IN-DEPTH ANALYSIS

The ASEAN Inter-Parliamentary Assembly (AIPA): A privileged interlocutor for the European Parliament in South East Asia

Author: Laurence VANDEWALLE

ABSTRACT

The main aims of the ASEAN Inter-Parliamentary Assembly (AIPA) are the promotion of closer cooperation among parliaments of the association of South East Asian nations (ASEAN) member countries and the facilitation of the attainment of the objectives of ASEAN. AIPA is not the Parliament of ASEAN: it has no legislative powers, its resolutions are non-binding, and it does not vote on the budget of ASEAN. However, AIPA is significant in relation to the development of the political context in Southeast Asia, as the ASEAN Economic Community is about to enter into force: it provides a parliamentary forum where members from national parliaments can interact and exchange information on issues of common interest. The European Parliament's participation in the General Assembly of AIPA provides a unique opportunity for regional dialogue in South East Asia, both with the member countries and with the observer countries of ASEAN.
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Table of contents

1 AIPA's origin and objectives 4
2 Functioning of AIPA 5
3 Parliamentarianism in South-East Asia 7
4 AIPA and South-East Asia 9
5 AIPA and the EP 10
6 AIPA's recent General Assemblies 11
7 Outlook 12
1 AIPA’s origin and objectives

The ASEAN Inter-Parliamentary Organisation (AIPO) was created in 1977; in 2006 its name was changed to the ASEAN Inter-Parliamentary Assembly (AIPA), and the statutes were amended to include the promotion of human rights, democracy, peace, security and prosperity.

The first ASEAN Parliamentary Meeting (APM) was held in Jakarta in January 1975, and the ASEAN Inter-Parliamentary Organisation (AIPO) was created in 1977. In 2003, with progress being made towards the ASEAN Economic Community (AEC), the idea of an ASEAN Parliament, which had first been proposed by the Philippines in 1980, resurfaced. At the 27th AIPO General Assembly held in the Philippines in 2006, there was a consensus that the ASEAN Parliament would be a long term goal. It was also agreed upon to first proceed with the transformation of the organisation into a more closely integrated institution. The name of the organisation was changed from AIPO to the ASEAN Inter-Parliamentary Assembly (AIPA), and the statutes were amended to include an additional aim: to promote the principles of human rights, democracy, peace, security and prosperity.

There is no provision for a formal regional parliament in the ASEAN Charter; however the charter does recognise the importance of AIPA as a major force in establishing the ASEAN Community by 2015. According to its statutes, AIPA’s main aims are the promotion of closer cooperation among parliaments of the ASEAN member countries, of cooperation between AIPA and other parliaments or regional and international parliamentary organisations, and the facilitation of the attainment of the objectives of ASEAN.

The membership of AIPA was progressively enlarged as ASEAN’s membership expanded, although the role played by national parliaments differs greatly from country to country as outlined below. The members are: the Brunei Darussalam Legislative Council, the National Assembly of the Kingdom of Cambodia, the Dewan Perwakilan Rakyat of the Republic of Indonesia, the National Assembly of Lao People’s Democratic Republic, the Dewan Negara and Dewan Rakyat of Malaysia, the Pyidaungsu Hluttaw of the Union of Myanmar/Burma, the Congress of the Philippines, the Parliament of Singapore, the National Assembly of the Kingdom of Thailand, and the National Assembly of the Socialist Republic of Vietnam. Membership is open to all national parliaments of ASEAN member states, and all ten members of ASEAN are full members of AIPA since 2011. However, like in the case of ASEAN, there are no provisions for a country to renounce membership if it should so wish.

Observer parliaments are national assemblies of countries that could join the association in the future or important partners and neighbours of ASEAN. Currently, the 13 observers are the European Parliament, Australia, Belarus, Canada, China, India, Japan, Korea, New Zealand, Papua New Guinea, Russia, and Timor-Leste.

