission publishes a **list of recognised European social partner organisations consulted** under Art. 154 TFEU. At present, this list includes 86 organisations (of which 79 are sectoral organisations) which are divided into five groups: first, general cross-industry organisations (EUROCHAMBRES); fourth, sectoral organisations representing employers (62 organisations); and fifth, sectoral European trade union organisations (17 organisations).⁸⁰

This list of recognised, representative European social partner organisations is adapted, with due respect for the autonomy of the social partners, whenever new social dialogue committees are set up and/or in the light of new evidence from updated representativeness studies which the European Foundation for the Improvement of Living and Working Conditions (Eurofound) is carrying out at the request of the Commission. Regular updates of the representativeness studies are carried out to ensure the representativeness of the organisations following EU enlargements; to reflect changes in the structure and membership

⁷⁸ Commission Communication "Adapting and promoting the social dialogue at Community level" of 20 May 1998 and Commission Decision 98/500/EC annexed to it; OJ L 225, 12.8.98, p. 27.

⁷⁹ Commission Communication concerning the application of the Agreement on Social Policy, COM (93) 600 final, 14.12.1993

⁸⁰ The full, regularly-updated list is available under: <http://ec.europa.eu/social/main.jsp?catId=522&langId=en>

of social partner organisations; to involve all relevant organisations, including new economic actors, small and medium-sized enterprises and/or self-employed where relevant; and to take account of sectoral developments and structural changes which affect economic activities and employment structures.

Summary and Conclusions

Civil society organisations are a vital bridge between the European Union, its Member States and citizens, and successful policy design and implementation need to be based on a partnership approach involving all relevant stakeholders. According to the experiences of the EU, the inclusion of interest groups and civil society organisations is a precondition for effective problem-solving, and an early and comprehensive involvement of civil society in policy design and implementation increases transparency, trust and expertise, helps build consensus and improves the quality of policy outcomes. Civil society also makes an important contribution to developing a more participatory democracy in the EU and to fostering European integration by forming a (more) European public opinion.

Autonomous social dialogue and open, transparent and regular stakeholder involvement through civil dialogue and consultation have a long tradition in the EU and are Treaty obligations. Through it, civil society contributes its expertise and experience to policy-making at EU level. Social partners can also play a proactive role in standard-setting and law-making at EU level.

Stakeholder involvement in the EU has steadily increased over the last three decades, covering a range of issues from consultation, policy dialogue and implementation to project management both within the EU and its partner countries. It reflects developments both within the EU institutions and within civil society. Gradual extensions of EU competences to new policy areas have been matched by an emergence of a European civil society, with an increasing number of civil society organisations operating in these policy areas.

There has also been an increase in EU funding for civil society organisations, and the methods of dialogue and consultation have been improved. The Commission has further undertaken regular internal and external evaluations of its relationship and cooperation with civil society. All of this has contributed to further strengthening of civil society organisations and civil dialogue.

Further debates are ongoing on how to enhance participatory democracy in the EU,⁸¹ including through the implementation of the new European citizens' initiative.

Despite the differences between the EU and ASEAN, the ambition of regional integration aiming at a parallel development of economic and social progress, and the increasing engagement with and involvement of civil society, are two important commonalities that should be worth exploring further in the future.

⁸¹ See, e.g., Finke (2007).

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Annex: Overview of Relevant Articles in the EU Charter of Fundamental Rights

Article 11: Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
2. The freedom and pluralism of the media shall be respected.

Article 12: Freedom of assembly and of association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right for everyone to form and to join trade unions for the protection of his or her interests.
2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

Article 27: Workers’ right to information and consultation within the undertaking

Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Union law and national law practices.

Article 28: Right of collective bargaining and action

Workers and employers, or their respective organisations, have, in accordance with Union law and national law practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in case of conflicts of interest, to take collective action to defend their interests, including strike action.

Article 39: Right to vote and to stand as a candidate at elections to the European Parliament

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.
2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

Article 40: Right to vote and to stand as a candidate at municipal elections

Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.

Article 41: Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.
2. This right includes:
 - a. the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - b. the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;
 - c. the obligation of the administration to give reasons for its decisions.
3. Every person has the right to have the Community make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
4. Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

Article 43: Ombudsman

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the Ombudsman of the Union cases of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

Article 44: Right to petition

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to petition the European Parliament.

1.3 Hanne Marte-Furset Norwegian Child and Youth Council (NORDEN)

Shedding Light on Nordic Experiences in Civil Society Cooperation and Participation

Introduction

This paper will attempt to shed light on the rationale and nature of cooperation in NORDEN. It highlights cooperation between state authorities, between civil society organisations and between state authorities and civil society. The emphases to a young civil society will highlight the benefits of participation and how NORDEN structures cooperation between a young civil society and state authorities.

Why Cooperation and Participation Pays: Nordic Experiences

A vibrant civil society and a consensus-seeking attitude on cooperation form a cornerstone for the economically and politically stable social structure in NORDEN. Youth engagement in civil society through participation in youth organisations — be it involvement in cultural, sports, political or social issues — educates youth to be participants in and contributors to society. Such participation results in active citizenship and an educated population.

Why So Much Cooperation in NORDEN?

Cooperation among the Nordic countries has always been strong and is based on traditions, an intertwined history, common goals and a consensus-seeking attitude. However, state sovereignty is also very important and it is the political will of each Nordic government that in essence determines the achievements of common goals. Further cooperation between parliamentarians, educational institutions, trade and industry, and civil society also strengthens NORDEN as a region.

The two main state cooperation structures in NORDEN are the Nordic Council of Ministers and the Nordic Council.⁸² The Nordic Council operates as a counselling forum to the Council of Ministers, and debates greater political issues such as climate change, globalisation, culture, and relations to the European Union (EU). Based on these debates the Council of Ministers decides upon strategies and agendas for cooperation.⁸³

⁸² The Nordic Council of Ministers was established in 1971 and consists of different councils, covering the different ministerial posts of the Nordic governments. The Nordic Council was established in 1952 and is made up of parliamentarians, meeting on an annual basis. For a structural overview of these forums and the links to the participants.

⁸³ The Nordic Council in NORDEN is also well known for giving out a range of awards for outstanding contributions to Nordic literature, music and film.

Parallel National Action

One of the methods used in the Nordic countries is labelled Parallel National Action (PNA). This is a method of policy harmonisation implemented over time, due to common goals and convergent approaches. The governments and the Nordic institutions implement common initiatives and harmonisation of regulation. The results of this kind of harmonisation are beneficial both for institutions, the business environment and the Nordic population; this again strengthens the region and mutual understanding between the different nation states. The PNA way of approaching common challenges is an integrated method in the Nordic social structures and addresses a vast range of issues. One example is reducing border hindrances. This particular challenge has been a project addressed by the Council of Ministers since the 1950s, but is still open for improvement and a matter for debate with regard to strengthening NORDEN in the area of trade cooperation.⁸⁴

The reason for this vast cooperation is not only that NORDEN shares common goals in many issues, but also that globalisation makes cooperation a necessity. As economies, trading patterns, and cultural patterns become ever more intertwined, NORDEN as a region needs to stand up for itself in order to strengthen its voice in the international arena as well as to keep its regional and cultural features strong.

Thematic fields of common Nordic initiatives are:

- Culture, leisure and media;
- Education and research;
- Welfare and gender equality;
- Environment and nature;
- Economy, business and working life;
- Legislation and justice;
- There is also to some extent cooperation within foreign affairs, but not beyond close communication between the sovereign nation states.

To give the example of education and research as a field of initiative, NORDEN aims to develop an education and research community. Here, the nation states of NORDEN aim to have equal standards and goals across the region with the goal of enhancing exchange and innovation and increasing the number of cross-border research and publication. Similarly, there has been much work on regional

⁸⁴ There are about 20 other larger Nordic cooperations:

Ex. 1. Nordvision: 50 years of cooperation within television-entertainment, now brings series and talk shows across the borders — a form of cultural exchange as well as cooperation;

Ex. 2. Nordic Welfare Centre: Works to spread information, education and research as well as creating networks to improve the quality of socio-political cooperation in NORDEN.

Ex. 3. Nordic Centre for Research on Equality of Status Between the Sexes: Situated at the University of Oslo in Norway, it is a main portal for research on equality and politics of equality in NORDEN.

Ex. 4. The Nordic Youth Council: An assembly of young parliamentarians from all of NORDEN who, among other issues, debate and initiate work to enhance and protect the Nordic language and culture.

harmonisation on environmental standards and branding. One example of this harmonisation of standards is the Swan Brand. The Swan Brand refers to common standards on environmentally- friendly production of different goods and mainstreamed consumer information. Due to this work, all consumers across NORDEN can have the same expectations when the Swan Brand is part of a product's description.⁸⁵

In 2006 the field of civil society and voluntarism also had a similar harmonisation effort, with a Strategy on Strengthening Civil Society. This strategy aims to improve the relations and communication of governments with civil society and volunteer organisations in NORDEN.⁸⁶ A strengthening of communication through an increase in meeting places, channels for communication and reference groups in different policy areas is to add a broader and more democratic framework to projects and strategies that the Nordic governments initiate.

The Nordic Socio-Cultural Community

Nordic cooperation has traditionally had close ties to civil society and volunteer organisations. The reason for this is the significant position civil society and volunteer organisations occupy in the Nordic countries. A strong and vibrant civil society is a part of Nordic democracy.⁸⁷ Seeing this in relation to other regions of the world, it is important to stress that this relationship of trust and communication has been built over time, and that trust and professionalism is a condition expected from all sides comprising the cooperation framework. One of the keys to this relationship of trust can be found in early children and youth participation in civil society.

