NB 232

PROTOCOL AMENDING THE AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN SECRETARIAT

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The Governments of Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam;

DESIRING to amend the Agreement on the Establishment of the ASEAN Secretariat in order to enable the restructuring of the ASEAN Secretariat in accordance with the decision at the Special Meeting of ASEAN Foreign Ministers on 31 May 1997 in Kuala Lumpur;

HAVE AGREED AS FOLLOWS :

ARTICLE 1

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

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"ARTICLE 2

COMPOSITION

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

ARTICLE 2

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

"ARTICLE 4

STAFF OF SECRETARIAT

Composition and Appointment

1. The Staff of the Secretariat shall comprise of :

a) two Deputy Secretaries-General and the following Openly Recruited Staff:
b) four Bureau Directors
c) fifteen Assistant Directors
d) fifteen Senior Officers
e) any additional Openly Recruited Professional staff as the ASEAN Standing Committee may deem necessary.

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2. The two Deputy Secretaries-General shall be nominated on a system of alphabetical rotation by the Contracting Parties concerned, and appointed through consultations with the Secretary-General and the Contracting Parties. No Contracting Party shall hold the post of Deputy Secretary-General concurrently with the post of Secretary-General. If the system of alphabetical rotation results in a nomination of a Deputy Secretary-General from the same Contracting Party as the Secretary-General, the next Contracting Party on the alphabetical list shall nominate a substitute candidate. The Contracting Party proposing the original nominee shall, however, be eligible to nominate a candidate at the next earliest opportunity. The tenure of office shall be a fixed term of three years. The Deputy Secretaries-General shall be accorded a rank of Ambassador or equivalent.

3. The Bureau Directors shall be accorded a rank which will be equivalent to a Counsellor, the Assistant Directors shall be accorded a rank equivalent to a First Secretary and the Senior Officers shall be accorded a rank equivalent to a Second Secretary. They shall be appointed by the Secretary-General through open recruitment. The tenure of office shall be for an initial period up to three years. The Secretary-General can approve an extension not exceeding three years on the basis of efficient and effective performance as well as the provisions of this Agreement and such other Rules and Regulations as may hereafter come into effect.

4. The principal considerations in such appointments, through open recruitment, shall be the highest standards of professional efficiency, competence, integrity and equitable distribution of posts among nationals of the Contracting Parties.

5. The functions and duties of the Deputy Secretaries-General and all the staff of the Secretariat shall be set out in the Position Descriptions."

ARTICLE 3

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

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"ARTICLE 5

DEPUTY SECRETARIES-GENERAL AND BUREAU DIRECTORS

1. The Deputy Secretaries-General shall :

a) assist the Secretary-General in directing the activities of the Secretariat relating to functional cooperation, external relations and administration, finance and personnel, and also in the activities relating to AFTA and economic cooperation, respectively;

b) identify strategies on issues requiring attention by the appropriate ASEAN bodies;

c) assume the functions of the Secretary-General in his absence, subject to the prior authorisation by the Chairman of the Standing Committee;

d) attend meetings upon the instruction of the Secretary-General;

e) coordinate the research activities of the ASEAN Secretariat;

f) handle matters pertaining to affiliated ASEAN Non-Governmental Organisations; and

g) perform such other duties as directed by the Secretary-General.

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

a) manage and coordinate the activities of their respective Bureaus;

b) monitor developments on ASEAN cooperation and activities within their respective purviews and keep the Office of the Secretary-General and the concerned Deputy Secretaries-General informed of the developments thereof to facilitate their respective areas of work;

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c) prepare briefs, papers and various reports on matters within their respective purviews for purposes of information, discussions and making recommendations;

d) participate in ASEAN and other meetings and act as resource persons at relevant ASEAN meetings as decided by the Secretary-General or in his absence by the Deputy Secretaries-General;

e) supervise and direct the work of the Assistant Directors and other staff of their respective Bureaus; and

f) perform any other functions as directed by the Secretary-General or the Deputy Secretaries-General.

3. The activities of ASEAN committees, and other ASEAN bodies in so far as they relate to the activities of the Bureaus referred to in paragraph 2 above shall also become within the purview of the respective Bureaus.

4. If for any reason the Secretary-General is unable to perform his functions, the Chairman of the Standing Committee shall appoint one of the Deputy Secretaries-General as Acting Secretary-General.

5. If for any reason the Deputy Secretaries-General are unable to perform their functions, the Secretary-General shall appoint the most Senior Bureau Director concerned as Acting Deputy Secretary-General."

ARTICLE 4

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

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"ARTICLE 7

SALARIES AND ALLOWANCES

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

ARTICLE 5

1. This Protocol shall enter into force upon signature.

2. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Member State.

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

DONE at Subang Jaya, Malaysia, this Twenty-Third day of July, in the year One Thousand Nine Hundred and Ninety Seven, in a single copy in the English language.



For the Government of Brunei Darussalam :

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

For the Government of the Republic of Indonesia :

ALI ALATAS
Minister for Foreign Affairs

For the Government of Malaysia :

DATO' SERI ABDULLAH HAJI AHMAD BADAWI
Minister of Foreign Affairs

For the Government of the Republic of the Philippines :

DOMINGO L. SIAZON, JR.
Secretary of Foreign Affairs

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For the Government of the Republic of Singapore :

PROFESSOR S. JAYAKUMAR
Minister for Foreign Affairs

For the Government of the Kingdom of Thailand :

PRACHUAB CHAIYASAN
Minister of Foreign Affairs

For the Government of the Socialist Republic of Vietnam :

NGUYEN MANH CAM
Minister of Foreign Affairs

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