1 Dienla, Imelda. ‘Giving the ASEAN Inter-Parliamentary Assembly a Voice in the ASEAN Community.’ (2013): International Institute for Democratic and Electoral Assistance.
2 Functioning of AIPA

The structure of AIPA is made up of the General Assembly (GA), the Presidency, the Executive Committee, the Committees, the Secretariat, the Secretary-General, and the National Secretariats. The working language of AIPA is English.

The GA, which meets at least once a year, is AIPA's highest policy-making body. It consists of delegations of not more than fifteen members from each member parliament, headed by their Speaker. Besides the fact that at least three members of each delegation must be female, there are no guidelines on the selection criteria for representatives selected by the national parliaments, which explains the fact that participation is often restricted to members from ruling parties. The venue of the GA usually rotates amongst the member parliaments in alphabetical order. The GA adopts policy initiatives, provides inputs to policy formulation, and may propose legislative initiatives on issues of common concern for recommendation to the governments of ASEAN members. The resolutions approved by the GA are disseminated to the members respective parliaments and governments to 'stimulate their implementation'\(^2\).

Reciprocally, National Secretariats are expected to inform the AIPA Secretariat of any action taken by their parliaments and governments on initiatives adopted by the GA. Decisions by the GA are made by consensus: matters on which consensus cannot be attained are dropped.

The Presiding Officer of the national parliament of the country in which the GA is to be held is the President of the AIPA and of the GA. The President's term of office starts immediately after the conclusion of the GA, and continues until the conclusion of the following GA. When invited, the President attends the ASEAN Summit. The President is also the Chairman of AIPA's Executive Committee.

The Executive Committee is made up of a maximum of three members from each member parliament, led by the Speaker of parliament. Members of the Executive Committee must be members of their respective national parliaments. The Executive Committee meets at least three months before the GA, to prepare the program. The term of office is the same as the GA's. Its role is to recommend membership in AIPA and the participation of Special Observers, Observers and Guests in order to develop initiatives for AIPA activities, to monitor the implementation of resolutions approved by the GA, to prepare the agenda and program as proposed by member parliaments for the approval of the GA, to propose the setting up of standing, study, ad hoc committees or sub-committees of a standing committee whenever necessary and to monitor the work of the Secretariat.

The Secretariat is the administrative body of AIPA. It must be located in the

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The Secretary General is appointed for a three-year term by the President on a rotational basis and in alphabetical order.

Each ASEAN member state contributes an equal annual contribution of 30,000 USD to the budget of the Secretariat.

city where the Secretariat of ASEAN is located. Established in 1990, it is located in Jakarta, within the premises of the Indonesian House of Representatives. The later provides the facilities and covers the cost of maintenance. It relies heavily on the secretariats of the national parliaments of the member’s states, and remains rather small: it is made up of seventeen persons. Currently, all staff is Indonesian with the exception of the Secretary-General. The small size of the AIPA secretariat, both in terms of funding and staffing, puts strong limits on its capacity to support parliamentary initiatives. The mission of the secretariat is to facilitate inter-parliamentary activities within the association, to manage the links with the national secretariats, and to connect with international and regional parliamentary organisations, including the AIPA observer members.

The Secretary General is the head of the Secretariat. He is appointed for a three-year term by the President on a rotational basis and in alphabetical order, with the approval of the GA. Currently it is Mr P.O. RAM from Singapore. The Secretary-General must reside in the country where the Secretariat is located. He is responsible to the President, he takes charge of the Secretariat, he is responsible for the discharge of all functions and responsibilities entrusted to him by the General Assembly, the Executive Committee and AIPA committees. He assists the President in managing the work of the Executive Committee and of the GA and he transmits all resolutions and decisions taken by the GA to the member parliaments. He represents AIPA as an observer in international parliamentary conferences. He acts as a channel of formal communication between AIPA and ASEAN, and also with other international and regional organisations, governments and parliaments.

The national secretariat’s main role is to submit an annual report of their AIPA related parliamentary activities, particularly on the implementation of the GA’s resolutions, before the GA annually.