In NORDEN there is a strange but strong tradition of organising our free time through organised activities and organisations — be it involving cultural, sports, political or social issues. It is a cornerstone of the Nordic socio-cultural community. Using Norway as an example, there are approximately 5 million members in different organisations, even though the total population comprises 4.8 million people. This means that some are members of several organisations while others are not participating in any of them. What are the implications of this on Nordic society?

⁸⁵ Svanemerket

⁸⁶ The strategy has three aims:

- 1) Volunteer organisations should be given the opportunity to contribute their experiences and knowledge before the Council of Ministers makes a formal decision relevant for their advocacy work — this means rounds of consultation are held.
- 2) Have regular meetings between the Nordic Council of Ministers and the civil society and volunteer sector: these assemblies are to be arranged through cooperation in each field and open up dialogue on guidelines and initiatives in NORDEN.
- 3) Cooperation with civil society and volunteer organisations on the Nordic Council of Ministers to work for a strong civil society in Russia and Belarus. For more information, see <http://www.norden.org/en/nordic-council-of-ministers/council-of-ministers/ministers-for-co-operation-mr-sam/russia/cooperation-with-civil-society-organisations/>.

⁸⁷ www.norden.org. Culture and Education Committee. "Nordiska Ministerrådet och civila samhället – en strategi". 14 June 2006.

Active engagement in civil society gives rise to a vibrant social arena that emphasises and imparts skills on how and why one should contribute to society. In NORDEN, an often-used philosophy is that citizens who identify with their society will work to make the best of their society and participate in order to improve and strengthen it. In Norway we call participation in civil society a school of democracy. In practical terms, it is also extremely beneficial for youth with regard to the transfer between education and working life. Participation in organisations gives individuals experience, awareness of social and political structures, a sense of responsibility and also improved self-confidence, which are all good features for working life and facilitates contributions to society.

Youth and Civil Society

In Norway, as in the other Nordic countries — Denmark, Finland, Iceland and Sweden, there are National Youth Councils. The National Youth Councils are non-governmental organisations that work as umbrella organisations for member organisations that are situated in each country. The members in these national councils need to be democratically structured and have regional and national activities, and members in the organisations are aged 13 – 30. To once again use Norway as an example, the Norwegian Children and Youth Council has 92 member organisations, which again represent more than 500,000 children and youth.

The Norwegian Children and Youth Council (LNU) undertakes many tasks on behalf of its member organisations. Many of them include advocacy work for framework conditions and policy issues, administration of funding from government institutions to the youth organisations, representing youth internationally, and education in and training of organisational skills.⁸⁸

Youth Cooperation in NORDEN

The National Youth Councils across NORDEN do not have a common secretariat, but they meet regularly and combine political efforts and initiatives toward larger forums such as the European Youth Forum⁸⁹ and youth delegates to the United Nations (UN). Exchanges of experience and best practices, in addition to cooperation or implementation of similar projects, make strong bases for cross-border recognition and cooperation.

⁸⁸ LNU works to promote the constructive exchange of ideas, cultures, services and understanding between youth groups in Norway. LNU also has a strong portfolio of advocacy work in terms of communication with government institutions and the media, and administration of funds on behalf of government institutions for the whole range of children and youth organisations. See www.lnu.no.

⁸⁹ The European Youth Forum (YFJ) is the European umbrella organisation for national youth councils all across Europe. It is one of the strongest advocates for youth issues in Europe, and is a strong partner with the EU on many issues regarding youth. It consists of members such as National Youth Councils all across Europe and international youth organisations based in Europe such as the Young Liberals, International Falcon Movement – Socialist Educational International, European Council of Young Farmers, etc. See www.youthforum.org.

Beyond this type of co-operation, the Youth Councils also have a framework of cooperation under the Nordic Council of Ministers. This forum is called the Nordic Children and Youth Committee (NORDBUK) and works as a counselling committee reporting to the Nordic Council of Ministers on youth issues. The committee consists of five youth delegates — one from each country — and similarly five government officials. In addition, there are three government officials from the self-governed territories — Greenland, the Faroe Islands and Åland. NORDBUK meets twice a year, and communicates with the Nordic Council of Ministers through the secretariat situated in Copenhagen as well as through the minister of each country responsible for the coordination of the ministries across NORDEN.

There are working committees in NORDBUK that take care of the day-to-day work, as well as sub-groups with particular working fields such as culture and equality, education and research, environment and resources, and growth and welfare.

The results that come out of this work are given to the ministers for coordination, who highlight these results in discussions with ministries responsible for children and youth. Thus, NORDBUK is an example of government officials and young civil society stakeholders working together toward a common goal of a strengthened youth agenda in NORDEN.⁹⁰

State and Civil Society – Why Cooperate?

This short paper has so far given brief examples of cooperation and the socio-cultural community in NORDEN. The lessons one can take away from the examples given are that cooperation between state authorities and civil society organisations are seen as a two-way gain in the NORDEN. Cooperation between civil society and state authorities gives both democratic legitimacy to authorities and legitimacy to the progress of work when the state is to address different challenges. Even though some consultation processes might take more time when involving civil society organisations, the end result turns out to be more comprehensive and lays a stronger democratic foundation for further progress.

Civil society is looked upon as a resource for information and potential solutions in challenges that the state authorities and community encounter. This resource is highly valued even though there can be strong differences of opinions on how to proceed in a number of policy areas. The resource that civil society presents to the socio-cultural community is established at an early age with strong

⁹⁰ NORDBUK is also a source of funding for cross-border cooperation, lately with a strong focus on the Baltic Sea area. An example of such a project is “One NORDEN”, which focuses on minority groups within the Nordic countries and helps them to create organisations and projects for the benefit of these minority groups.

participation of children and youth in a wide range of organisations. The resource of young and educated participants in the Nordic community is a driving force for progress as the region is faced with a persistent flow of challenges in a number of areas.

Authorities and politicians are also in need of feedback in an ever-changing reality of international as well as national relations. A vibrant civil society with solid channels of communication is a benefit to politicians who need to be in touch with their electorate. Building a socio-cultural community requires, from a Nordic point of view, a framework for involvement and response from authorities, civil society and private individuals. A relationship of trust between different stakeholders does take time to build up, and NORDEN has the benefit of civil society engagement over several decades such that all politicians and decision makers are familiar with and have a background in civil society themselves. Still, a professional framework for communication and negotiation is a necessity to drive progress forward in a transparent and democratic manner.

Methods of Civil Society Work

Civil society as a resource for information and potential solutions in a socio-cultural community also requires civil society organisations that are professional at communication, research, advocacy work and establishing organisational structures. The gathering of accurate and updated knowledge in the areas of interest is crucial in order to communicate effectively and concisely to governing authorities. When pointing to problems and conflicts in society or the community structure, it is of the utmost importance to also be able to present potential solutions or alternative methods of reaction to the challenge.

When doing advocacy work for a particular field of interest — be it protection of cultural heritage or minority rights — a civil society organisation does not have funding like that of professional businesses. Still, organisations should aim to be equally-professional advocates for their cause. Effective communication through the media in order to influence the political agenda is always a great challenge, but with a solid base of knowhow and strategic arguments, civil society organisations do have the benefit of having legitimacy on their side. The potential and ability to spread information and hence increase public participation and public focus are beneficial for civil society organisations.

The responsibility of making a framework for dialogue and channel for communication is a two-way challenge, just as communication itself is a two-way process. It is of course within the responsibility of the Nordic authorities to open up solid communication channels, be it with groups of the same or differing political viewpoints. On the other hand it is also important that civil society puts forward requests or suggestions as to the sort of communication

channels that are needful and in what areas these channels would be most useful. Based on this feedback the state authorities then have a starting point for building dialogue. Constructing a framework for dialogue without consulting the intended participants may often result in a waste of resources and energy, making it harder to start a new dialogue at a later stage or even on other policy issues.

Hence consultation and professionalism are crucial for building a relationship of trust for strong communication between state authorities and civil society organisations.

Methods of Communication

When building a framework for communication, there are both formal and informal channels one can use. Formal channels may include:

1. Public hearings, where state initiatives or strategies are sent out to a range of community stakeholders so that they can give their response and add information or suggestions to the initiative.
2. Research, as a key for evidence-based initiative and work in any policy area. Addressing a challenge, no matter in what policy area, will benefit from solid and updated information. Research will enhance the potential of addressing the issue in the most effective and comprehensive way, and to provide realistic solutions.
3. Reference groups are very useful in regard to two-way communication on smaller policy issues where one can have a group of experts responding to policy suggestions and initiatives. The key is to have a comprehensive reference group to cover as many aspects of the issue as possible.

Informal channels can include:

1. Advocacy work or lobbying, where groups focus on whom to contact, when and how, and how to present one's group's interests in a concise and efficient manner. For civil society groups as well as other stakeholders it is key to have a message that is concise enough to be presented on no more than two pages — hence making the message easy to convey and receive.
2. Campaigns — to raise public awareness and spread information, campaigns are a useful tool both for state authorities and civil society.
3. Building alliances — when met with large challenges it is useful for organisations to build alliances so that one can maximise effect and message. The legitimacy of the message and urge for improvement or change will be much greater with a larger part of the community supporting it.

When addressing a community challenge or policy issue it can be useful to have knowhow as to where the issue currently stands in the policy process, and to be aware of when and how to put in an effort for change or contribution. If an initiative is already at the stage of implementation, protests may raise public awareness, but will rarely change the outcome of the process. Knowing the policy process will make the stakeholder a stronger advocacy worker and the effort may be invested in a more time-efficient manner — with better and more comprehensive results.

