

## **APPENDIX XXIV**

### **KUALA LUMPUR DECLARATION ON THE ASEAN CHARTER<sup>1</sup>**

Malaysia; 12 December, 2005

**WE**, the Heads of State/Government of Brunei Darussalam, Kingdom of Cambodia, Republic of Indonesia, Lao People's Democratic Republic, Malaysia, Union of Myanmar, Republic of the Philippines, Republic of Singapore, Kingdom of Thailand and Socialist Republic of Viet Nam, Member Countries of ASEAN, on the occasion of the 11th ASEAN Summit in Kuala Lumpur;

**CONSCIOUS** of the unity and diversity in ASEAN and the existing ties of history, geography and culture that have bound their peoples together;

**RECOGNISING** the ASEAN Declaration (Bangkok Declaration) of 1967 as the founding document of ASEAN that represents the collective will of the nations of Southeast Asia to bond themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity;

**ACKNOWLEDGING** that the vision, strategy and initiative of ASEAN over the years have made an important contribution to the maintenance of peace, security and stability of the region;

**COGNISANT** that mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of ASEAN Member Countries has fostered a positive environment for the steady development of an ASEAN Community to meet the challenges of the future;

**DESIRING** to realise an ASEAN Community as envisaged in the Declaration of ASEAN Concord II (Bali Concord II) and its Plans of Action and Roadmap, and the ASEAN Vision 2020 which envision 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;

**RECOGNISING** that the global and regional economic and political environment has changed and is constantly changing thereby requiring ASEAN and its community building efforts to evolve and adapt to these changes and challenges;

**RECOGNISING** the importance of having an appropriate institutional framework of ASEAN that is able to meet the challenges of realising an ASEAN community;

**CONVINCED** of the need for an ASEAN Charter to serve as a firm foundation for ASEAN in the years ahead and to facilitate community building towards an ASEAN Community and beyond;

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<sup>1</sup> <http://www.aseansec.org/18030.htm>.

**DO HEREBY DECLARE:**

**FIRST**, we are committed to establish the ASEAN Charter.

**SECOND**, the ASEAN Charter will serve as a legal and institutional framework of ASEAN to support the realisation of its goals and objectives.

**THIRD**, the ASEAN Charter will codify all ASEAN norms, rules, and values and reaffirm that ASEAN agreements signed and other instruments adopted before the establishment of the ASEAN Charter shall continue to apply and be legally binding where appropriate.

**FOURTH**, the ASEAN Charter will reaffirm principles, goals and ideals contained in ASEAN's milestone agreements, in particular the ASEAN Declaration (1967), the Treaty of Amity and Cooperation in Southeast Asia (1976), the Treaty on Southeast Asia Nuclear Weapon Free Zone (1995), the ASEAN Vision 2020 (1997) and the Declaration of ASEAN Concord II (2003) as well as the principles of inter-state relations in accordance with the UN Charter and established international law that promote and protect ASEAN community interests as well as inter-state relations and the national interests of the individual ASEAN Member Countries. These include among others:

- Promotion of community interest for the benefit of all ASEAN Member Countries;
- Maintaining primary driving force of ASEAN;
- Narrowing the development gaps among Member Countries;
- Adherence to a set of common socio-cultural and political community values and shared norms as contained in the various ASEAN documents;
- Continuing to foster a community of caring societies and promote a common regional identity;
- Effective implementation as well as compliance with ASEAN's agreements;
- Promotion of democracy, human rights and obligations, transparency and good governance and strengthening democratic institutions;
- Ensuring that countries in the region live at peace with one another and with the world at large in a just, democratic and harmonious environment;
- Decision making on the basis of equality, mutual respect and consensus;
- Commitment to strengthen ASEAN's competitiveness, to deepen and broaden ASEAN's internal economic integration and linkages with the world economy;
- Promotion of regional solidarity and cooperation;
- Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
- Renunciation of nuclear weapons and other weapons of mass destruction and avoidance of arms race;
- Renunciation of the use of force and threat to use of force; non-aggression and exclusive reliance on peaceful means for the settlement of differences or disputes;
- Enhancing beneficial relations between ASEAN and its friends and partners;

- Upholding non-discrimination of any ASEAN Member Countries in ASEAN's external relations and cooperative activities;
- Observance of principles of international law concerning friendly relations and cooperation among States; and
- The right of every state to lead its national existence free from external interference, subversion or coercion and non-interference in the internal affairs of one another.

**FIFTH**, the ASEAN Charter will confer a legal personality to ASEAN and determine the functions, develop areas of competence of key ASEAN bodies and their relationship with one another in the overall ASEAN structure.

**AND DO HEREBY AGREE:**

**TO** establish an Eminent Persons Group (EPG), 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 relevant to the ASEAN Community as envisaged in the Bali Concord II and beyond, taking into account, but not limited to, the principles, values and objectives as contained in this Declaration.

**TO** consider their recommendations at our subsequent meetings.

**TO** task our Ministers to establish, as necessary, a High Level Task Force to carry out the drafting of the ASEAN Charter based on the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter and the recommendations of the EPG.

**DONE** in Kuala Lumpur, Malaysia, on the Twelfth Day of December in the Year Two Thousand and Five.