Each ASEAN member state contributes an equal annual contribution of USD 30,000 to the budget of the Secretariat to cover the salaries of the staff and the operating expenditures.

Like ASEAN, AIPA functions according to the principle of non-interference in its member countries’ internal affairs. AIPA is far from being the Parliament of ASEAN: it has no legislative powers, its resolutions are non-binding, and it does not vote on the ASEAN budget. It is mostly a forum where members from national parliaments meet to interact, exchange information, discuss problems of common interest and promote cooperation. In this context, it is logical that AIPA is not critical of

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Most AIPA parliamentarians see their role in bringing ASEAN closer to their citizens and ‘assist’ in the implementation of ASEAN objectives. AIPA does play a crucial role in promoting regional networks, not least in providing a forum where members of ASEAN national parliaments can engage with members of parliaments that have an observer status to AIPA’s General Assembly, such as the EP. The main channel between the ASEAN and AIPA is the exchange of views held during each summit between the speakers/presidents of the national parliaments and the heads of state and government of the ASEAN countries, called the ‘AIPA-ASEAN Interface’. AIPA has expressed the wish to formalise the meetings, to ensure appropriate participation of AIPA in relevant important ASEAN meetings and to enhance collaboration between member states’ governments and parliaments, and between the secretariats of AIPA and ASEAN.

### 3 Parliamentarianism in South-East Asia

Vastly different political regimes coexist within ASEAN. Therefore the role of parliaments and of the members of parliament is very different across the ten member states of the association.

According to the US-based non-governmental organisation Freedom House, six out of ten ASEAN member states are ‘not free’. Each ASEAN Member State has an assembly but not all ASEAN political systems are multiparty parliamentary democracies.

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<th>Political Rights</th>
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<td>Vietnam</td>
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Each country score is based on two numerical ratings— from 1 to 7—for political rights and civil liberties, with 1 representing the most free and 7 the least free.

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5 Jurgen RULAND, in *Parliamentary dimensions of regionalization and globalization: The role of inter-parliamentary institutions*, part II: Non-supranational regional parliaments - section 9: Participation without Democratization: The ASEAN Inter-Parliamentary Assembly (AIPA) and ASEAN’s Regional Corporatism; Palgrave MacMillan, 2013.
Most AIPA parliamentarians see their role in bringing ASEAN closer to their citizens and ‘assist’ in the implementation of ASEAN objectives.

Brunei Darussalam is the only member that does not have an elected legislative body.

Vietnam and Laos are one-party states with largely rubber-stamping National Assemblies.

Cambodia has made progress in building democratic institutions.

Singapore and Malaysia have had the same dominant party ruling the country since independence.

Thailand is currently governed by a military regime.

Indonesia and The Philippines have freely elected parliaments.

Each ASEAN Member State has an assembly but not all ASEAN political systems are multiparty parliamentary democracies. The last two decades have seen some progress towards democratic governance in South-East Asia, but also some pitfalls. However, executive branches of governments are sometimes reluctant to accept any kind of control by the legislative branch even though that is the essence of parliamentarism as understood in Europe.

Brunei Darussalam is the only member of the association that does not have an elected legislative body, but it nevertheless takes part in all the activities. It was made a full member of AIPA in 2009 after it reinstated its Legislative Council. The members of the Legislative Council are directly appointed by the Head of State, the Sultan, and only have consultative powers. Although the Sultan had announced in 2004 that 15 members of 20 in the next parliament would be elected, no date for such an election has yet been set.

Vietnam and Laos are one-party states with largely rubber-stamping National Assemblies. Since 2013 the Vietnamese assembly subjects the country’s top leaders to yearly confidence votes and has become more assertive. Since the beginning of Cambodia’s democratic transition in 1992, the country has made progress in building democratic institutions, but the long-standing dominance of the ruling party, which has been in power since 1979, has impacted all walks of life; the 2013 parliamentary elections led to a political crisis in the country as the opposition challenged the outcome and boycotted parliamentary proceedings.