Conclusion

The Nordic socio-cultural community is built on a structure of egalitarian participation in society. Civil society and volunteer organisations play a strong role in setting the political agenda, building on knowhow and expertise within their fields of interest.

The relationship of trust between stakeholders — both official and private — has been built over time, but started out with the opening up of communication between state and civil society, and by involving all parts of society in organisational work at a young age.

A vibrant civil society with a consensus-seeking attitude is a cornerstone of the Nordic community structure and youth engagement in civil society educates youth to be participants in and contributors to society. Participation results in active citizenship and an educated population — hence building a socio-cultural community.

1.4 Boichoko A. Dithlake South African Development Community Council of Non-Governmental Organisations (SADC-CNGO)

Civil Society Engagement with ASEAN Integration Process: Through the Lenses of SADC Civil Society Experience ⁹²

1. Introduction

This paper aims to share the Southern African Development Community – Council of Non-Governmental Organisations (SADC–CNGO)’s experience in engaging with regional integration processes from the perspective of civil society with a view to flagging our lessons for the ASEAN Secretariat and civil society.

To begin with, it is important to appreciate particularities and historical contexts that influence relations between regional interstate bodies and civil society. Gains and success that have been registered to date by civil society in engaging with SADC represent perseverance by both parties in a continuous process of navigating each other, working on the issues of mistrusts and suspicions, while at the same time working on key areas of common interest.

In this regard, the role played by the regional interstate Secretariat (in our case, the SADC Secretariat), is very important and can make a difference in creating building blocks for the institutionalisation of civil society involvement in the regional integration processes. Article 23 of the SADC Treaty commits both member states and regional institutions to “fully involve, cooperate with and support the initiatives of the peoples of the region and NGOs in regional integration and development.”

2. About the SADC–CNGO

The Southern African Development Community – Council of Non-Governmental Organisations (SADC–CNGO) is the lead and membership-based apex body of non-governmental organisations operating in all 15 SADC Countries. SADC–CNGO started operations in 2004. Its legitimacy lies not only in the mandate bestowed upon it by the membership but also in the signed Memorandum of Understanding with the SADC Secretariat for the purposes of promoting constructive dialogue and engagement with civil society.

⁹² Presented at a Brainstorming Conference: “ASEAN Secretariat Symposium on Methods of Stakeholder Involvement in Regional Organizations” 23 –25 November 2009, Jakarta, Indonesia, organised by the Secretariat of the “Association of Southeast Asian Nations” (ASEAN Secretariat or “ASEC”) in conjunction with Friedrich-Ebert-Stiftung (FES) Office for Regional Cooperation in Asia.

The formation of SADC–CNGO and the strategic location of its offices in Gaborone – Botswana where SADC is headquartered are aimed at facilitating meaningful engagement between civil society and the SADC Secretariat and other relevant structures at the regional level while at the same time promoting national level engagement with member states through national NGO umbrella bodies and other specialised organisations.

The strategic development objective of the SADC Council of NGOs is to promote and support sustainable human-centred regional development characterised by good governance, democratic processes and institutions, and meaningful people’s participation in all aspects of development that affect their lives and destiny.

3. Overall Strategic Approaches for SADC–CNGO

In order to achieve its objectives, the current SADC–CNGO strategic plan identified the following as key strategic thrusts for the organization.

a. Popular Education, Mobilisation and Action

The 1992 SADC Declaration and Treaty states that regional integration will continue to be a pipe dream unless the peoples of the region determine its content, form and direction, and are themselves its active agent. SADC–CNGO therefore engages in mobilisation activities through information dissemination, public education and citizen engagement programmes to ensure that civil society participate and have an influence on regional integration and development processes.

b. Member State Level Advocacy

SADC–CNGO’s second tier strategy, which also represents a primary point of advocacy and influence, is to actively promote the re-activation and further strengthening of SADC National Committees, noting that these structures are in most cases not fully established and are functioning less than optimally. Civil society is therefore mobilised, capacitated and supported to engage SADC member states at the national level.

c. Sector-wide Approaches and Multi-stakeholder Engagement

The civil society sector is too diverse and complex for all actors to be brought together to focus on one issue. So is SADC itself. Therefore, for more focused, active and deeper influence, SADC–CNGO organises civil society in the region into clusters, sectors and specialised task teams. Meetings, workshops, advocacy initiatives, capacity-building programmes and engagement plans with SADC are organised at cluster or sector levels. This strategic thrust is aimed at enhancing coordination, inclusivity, ownership and the

quality of its engagement with SADC. For example, organisations working in the areas of good governance, democracy, peace building and security will form one big cluster which is sub-divided into sectors: human rights; peace building; conflict resolution; human security; governance and democracy sectors. The clusters are supported to link directly with a specific directorate of SADC. The Governance, Peace and Security cluster, for example, works with the Organ on politics, defence and security cooperation.

d. Partnership or Joint Initiatives with SADC

Where there is common ground, SADC–CNGO engages in joint activities with specific arms of SADC without compromising its identity and independence. For example, SADC–CNGO may team up with the Organ to facilitate civil society capacity building and participation in the civilian component of the SADC Brigade for peace-keeping.

e. Direct Engagement with SADC

Engagement is a critical component of SADC–CNGO’s strategic orientation. The organisation deliberately raises policy issues and proffers proposals in formal and informal meetings with directorates of SADC and other SADC officials at the national and regional levels. SADC–CNGO further creates space for various civil society organisations to engage with SADC.

f. Civil Society Strengthening

The attainment of the strategic objectives of SADC–CNGO requires the capacity strengthening of regional specialised civil society organisations, national NGO coalitions and community based organisations.

4. Civil Society Engagement with SADC

The engagement framework between SADC and civil society is set out in the Memorandum of Understanding signed with the SADC Council of NGOs in December 2003 and in Articles 16A and 23 of the SADC Treaty⁹³. Collectively, the desire of civil society in the region is to make a meaningful contribution in all aspects of regional development that is informed by sound and authoritative information and data through coordinated and collective efforts.

⁹³ Article 16A recognises civil society as a key stakeholder in SADC National Committees while Article 23 commits SADC member states to engage civil society and other stakeholders in the process of regional integration and development.

The paragraphs below summarise how SADC–CNGO engages with the SADC Secretariat:

a. SADC National Committees

The SADC–CNGO mobilises and supports civil society to participate in SADC National Committees (SNCs). These are the main national level multi-stakeholder platforms to enhance participation of both state and non-state actors in regional integration and development. Specifically, the SADC–CNGO raises awareness, mobilises and develops the capacities of civil society at the national level to actively participate in SADC National Committees.

b. Annual Civil Society Forum

The SADC–CNGO organises an Annual Civil Society Forum along the sidelines of the SADC Summit. The Annual Civil Society Forum, pitched at the highest possible level, is a space where NGOs, churches, trade unions, social movements and other civil societies come together, almost at the same time as the Heads of States Summit, to stimulate discussion and act collaboratively on a wide range of development issues affecting the SADC Region. Over the years, it has become a unique platform for consensus building and information sharing on regional issues, from a civil society perspective. The SADC Secretariat and selected ministers are invited to the Forum to dialogue with civil society.

c. Coordinated and Cluster-based Interaction between NGOs and SADC

For enhanced policy dialogue and maximisation of civil society contributions on specific issues, a coordinated and thematic/cluster based engagement with the various units or directorates of SADC is used. At a practical level the SADC–CNGO maps, organises and facilitates the interface between specific sectors and the relevant SADC Directorate. The SADC Secretariat on the other hand is requested to facilitate civil society participation in Task Force/Expert/Ministerial Committees and other technical meetings of SADC. In addition SADC–CNGO is, together with the SADC Secretariat, also exploring possibilities of an annual meeting between civil society and the SADC Secretariat for the purposes of information sharing on plans, priorities, opportunities and regional challenges.

The SADC-CNGO has also in the past coordinated the participation of selected civil society leaders as observers in opening and closing ceremonies of Council of Ministers and Summit meetings. It also plays a key role in coordinating and ensuring civil society participation in other SADC consultative and stakeholder meetings. The organisation also disseminates information on developments within SADC to civil society in the region.

5. Way Forward

The role of civil society will be affirmed and strengthened by the mutual appreciation of each other's role (state and non-state actors). The following key issues, in summary, will help shape the relations between civil society and the regional secretariat:

- (1) Institutionalisation of engagement with civil society. This may take the form of a Protocol, declaration or memorandum of understanding between civil society and the regional secretariat;
- (2) Existence of a vibrant and strong apex body of NGOs to coordinate the interface with the regional secretariat;
- (3) Enabling policy frameworks and operating environments for NGOs at the national level;
- (4) Openness of the Regional Secretariat in engaging and involving civil society in the process of regional integration.

In conclusion, as indicated earlier, socio-economic and political relations between civil society and governments in different countries are a product of historical political dynamics and influences, and have a bearing on relations at the regional level. Suffice to say that with commitment from all actors, collaboration between state and non-state actors at the regional and national levels have the potential to enhance and accelerate regional integration and development.

1.5 Mariana Vázquez University of Buenos Aires

Lights and Shadows of Social Participation In MERCOSUR⁹⁴ : Achievements and Challenges Nearing Its 20th Anniversary

Introduction

The paper aims to carry out a critical analysis of the mechanisms set up by the Common Market of the South (MERCOSUR) to ensure or enhance the participation of civil society in the integration process.

First, I start with what has been established in the institutional structure and in the integration methodology (decision-making process) with regards to the participation of civil society. Second, I stress the deficiencies of what has been provided. Third, I show the changes made regarding social participation following the transformations in the region's political geography after the new governments took office in Brazil, Argentina and Uruguay, respectively, after 2003. Finally, some brief thoughts on the relationship between the informal dynamics of participation and the greater or lesser permeability of the system are introduced, taking its impact into consideration.

Social Participation in the Primary and Secondary Law Derived from MERCOSUR

In the primary or secondary law of MERCOSUR, the institutional architecture of the integration process and the defining features of its decision-making process or methodology are set. The collection of these elements makes up the formal framework in which the participation of civil society takes place within the bloc. Then, it is essential to consider what was established by the Treaty of Asunción (TA), the Ouro Preto Protocol (POP), the internal regulations of bodies with decision-making capacity and the bodies depending on the latter.

The Treaty of Asunción was signed by Argentina, Brazil, Paraguay and Uruguay on March 26, 1991 and the Ouro Preto Protocol was signed by the same countries on December 15, 1994. In both cases, an intergovernmental institutional design and methodology have been laid down, so that the members who make up the institutions are considered to also represent Member States. Decisions are made after reaching a consensus, and each State retains its right to cast a veto. Understanding these predominant features of the institutions is essential to

⁹⁴ This paper is a revised and updated version of the document: "Scenarios of social participation in MERCOSUR," presented at the Congress commemorating 50 years of the Latin-American School of Social Sciences which took place in Quito, October 29 – 31, 2007.

understanding some of the difficulties which the attempts to enhance regional social participation have encountered, as we will later see.

What are the institutions and mechanisms established by MERCOSUR for participation of the civil society?

TA, in its article 14, gives the possibility of the Common Market Group (GMC) — the executive body with initiative and decision-making capacity within the bloc — summoning "private sector" representatives during the development of their work, if they consider it relevant. However, during the transition period established by said treaty (1991 – 1994), no such proceeding was defined⁹⁵. In 1994, the POP established two kinds of mechanisms:

- The Economic and Social Consultative Forum (FCES), an exclusive institutional space for the participation of the "economic and social sectors", and
- The possibility of participating in the preparatory meetings of the work sub-groups (SGTs) and their respective committees, depending on the GMC, as well as in the Specialised Meetings and the Ad-Hoc Groups.

The FCES is defined by POP as the "representation body of economic and social sectors". Each member state has nine representatives, and this body is granted an advisory function which is performed through recommendations to GMC, which are reached by consensus. Among its tasks set forth in its internal rules and approved by the Common Market Group in resolution number 68, year 1996, the following stand out:

- Make statements within the scope of its competence, producing recommendations, based on its own initiative or resulting from consultations that, (...), GMC and other MERCOSUR bodies make. Said recommendations may refer both to internal MERCOSUR matters and to MERCOSUR's relationship with other countries, international bodies and other integration processes;
- Actively cooperate to promote the economic and social progress of MERCOSUR, oriented to the creation of a common market and its economic and social cohesion;
- Follow-up, analyze, and evaluate the social and economic impact derived from policies aimed at the integration process and the diverse stages of its implantation, either at sectorial, national, regional or international level;
- Propose standards and economic and social policies with regards to regional integration; and

⁹⁵ It is important to consider that, given the restrictive nature of a large number of documents of this period, it is impossible to know whether there was any summoning and in that case, who could have represented the "private sector" (Cfr. Various Authors: Participation of civil society and sub-national governments in MERCOSUR, Montevideo, Cooperation Project, Secretariat of MERCOSUR/IADB, 2005, page. 36).

- Contribute to a larger participation of the society in the regional integration process, promoting the real integration within MERCOSUR and spreading its economic-social dimension.

FCES is organised into national sections⁹⁶ which have organisational autonomy, according to its internal regulation. FCES may define which economic and social sectors make up said sections. The organisations should be local ones and the most representative, and there should be an equal number of appointed representatives of the workers' organisations and businessmen. Decisions are made by its superior or plenary body.

Present Deficits of the Institutional Model for Participation

Institutionalised methods for social participation in MERCOSUR suffer from important deficiencies. I would like to mention the "transverse" deficiencies which go through all the structure and methodologies of the process; second, the specific deficiencies of each mechanism, i.e., to identify the deficiencies that go beyond direct participation to refer to a broader problem of the democratic deficit in the integration process and its greater or lesser capacity to obtain social and political legitimacy.

First, it is important to prove that MERCOSUR has a noteworthy deficit of accountability. Political and social actors, citizens, and the technocracies of the member States' agencies outside of the decision-making process find it difficult to identify the decision-makers and the locus of responsibility in the integration process. This lack of technical, social and/or political legitimacy has an important impact on the effectiveness and efficiency of decisions. As stated in a Friedrich Ebert Foundation (FES) document: "The scarce degree of commitment to decisions made within the institutional scope of MERCOSUR, constitutes a clear sign that many governmental, or non-governmental, actors have difficulties to put decisions into practice or to have them enforced, as regards those decisions they were not consulted about."⁹⁷

⁹⁶ A comparative table of the national sections regulations is found in Various Authors, op. cit.

⁹⁷ Friedrich-Ebert-Stiftung–Uruguay, Institutional challenges for MERCOSUR. Relationships between States, Common Institutions, and Organisations of the Society, Montevideo, 2004.

With regard to the consultation mechanisms, accountability is measured by MERCOSUR's bodies' acceptance of the participation of other actors, specifically how and to what extent they receive and incorporate the opinions of and information from the latter in their decision-making processes⁹⁸. With regard to these mechanisms, it is observed that

their objectives and proceedings are still established in an incomplete manner and (...), finally, none of them is concerned on foreseeing the accountability for the use of results by the institutional structure of the bloc and their influence on the decision-making process (...)."⁹⁹ "The accountability issue centers on the deficiency of regulation and proceedings for consultations. This means that there is a channel but the operation methods are missing. Besides, it is also important to relate such principles to the interest of those ones who are not part of the decision-making process, however they are interested in accompanying their process. (...) it is noticed the lack of available information for the general public on how the participation mechanisms are developed, that is to say that those who do not participate, have no access to any information on "who" participates, "how" he does so, and "to what extent he has any influence" on the decision-making process. Therefore, this process is closely related to transparency, (...).¹⁰⁰

Second, it is essential to point out the transparency deficit which is a distinctive feature of MERCOSUR. Let us take, as an example, the implementation of the publicity principle which is present in the Member States' legal system. Neither TA nor POP takes this issue into consideration. "It is emphasised that the lack of this kind of principle interferes both in the dynamics of internal transparency, i.e., between Member States and the bodies that make up the structure of MERCOSUR, and in the external transparency (with the public in general, including civil society members and subnational governments)."¹⁰¹

From the beginning and within this framework, the following distinction was established. While the approved decisions (minutes, rules and attached documents) would generally be public except when the member States decided otherwise, the projects of rules under negotiation (proposals submitted by the Member States) would be reserved for governmental officials. This condition prevents members of civil society from participating in the negotiation process. Let us see what has happened to the documents produced in the meetings,

⁹⁸ Various Authors, op. cit., page 24.

⁹⁹ Various Authors, op. cit., pages 24 - 25.

¹⁰⁰ Ibid., page 25.

¹⁰¹ Various Authors, op. cit., page 20.

considering the following information: from January 2003 to November 2005, the decision-making bodies of MERCOSUR (Council of the Common Market, GMC and Trade Commission of MERCOSUR) have produced 235 reserved documents as attachments to their minutes, out of the total of 382 documents in its 45 meetings. GMC, in particular, during the same period classified 45% of attachments to minutes as reserved (100 out of 243). GMC's Resolution number 08/05, article 2, modifies the above-mentioned rule, making compulsory the publication of all resolutions as well as the same projects of rules, with the exception of the cases that the States require to be reserved. Some contradictions appear within the framework of the new methodology established by said resolution. For example, annex VIII of the Minute of Meeting XXIX of the Council of the Common Market titled "Citizen participation in MERCOSUR" which was held in December 2005. This Uruguayan proposal urged the increase of civil society participation but was vetoed and classified as confidential by request of other Member State(s) of the bloc.¹⁰²

Transparency matters are not only related to publicity, but also to access to documents which have to be understandable to citizens and to the spread of policies organized (or not) by the integration process. In Various Authors, the difficulties of access and the frequently obscure nature of the drafting of rules are accurately pointed out.¹⁰³ Regarding this last point, it is mentioned that the importance of "the information intelligibility made available to the public or to certain actors, either part of the civil society or the sub-national governments, is that it allows the information to be useful for the actor, even to maintain his participation capacity and exchange in the decision-making process. The bloc's text of the rules is, generally, ambiguous, self-referential, scarcely technical, and it seems to be addressed to the own officials of the bloc."¹⁰⁴

Third, MERCOSUR lacks a regional vision. It is promoted by institutional and methodological design that is mainly intergovernmental in nature. In the current design, certain articulations of national projects are promoted which places the common project in a more or less important position within the agenda, depending on the local and/or regional political situation. The logic of intergovernmentalism which characterises the process, creates institutional incentives for the predominance of a chiefly national vision of the regional integration process. This is also reflected in the conception and organisation of participation mechanisms, limiting the construction of regional agendas that deepen the process. "The lack of spaces in the bloc structure and the scarce effort to identify the intersection between the interests of the involved actors also fragilise the acknowledgment of its institutional structure as the field of

¹⁰² As it is not requested that national positions are made clear, it is impossible to know which State or States vetoed the proposal and requested its reserve.

¹⁰³ Cfr. Various Authors, op. cit., pages 21–24.

¹⁰⁴ *ibid.*, page 24.

exchange of the civil society and sub-national governments."¹⁰⁵ In Various Authors, two central elements are pointed out to describe deficiencies in terms of regional vision: the political difficulty in establishing and promoting the acknowledgement of a regional agenda; and the restrictive manner of direct participation in MERCOSUR, which is not representative of existing organisations nationwide in this field.

These elements, present in the design of MERCOSUR, give rise to an institutional culture in which both the national vision in negotiations and the reserve regarding information availability predominate. This does not favour the deepening of the regional integration process in all its possible dimensions. Each one of the deficits above favours the elitisation and reduction of bloc actors.

Now, I will refer to the specific deficits found in the mechanisms established by POP for social participation. As regards FCES, we recognise external and internal deficiencies.

Among the external deficiencies, we may point out the relative weakness of the institution in the institutional design of MERCOSUR, which is mainly that FCES's role is exclusively consultative; and consultation does not involve, in MERCOSUR, accountability on the use of information and/or opinions by those who conduct it. In fact, considering the tradition of the Joint Parliamentary Commission of MERCOSUR and of FCES, we may assert that, in the bloc, when stating that an institution has a consultative role, it means that this institution has no decision-making power. In December 2005, out of a total of 22 recommendations made by FCES to GMC, only two queries could be found. The institution with decision-making power made no declaration at all on the provided recommendation, which implies an absolute lack of accountability related to the proceeding in question.

As regards internal deficiencies, we take two particular ones into consideration. First, participation in FCES is very limited. National sections concentrate on the registry and acknowledgement of the civil society actors authorised to participate in such a way that no organisation can do it unless its country section allows for it. This results in an important elitisation of civil society participation and a serious deficiency in terms of the inclusive nature of the mechanism. This situation is aggravated by the fact that national sections reserve — in their own internal regulations — a portion of the nine places they have a right to for some organisations that at a certain time were considered to be the most representatives ones in the national field. Second, the organisation of FCES, articulated around the national sections, presents important restrictions as regards the construction of a regional vision.

¹⁰⁵ Various Authors, op. cit., page 26.

Participation in other MERCOSUR bodies lacks clear rules with regards to method and the actors qualified to participate. Part of these participation mechanisms was precariously regulated in the internal regulations of the corresponding bodies and/or the body with decision-making power to which they are related to.

*(...), the greater participation deficit of the civil society in MERCOSUR lies in the quality of participation and not in the number of mechanisms. Mechanisms exist, both numerically and formally, but there is no governance in their definition. That is to say, the reason why participation is accepted in certain mechanisms, but not in others is not clear. Most times, the opening to participation results from a political situation or, sometimes, even a personal and not systemic one. Such deficiency is still more evident when the participation proceedings are not established, including the accountability on the effects of said participation.*¹⁰⁶

New Political Map in MERCOSUR and Participation of Civil Society

“We agreed upon to definitely enhance, in the process of the regional integration, the active participation of the civil society, strengthening existing bodies, as well as the initiatives that contribute to the complementation, partnership and a wide plural dialogue.”

– Consensus of Buenos Aires, signed by presidents Néstor Kirchner and Luiz Inácio Lula da Silva, on October 16, 2003

Within the framework of a new regional political geography, inaugurated after 2003, when Luiz Inácio Lula da Silva, Néstor Kirchner and Tabaré Vazquez took office in Brazil, Argentina and Uruguay, respectively, the matter of civil society's participation in the integration process permeated the official speeches of MERCOSUR, as it is pointed out under item 3 of the Consensus of Buenos Aires quoted ut supra.

Then, it appeared at the regional level in the action plan of the bloc, as in the approval of the 2004 – 2006 Work Programme by the four Member States. This programme established the priority agenda for the period where the theme of integration was raised, expanding the scope of action from exclusively commercial matters which were predominant during the earlier decade. In the second part of the programme under the heading of “social MERCOSUR”, there was an intention to enhance the extension of civil society participation and the cultural visibility of the integration process. This is consistent with the new participation within the agenda of the bloc, where at present all the Member States have areas — with different levels of development — for which they are responsible for the creation and strengthening of national and common spaces

¹⁰⁶ Various Authors, op. cit., page 40.

for social participation in the integration process.

In the second semester of 2005, the presidency pro-tempore of MERCOSUR by Uruguay submitted the initiative “We Are MERCOSUR”, under the motto “fill MERCOSUR with citizenship”. The initiative produced a set of proposals aimed at enlarging and strengthening citizens' participation spaces for integration. Under the presidency of Argentina in 2006, the initiative turned into the regional programme “We Are MERCOSUR” and focal points have been created in each of the member States. Within this framework, in July 2006, the first event for “social and productive MERCOSUR” was held simultaneously with MERCOSUR's Presidential summit and it gathered more than 500 regional social organisations, opening a series of MERCOSUR Social Summits which continue to be held up to today. Within the framework of this programme, a formation policy was also set in motion through the regional spreading of “We Are MERCOSUR”, prepared with the purpose of training citizens for regional integration and social participation. In the following paragraphs I will present the course, achievements and challenges of the initiatives that have been developed since 2003 with the aim of increasing social participation in the MERCOSUR process.

At The Dawn of Change, the Evolution of the Advisory Council of the Civil Society of the Argentine Ministry of Foreign Affairs

As stated before, the creation and consolidation of new spaces for the participation of civil society organisations within MERCOSUR occurred in the context of deep political transformations in each Member State. This, of course, has been reflected in their internal organisation. With respect to social participation, an example is the evolution that has taken place since 2003 in the Advisory Council of the Civil Society (CCSC) of the Argentine Ministry of Foreign Affairs.

Originally, the CCSC was an institutional space whose objective was to inform a small number of social organisations about the negotiations carried out by the country with a view to forming a free trade zone in the American Continent (ALCA), in response to a proposal launched by the USA in 1994. However, with the arrival of the new Argentine president, Néstor Kirchner, in May 2003, a new era began. The new government decided to prioritise the strengthening of the MERCOSUR sub- regional space, in line with what would later occur in Brazil and Uruguay, promoting a deep multidimensional integration model which opposed the free trade proposal represented by ALCA.

In the context of this new strategic direction, the CCSC radically changed its nature in two ways: first, it promoted a massive participation of organisations, which would increase their number to a little more than one thousand

in two years; and second, it became an institutional space to strengthen social participation in MERCOSUR, departing from the negotiations towards ALCA creation.

Furthermore, as part of the process, the Special Representation for Social Integration and Participation (REIPS) was created in the Argentine Ministry of Foreign Affairs in August 2003 within the Undersecretariat of Economic Integration of America and MERCOSUR (SUBIE), which coordinated the CCSC from that moment on.

Since August 2003, the REIPS/CCSC has taken three courses of action:

1. **Information:** All participating organisations receive daily newsletter written by the SUBIE containing information related to regional integration issue (e.g., internal agreements in MERCOSUR, the bloc's external negotiations, other processes and negotiations, etc.); they also receive a weekly newsletter written by the CCSC containing information about matters related to MERCOSUR's citizen agenda and the commission activities in which they began to take shape. The REIPS/CCSC also began to distribute general or sector information requested by the organisations; and finally, the CCSC launched a web page within the Argentine Ministry of Foreign Affairs' website.
2. **Training:** Since 2003, the REIPS/CCSC carried out training seminars for social leaders in the following areas: World Trade Organisation, regional integration processes in general, MERCOSUR, Andean Community of Nations (CAN), ALCA, etc. The lecturers were officials of the Ministry of Foreign Affairs who were responsible for the negotiations, and specialists in these areas. They had two objectives: to provide the knowledge among organisations with differing capacities to access information, and to enable public officials and social leaders, making both aware of the different perspectives involved in these processes and enable a search for common ground;
3. **Organisation:** The social organisations were invited to create sector or theme commissions with a view to getting organised and agreeing on proposals to be submitted to the Ministry of Foreign Affairs, the FCES and the Joint Parliamentary Commission, in order to solicit the analysis of various institutional players.

In the CCSC's first year of work, the following commissions were created: small and middle size companies; youth and integration; family agriculture; social thought network for integration; transport; regions; foundations; culture; environment and sustainable development; microenterprise; indigenous peoples; voluntary work; international health; childhood, adolescence and family; advocacy of MERCOSUR; sports; subnational regions; and productive development.

Although social organisations started to work together while grouped in commissions from that moment on, plenary sessions were also frequently held. These represented a regular area of contact among them and, in turn, with the authorities from the Ministry of Foreign Affairs. In addition, the plenary session of the coordinators gathered the special representative, the CCSC coordinator and the commission coordinators. Officials and authorities of the Ministry of Foreign Affairs were invited to these meetings in order to present information and exchange opinions.

Since 2003, representatives of the government and of the organisations of other MERCOSUR Member States were invited to the plenary sessions, giving regional visibility to this new space for participation which has been institutionalised in Argentina.

Political Change in Brazil and Its "Encounter with MERCOSUR"

In 2004, after the election of the new president, Lula da Silva, the Brazilian government decided to take the same path by creating "Encounter with MERCOSUR", which depended on the special advisory council for social participation of the Republic's presidency. This space was different from the CCSC, taking into account the peculiarities of the country, the organisation of the State and the characteristics of civil society participation adopted in the new government.

The Republic's General Secretariat of the Presidency, together with the Ministry of Foreign Affairs, the Secretariat of Institutional Relations, the Brazilian sections of the FCES and the MERCOSUR Joint Parliamentary Commission, organised seminars in the most geographically and/or psychologically un-integrated areas. A newsletter called "Encounter with MERCOSUR" was distributed in the regions, containing educational material aimed at the general population.

A local committee was set up for seminar organisation, which comprised the municipal government, the state government, the local workers' associations and the FCES businessmen and other occasional fora such as the State Legislative Assembly. There were also presentations about MERCOSUR given by specialists (i.e., representatives of ministries, of the joint parliamentary commission, of the local universities, etc.).

These meetings involved the participation of representatives of civil society organisations, companies, social movements, industrial federations, workers

associations, farmers, trade federations, public officials, universities, artists, and students, among others.

As established by the General Secretariat of the Presidency, the objectives of the meeting were:

1. Internalization of the MERCOSUR process by the local population;
2. Strengthening and/or opening of social participation channels;
3. Information dissemination by means of the newsletter and debate sessions;
4. Improvement of the level of information about the bloc and introduction of the matter in the city in several areas (media, universities, companies, social organisations);
5. Regional identity formation.

The Secretariat has also carried out other activities, such as launching the “Encounter with MERCOSUR” newsletter which includes regional, national and Member States’ news for all those who participate and are interested.

Political Change in Uruguay and the “We Are MERCOSUR” Initiative

In the second half of 2005, the new Uruguayan government led by Tabaré Vazquez was in charge of the Pro Tempore Presidency of MERCOSUR. The *Frente Amplio* (Broad Front), the political organisation from which the new President came from, had traditionally advocated the advancement of a South American integration process, especially before the presidential elections.

In this context, it intended to forward an ambitious initiative called “We Are MERCOSUR”, which the President himself presented and described as “filling the MERCOSUR with citizenry”.

I will now examine some of the most notable elements of the Working Programme introduced by the Uruguayan Pro Tempore Presidency (PPTU), within the framework of the “We Are MERCOSUR” initiative. The latter has been defined as a public initiative, launched by PPTU with the main goal of promoting citizen involvement in the regional integration process; thus, making this initiative open to civil society participation in MERCOSUR through its representative organisations, mainly the bloc’s FCES. In turn, the four governments intended to give continuity to the programme. Therefore the Uruguayan government has engaged the institutions and the civil society of all Member States from the very beginning. Moreover, a programme involving public and private initiatives that highlighted the social, political and cultural dimensions of MERCOSUR was started, adding to the economic and commercial dimensions that had been prioritised until then.

Objectives

1. Advocating the creation of a pro tempore presidency with a different character, prioritizing a citizen agenda;
2. Highlighting the positive aspects of MERCOSUR, pointing out achievements and benefits that it has had for citizens;
3. Strengthening civil society, creating citizen awareness;
4. Democratizing MERCOSUR through the actual involvement of the citizenry so that the government and the citizens share responsibilities in building MERCOSUR.

Priority items in the “WE ARE MERCOSUR” agenda

1. Moving forward in the formation of MERCOSUR citizenship: Employment; poverty eradication; free circulation of people; human rights; education; culture; sports; environment; health; gender; youth;
2. Democratizing MERCOSUR: Promoting the creation process for the MERCOSUR Parliament; strengthening local government participation mechanisms in MERCOSUR; strengthening citizen participation mechanisms in MERCOSUR; citizen information and process transparency;
3. MERCOSUR strategy for economic growth and employment creation: Developing the social and labor dimension; promoting productive complementarity; promoting a greater energetic integration; promoting a greater physical integration.

New Regional Directions

In February 2006, Paraguay decided to create a specific area to promote social participation in MERCOSUR, reporting to the country’s General-Secretary of the Ministry of Affairs.

In addition, since January of that year, under the pro tempore presidency of Argentina, it was decided that the Uruguayan initiative would continue, turning it into a Regional Programme whose national focal points would be the already institutionalised areas in each country which were competent in the matter.

In July 2006, the Regional Programme that took place in Argentina organised the First Encounter for a “social and productive MERCOSUR”, which gathered more than 500 organisations from all over the region. This laid the basis for the MERCOSUR Social Summits, which would start to meet every semester from that moment to this day.

The Summits gather regional social organisations with the aim of discussing and making proposals for the MERCOSUR agenda.

Final Thoughts

The institutional design and the methodology or decision-making elaboration process within MERCOSUR have serious deficiencies with regard to their capacity to enhance and/or give rise to regional civil society participation in the definition and implementation of cooperation and integration policies. I have demonstrated the “transverse” and specific deficits I consider to be more important.

However, the extent and density of active networks and organisations in the region have simultaneously overflowed and exceeded the diverse institutional spaces and the foreseen mechanisms. We may find examples in various sectors: cooperative movement, human rights, and genre and family agriculture, among others.¹⁰⁷ This is the way in which regional civil society “relates formally (through the participation bodies created by the governments) and informally (through networks or other ways of stable or spontaneous association(s)).”¹⁰⁸

We find, then, a regional dynamic which is not reflected in the structure and methodology of the bloc. “There are synergies that are being missed from the public conception of MERCOSUR which still prevail in the present engineering of the integration process.”¹⁰⁹

During the 2004 - 2006 period, there have been relevant steps forward which came together in the programme “We Are MERCOSUR” and in the formalisation of Social Summits. However, there will be important limitations if the institutional and methodological reengineering is not performed in the pursuit of transparency, the inclusion of new actors and the democratisation of the bloc. Regarding Social Summits, they still remain extremely dependent on national governments because there is no MERCOSUR Secretariat with the capacity to enhance and channel social demands, or transform them into proposals and regional politics. In this sense, there is absolutely no guarantee that this advancement in social participation would maintain its course if there is a change again in the political visions and orientations of the national governments.

As stated in the introduction, the debate on institutions and decision-making process of the bloc is not neutral and future political elections will have an impact on the direction of all future progress with regard to the characteristics of its reformation.

¹⁰⁷ Cfr. Caetano, Gerardo, MERCOSUR of the civil society. Actors, networks and forums in the regional integration process, in Political Science Argentine Magazine, Nr. 5/6, 2001/2002, to analyze the magnitude of the phenomenon. On how these actors intend to act within the framework of the established mechanisms, while questioning them: Alemany, Cecilia and Leandro, Beatriz, Analysis and proposals for the participation of citizens in MERCOSUR, Montevideo, Friedrich Ebert Foundation, 2006.

¹⁰⁸ Alemany, Cecilia and Leandro, Beatriz, op. cit., page 8.

¹⁰⁹ Alemany, Cecilia and Leandro, Beatriz, op. cit., page 7.

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2. List of Proposed Projects and Action Plans

On 24 November 2009, the second day of the three day 'ASEAN Secretariat Symposium on Methods of Stakeholder Involvement in Regional Organizations', the participants were asked to divide themselves into small groups to develop project topics in three discussion cycles. They were asked to use a template for the development of their project action plans. The participants expressed their ideas on note cards and flip charts. The discussion was conducted under the direction of a trained facilitator, using elements of the 'Future Search' method of discussion. This informal list is a compilation of the notes and flip charts from the discussions.

Cycle 1

- Station A: Establishment of ASEAN Civil Society Council
- Station B: Developing the Terms of Reference (TOR) of the First ASEAN Socio-Cultural Community (ASCC) Forum
- Station C: Establishment of National, Regional, and Thematic Civil Society Processes on ASEAN Issues and Engagement
- Station D: Development of a List of Civil Society Organisations (CSOs) that Have Engaged with ASEAN to-date and Map Functional Areas
- Station E: ASEAN-Civil Society Committee between CSOs and Ministries of Foreign Affairs
- Station F: ASEAN Women's Forum (2011)

Cycle 2

- Station A: Pool of Trainers from Civil Society Organisations (CSOs) on ASEAN according to [ASEAN] Community Pillars or Sectors
- Station B: Regional Human Rights mechanism – Alignment and Strengthened over Five Years
- Station C: "We Are ASEAN" Campaign (2010 - 2015)
- Station D: ASEAN Development Corps
- Station E: Develop Publicity Education or Training Materials on Democracy, Human Rights and Participation
- Station F: Pre-School for Children of Disabled Families

Cycle 3

- Station A: Draft Protocol on Freedom of Information in ASEAN
- Station B: I. Study Paper on the Feasibility of Using the ASEAN - X Formula in the ASEAN Socio-Cultural Community (ASCC) and the ASEAN Political Security Community (APSC)
II. Study Paper on Easily Implementable Regional Labour and Social Protection Policies
III. Study Paper on the Feasibility of ASEAN Enterprises
- Station C: Establishment of ASEAN Civil Society Fund
- Station D: People's Reconciliation Programme
- Station E: Social Enterprises Project
- Station F: ASEAN Microcredit Bank / Institute for Poverty of Alleviation

3. Programme of the Symposium

Monday, 23 November 2009

- 8:30 – 9:00 Registration
- 9:00 – 9:15 **Welcome Address**
Dr Surin Pitsuwan, Secretary General of ASEAN
- 9:15 – 9:30 **Keynote Address**
Dr Mechai Viravaidya, Founder and Board Chairman of the Population and Community Development Association of Thailand and Senator
- 9:30 – 9:45 **Setting the Scene for Dialogues and Interaction**
Dr Stefanie Elies, Director, Office for Regional Cooperation in Asia, Friedrich-Ebert-Stiftung

Misran Karmain, Deput Secretary - General of ASEAN
- 9:45 – 10:15 **Presentation, "Assessment and Overview: ASEAN and Regional Involvement of Civil Society"**
May-Ann Lim, Singapore Institute of International Affairs(SIIA) as member of ASEAN-ISIS
- 10:15 – 11:00 Statements by Deputy Secretaries-General of ASEAN
- 11:00 – 11:15 Coffee Break
- 11:15 – 13:00 **Session 1: Stakeholder Involvement in Regional Organisations – Examples from European Union and NORDEN**
Dr Frank Siebern-Thomas, Belgium, Head of Social Dialogue, Director-General for Employment, European Commission

Hanne Marte-Furset, Norway, International Department, Norwegian Child and Youth Council, NORDEN
- 13:00 – 14:00 Lunch
- 14:00 – 15:30 **Session 2: Stakeholder Involvement in Regional Organisations – Examples from SADC and MERCOSUR**
Boichoko A. Ditlhake, Botswana, Executive Director of SADC-Council of Non- Governmental Organisations

Mariana Vázquez, Professor for Regional Integration and International Relations at the University of Buenos Aires

15:30 – 15:45 Coffee Break
15:45 – 17:00 **Session 3: Best Practices on Successful Methods of Regional Stakeholder Dialogue in the ASEAN Socio-Cultural Community**
Prabu Naidu and Janice Lua, Facilitators of “Future Search”
19:00 Welcome Dinner

Tuesday, 24 November 2009

9:00 – 9:10 **Review of Day One**
9:10 – 9:30 **Introduction to the Method of Future Search**
9:30 – 10:30 **Session 1: Looking Back**
10:30 – 10:45 Coffee Break
10:45 – 12:30 **Session 2: Mapping Regional & Global Trends**
12:30 – 13:30 Lunch
13:30 – 15:30 **Session 3: Ideal Future Scenario in 2015 with Elements of “Future Search”**
15:30 – 16:00 Coffee Break
16:00 – 17:45 **Session 4: Ideal Future Scenario in 2015 with Elements of “Future Search”**
18:30 Dinner

Wednesday, 25 November 2009

9:00 – 9:10 **Introductory Remarks**
9:10 – 9:45 **Session 1: Which Conditions and Factors for the Ideal Future Scenario Are: Already Existing, Existing in a Different Form or Yet-to-be Established?**
9:45 – 10:45 **Session 2: What Needs to be Done in Next 12 Months to Transform These into Reality?**
10:45 – 11:00 Coffee Break
11:00 – 11:30 **Session 3: What Could You Do to Implement These? What Support Could You Offer to the Other Stakeholder Groups?**

11:30 – 12:00 **Wrap Up Session, Mapping the Way Forward**
12:00 – 12:30 **Conclusion**
Dr. Stefanie Elies, Director, Office for Regional Cooperation in Asia, Friedrich-Ebert-Stiftung
12:30 – 13:30 Lunch
End of Symposium

4. List of Participants

Organisers

ASEAN Secretariat
Friedrich-Ebert-Stiftung

Officials from the Office of the Permanent Representatives to ASEAN

Office of the Permanent Representative to ASEAN for Brunei Darussalam
Office of the Permanent Representative to ASEAN for Malaysia
Office of the Permanent Representative to ASEAN for the Philippines
Office of the Permanent Representative to ASEAN for Singapore
Office of the Permanent Representative to ASEAN for Thailand
Office of the Permanent Representative to ASEAN for Vietnam

Representatives from the Ministry of Foreign Affairs, Indonesia

Officials from the ASEAN Secretariat

Representatives from Entities Associated with ASEAN

The ASEAN Foundation
ASEAN Inter-governmental Commission on Human Rights (AICHR)

Representatives from ASEAN Sectoral Ministerial Bodies

ASEAN Senior Officials on the Environment (ASOEN)

Representatives from the Economic Research Institute for ASEAN and East Asia (ERIA)

Representatives from the Media

ASIAVIEWS Magazine

Representatives from Academic and Research Institutions

The Habibie Center
The Singapore Institute of International Affairs (SIIA)

Representatives from Civil Society Organisations in ASEAN

AsiaDHRRA
Asian Farmer's Association for Sustainable Rural Development
The Asian NGO Coalition (ANGOC)
Disabled People's International Asia-Pacific Region
Focus on the Global South
Forum Asia

KALA Association for Children with Disabilities
The People's Aid Coordination Committee (PACCOM)
People's Empowerment
Population and Community Development Association
Oxfam
Southeast Asia Committee on Advocacy
Southeast Asia Women's Caucus on ASEAN
Task Force Detainees of the Philippines
Trade Knowledge Network Southeast Asia
Union Network International-Asia Pacific Regional Organisation (UNI-APRO)
Vietnam Union of Friendship Organisation
Young Progressive Southeast Asia (YPSEA)

Representatives from Regional Organisations

European Commission
Norwegian Child and Youth Council (NORDEN)
South African Development Community (SADC)
Mercado Común del Sur (MERCOSUR)

Representatives from Philanthropic Organisations, Donor and Technical Assistance Agencies

Friedrich-Ebert-Stiftung
InWent Capacity-Building
Bertlesmann Stiftung

Representative from Bar Organisation, Lao PDR

Representative from the Embassy of Mexico, Indonesia

5. Information on Speakers and Facilitators

5.1 Surin Pitsuwan Secretary-General of ASEAN Association of Southeast Asian Nations

Surin Pitsuwan is Secretary-General of ASEAN. He was a Member of the Thai Parliament in 1986 and has served in the same constituency for seven consecutive terms. He served as Deputy Minister of Foreign Affairs from 1992 to 1995 before he was appointed Minister of Foreign Affairs (1997 – 2001).

He was a member of the Commission on the Social Dimension of Globalisation and is currently a Member of the International Advisory Board (IAB) of the Council on Foreign Relations, Member of the IAB of the International Crisis Group, an International Academic Advisor of the Centre for Islamic Studies, Oxford University, a Member of the Board of Trustees of the Asia Foundation and the Rockefeller Foundation and a member of the “Wise Men’s Group” under the auspices of the Henri Dunant Centre for Humanitarian Dialogue in Geneva.

Surin Pitsuwan studied at Harvard University where he received his MA and PhD. He received his BA in Political Science from Claremont Men’s College, California in 1972.

5.2 Mechai Viravaidya Founder and Chairman Population and Community Development Association of Thailand

Mechai Viravaidya founded the non-governmental organisation, Population & Community Development Association (PDA) in 1974 to address the unsustainable population growth rate in Thailand of over 3% annually at the time. A variety of humorous, innovative, and unorthodox methods were utilised in conjunction with mobilising and educating a network of rural communities to make contraceptives available throughout Thailand. Similar methods were used to prevent HIV/AIDS, which resulted in an estimated 7.7 million lives saved according to a 2005 World Bank study. Mechai Viravaidya also began poverty eradication programmes to provide access to credit and business skills training to rural villagers in Southeast Asia, now known as the Village Development Partnership. Furthermore, Mechai opened the Mechai Pattana School in Northeastern Thailand in 2009. The free, private school endeavours to teach students how to be good, caring citizens regardless of their economic or social background.

For his efforts in various development and educational endeavours, Mechai Viravaidya has been acclaimed with numerous awards, including the Ramon Magsaysay Award for Public Service (1994), Bill and Melinda Gates Award for Global Health (2007), and the Prince Mahidol Award for Public Health (2009).

5.3 Stefanie Elies Director, Office for Regional Cooperation in Asia Friedrich-Ebert-Stiftung

Stefanie Elies is the Director of the Office for Regional Cooperation in Asia of the Friedrich-Ebert-Stiftung (FES). She joined FES in 1996 and headed the offices in Shanghai and Hamburg. Before starting to work at FES she was a researcher and lecturer at the Department for East Asian Studies at the Ruhr-Universität-Bochum, Germany.

Stefanie Elies studied Sinology and Political Science in Vienna, Münster, Taipei and Bochum. She gained her PhD on a dissertation on “Cultural Orientation under Colonial Repression: The Influence of the May Fourth Movement on Taiwan’s Cultural and Social Movement”. She is married to a journalist and has two daughters.

5.4 May-Ann Lim Manager, Policy Research Singapore Institute of International Affairs (SIIA)

Lim May-Ann is the Manager for Policy Research at the Singapore Institute of International Affairs (SIIA). Prior to her appointment at the SIIA, she worked for the World Bank and the Singapore Internet Centre.

5.5 Misran Karmain Deputy Secretary-General of ASEAN for the ASEAN Socio-Cultural Community Association of Southeast Asian Nations (ASEAN)

Misran Karmain is the Deputy Secretary-General (DSG) for ASEAN Socio-Cultural Community. He has spent his professional career in the Ministry of Foreign Affairs of Malaysia from 1983 to 2007. During this period, he held various positions in the Ministry. He served as the Senior Undersecretary, Political, Security, and Disarmament Directorate (2007); Undersecretary for Europe and Central Asia (2006), Undersecretary for Policy and Strategic Planning (2002); Principal Assistant Secretary for Southeast Asia in the Ministry of Foreign Affairs (1995); Assistant Secretary for Security and Communications (1985) and Western Europe (1983).

He was appointed as Ambassador of Malaysia to Yemen in 2003 and was stationed as diplomat in various Malaysian Embassies in the world, including Senegal, Cambodia, Paris and New York.

Misran Karmain was awarded the Malaysian order of merit Kesatria Mangku Negara (K.M.N) (2004) and Darjah Mahkota Johor Yang Amat Mulia (DPMJ) (2003).

Misran Karmain studied at the Institut Tadbiran Awam Negara (INTAN), Malaysia where he received his Diploma in Public Administration. He obtained his Master's Degree in Institut International d'Administration Publique, in France. He received his BA with honors from the University of Malaya, Malaysia.

5.6 Frank Siebern-Thomas Head of Sector, Social Dialogue, Director-General of Employment European Commission (EC)

Frank Siebern-Thomas is the Head of Sector "Social Dialogue" of the DG Employment in the European Commission (EC), based in Brussels (Belgium). The European Commission is promoting Social Dialogue between the representatives of the European trade unions and employers' organisations – the social partners all over Europe. The social partners have reached a large number of autonomous agreements at the European level which they implement themselves, while others have been transformed into binding legislation. European social dialogue refers to discussions, consultations, negotiations and joint actions involving organisations representing the two sides of industry (employers and workers).

Social dialogue takes two main forms - a tripartite dialogue involving the public authorities, and a bipartite dialogue between the European employers and trade union organisations. The bipartite dialogue takes place at cross-industry level and within sectoral social dialogue committees. As a result of their representativeness, European social partners have the right to be consulted by the Commission, and may decide to negotiate binding agreements. The institutional basis for social dialogue can be found in the EC Treaty.

More information about "Social Dialogue" in the European Union and its coordinating body, European Commission can be found at <http://ec.europa.eu/social/main.jsp?catId=329&langId=en>.

5.7 Hanne Marte-Furset International Officer Norwegian Child and Youth Council (NORDEN)

Hanne Marte-Furset is the International Officer of the Norwegian Children and Youth Council (LNU), based in Oslo (Norway). She is responsible for international structures, institutions and organisations like the Nordic Cooperation, European Union and United Nations. LNU is an umbrella organisation for 71 children and youth organisations in Norway. The members are democratic and voluntary children and youth organisations, representing a multitude of activities and values. The organisation works closely with the Norwegian government, both with politicians in the parliament and the different ministries and distributes nine project grants aimed at children and youth organisations all over the world.

Hanne Marte Furset is also a member of the "Nordic Committee for Children and Young People (NORDBUK)", which is the Council of Ministers' Advisory and Coordinating Body for matters relating to children and young people between Denmark, Finland, Iceland, Norway, Sweden and the autonomous territories of the Faroe Islands, Greenland and Åland.

More information about LNU can be found at <http://www.lnu.no/pages/engelsk.aspx?nr=4564> and on NORDBUK at <http://www.norden.org/en/nordic-council-of-ministers/council-of-ministers/ministers-for-co-operation-mr-sam/children-and-young-adults/nordic-committee-for-children-and-young-people-nordbuk>

5.8 Boichoko A. Dithlake Executive Director South African Development Community Council of Non- Governmental Organisations (SADC-CNGO)

Boichoko A. Dithlake is the Executive Director of the Southern African Development Community Council of Non-Governmental Organisations (SADC-CNGO), based in Gaborone (Botswana). SADC-CNGO is the lead and membership-based apex body of non-governmental organisations operating in all SADC Countries. SADC-CNGO was formed in 1998. It however officially started operations in 2004. Its legitimacy lies not only in the mandate bestowed upon it by the membership drawn from the 15 SADC Countries, but also in the signed Memorandum of Understanding with the SADC Secretariat for the purposes of promoting constructive dialogue and engagement with civil society.

The formation of SADC-CNGO and the strategic location of the Secretariat in Gaborone, Botswana, are aimed at facilitating meaningful engagement between civil society and the SADC Secretariat and other relevant structures at regional

level while at the same time promoting national level engagement with member states through national NGO umbrella bodies and other specialised organisations. The organisation realises annually “Civil Society Forums” in cooperation with the regional umbrella bodies for churches and trade unions.

More information about SADC-CNGO can be found at www.sadccngo.org.

5.9 Mariana Vázquez
Professor for Regional Integration and International Relations
University of Buenos Aires

Mariana Vazquez completed her bachelor’s degree in Political Science, from *Universidad de Buenos Aires*, and post-graduate studies at *Institut d’Etudes Politiques de Grenoble* (France) and *Universidad de Buenos Aires*. She has held research and teaching fellowships awarded by European Union and Organisation of American States. She was awarded by the National Council of Scientific and Technological Research (CONICET) from 1998 to 2003 to carry out a research project on “Regional Integration and Democracy in MERCOSUR and European Union”. During the 2003 – 2004 period, she worked as a consultant at the Sub-secretariat of American and MERCOSUR Economic Integration of the Ministry of Foreign Affairs of the Argentine Republic. She has also been a consultant for many local and international organisations such as the Inter-American Development Bank and the Secretariat of MERCOSUR.

Between 2005 and 2006, she was a technical coordinator for the Advisory Council of the Civil Society of the Ministry of Foreign Affairs. From September to December 2005 she worked as a consultant at the Inter-American Development Bank in the Secretariat of MERCOSUR, within the framework of the project: Democratic Governance and MERCOSUR. At present, she teaches regional integration and comparative politics at the *Universidad de Buenos Aires* and *Universidad Nacional de Tres de Febrero*. Her numerous publications on this subject include “Inside MERCOSUR”, written in collaboration with Rubén Geneyro, 2007, published by Inter-American Platform for Human Rights, Democracy and Development.

MERCOSUR is a Regional Trade Agreement (RTA) among Argentina, Brazil, Paraguay and Uruguay founded in 1991 by the Treaty of Asunción, which was later amended and updated by the 1994 Treaty of Ouro Preto. Its purpose is to promote free trade and the fluid movement of goods, people, and currency. Engagement of civil society organisation in MERCOSUR is quite strong and mechanisms were put in place to coordinate the cooperation.

More information about MERCOSUR can be found at www.mercosur.org.uy.

5.10 Prabu Naidu
Facilitator
Facilitators Network Singapore

Prabu Naidu, Faciliator, has 19 years of experience with multinational enterprises like Phillips, AT&T and Compaq that spanned diverse functions in Engineering, Project Management, TQM, Managing Change and Supply Chain Re-Engineering and 10 years as an independent OD consultant. Prabu holds a Masters in Organisational Behaviour from Birkbeck College, UK, and an Honours Degree in Economics from the University of London. He is also a Certified Professional Facilitator (CPF) from the International Association of Facilitators (IAF USA). He helps organisations from the public, private and non-profit sectors in the region in enhancing their organisational effectiveness. He co-founded the Facilitators Network Singapore in 2004.

5.11 Janice Lua
Facilitator
Facilitators Network Singapore

Janice Lua, Faciliator, has more than 16 years experience with multinational enterprises in computing, project management, quality management, training and 10 years experience in facilitating organisation-wide change management, business process re-engineering, team building, creativity and innovation and planning for government agencies in Singapore. She has several years of experience in supporting a national-scale project, involving cross-cultural interactions. She has facilitated numerous workshops regionally using large group facilitation methods such as The World Cafe and Open Space Technology process. She is a Senior National Business Excellence Assessor, ISO9000 Auditor, Certified Management Consultant, a Certified Behavioural Consultant for DISC, 7-Habits Facilitator, Qualified Strengths Deployment Inventory® Facilitator, IAF Certified Professional Facilitator and PMI certified Project Management Professional. She co-founded the Facilitators Network Singapore in 2004.

6. Information on the Organisers

6.1 ASEAN Secretariat

The ASEAN Secretariat was set up in February 1976 by the Foreign Ministers of ASEAN. It was then housed at the Department of Foreign Affairs of Indonesia in Jakarta. The existing ASEAN Secretariat at 70A Jalan Sisingamangaraja, Jakarta was established and officiated in 1981 by the then President of Indonesia, H.E. Soeharto.

The ASEAN Secretariat's basic function is to provide for greater efficiency in the coordination of ASEAN organs and for more effective implementation of ASEAN projects and activities.

The ASEAN Secretariat's vision is that by 2015, it will be the nerve centre of a strong and confident ASEAN Community that is globally respected for acting in full compliance with its Charter and in the best interest of its people.

The ASEAN Secretariat's mission is to initiate, facilitate and coordinate ASEAN stakeholder collaboration in realising the purposes and principles of ASEAN as reflected in the ASEAN Charter.

For more information on the ASEAN Secretariat, please visit:
<http://www.aseansec.org/index2008.html>.

6.2 Friedrich-Ebert-Stiftung Office for Regional Cooperation in Asia

The Friedrich-Ebert-Stiftung (FES) was founded in 1925 as the political legacy of Germany's first democratically elected president, Friedrich Ebert. Since the beginning of the foundation's work in South, Southeast and East Asia, the FES has focused on promoting democracy and strengthening the social dimension of economic development. In the past few years, the international dialogue within Asia as well as between Asia and Europe and the issue of crisis prevention have become key areas of focus / focal areas in the work of the foundation. In its work the foundation cooperates with a number of governmental institutions, trade unions, political parties, social movements, NGOs, media and scientific institutions as well as international foundations.

The role of the Office for Regional Cooperation in Asia based in Singapore is to support the social dimension of Southeast and East Asian Cooperation and integration, the Asia-Europe Dialogue and partnership activities in the ASEAN

member states, and in Cambodia and Laos where there are no FES offices. The office's activities include dialogue programmes, international and regional conferences (e.g. on economic and social policy, regional integration and comprehensive security), Asia-Europe exchanges, research, as well as programmes with trade unions.

For more information on the FES's activities in Asia and the Pacific, please visit:
<http://www.fes-asia.org/>.



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

One Vision, One Identity, One Community

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