Singapore and Malaysia have had the same dominant party ruling the country since independence. Their electoral systems offer little possibility to change the majority. Myanmar/Burma has been holding elections again in 2010, the first since 1990, but those were largely rejected by the international community for not being free and fair.

Thailand is currently governed by a military regime that has disbanded the elected National Assembly and replaced it with an appointed National Legislative Assembly, made up of the military. The draft Constitution adopted on 22 July 2014 was drafted by a 36-member appointed committee; it aims at reducing the powers of political parties, submitting elected politicians to control by non-elected bodies and limiting the role of parliament.

The Indonesian parliament has quickly evolved into a very active institution after the fall of Suharto in 1998; while the Philippines have a

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7 See Xavier NUTTIN 30 June 2015 ‘ASEAN and the EU: time to develop the parliamentary dimension of the relationship’ for an in-depth analysis of the interparliamentary dimension.
Timor-Leste announced its intention to join ASEAN in 2011.

The Women Parliamentarians of AIPA was created in 1988 to enhance the participation of women in AIPA and in ASEAN.

Vibrant, freely elected, bicameral parliament.

If Timor-Leste were to join ASEAN, its Parlamento Nacional would become a full member of AIPA, to which it is already an observer. Timor, which gained independence in 2002, has a unicameral parliament elected by popular vote. The country announced its intention to join ASEAN in 2011.

The Women Parliamentarians of AIPA (WAIPA) was formed in 1988 to enhance the participation and representation of women in AIPA and in ASEAN countries' parliaments on the whole. WAIPA holds an annual meeting along with the AIPA GA and debates issues such as the role of women parliamentarians in promoting the Millennium Development Goals and the environment. Social issues, such as the role of women in governments are increasingly being taken up on a regional level by ASEAN and AIPA.

A parallel movement of parliamentarians engaging with civil society and campaigning for democratic reforms and labour rights in specific countries, for example in Myanmar/Burma, has also emerged in recent years, in particular the organisation called the ASEAN parliamentarians for human rights (APHR). This is possible because its members can take more personal initiative, and act as advocacy and pressure groups in ASEAN⁸.

4 AIPA and South-East Asia

While ASEAN acknowledges the usefulness of the ASEAN Inter-Parliamentary Assembly it fails to give it any power. Parliaments of the ASEAN Member States were not involved in the writing of the ASEAN Charter. The AIPA contribution was limited to a short exchange of views in May 2007 between an AIPA delegation and the High Level Task Force that was drafting it. The Charter, signed in November 2007, fails to make any reference to parliamentary activity let alone to the establishment of an ASEAN Parliament. Instead of being an integral part of the institutional structure, AIPA is only listed in Annex 2 as an ‘entity associated with ASEAN’ along with business associations or civil society organisations. Those are major gaps that contribute to the democratic deficit of ASEAN⁹. At best ASEAN Member States see AIPA as a transmission belt for government-decided ASEAN policies, and AIPA representatives mostly agree with that viewpoint: ‘Parliamentarians, as representatives of their constituent, could disseminate the ASEAN vision, mission and development to their constituent in order to solidify the integration of ASEAN’¹⁰. According to

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⁸ Dienla, Imelda. ‘Giving the ASEAN Inter - Parliamentary Assembly a Voice in the ASEAN Community.’ (2013): International Institute for Democratic and Electoral Assistance.


¹⁰ Opening address of the 33rd AIPA General Assembly, by the Vice-President of Indonesia, September 2012, Lombok.
AIPA is important in relation to the development of the political context in Southeast Asia.

The theme of the 36th GA in 2015 is: ‘Engaging a people oriented, people centred ASEAN community towards inclusiveness’.

5 AIPA and the EP

AIPA has no real powers in ASEAN policy making. It only allows for raising awareness and discussing regional issues such as environment, diseases and migrations.

ASEAN diplomats¹¹, AIPA has had very minimal policy input. One can add that its control power is also minimal: it is merely a consultative body¹².

Even if its importance at regional level is still relative, AIPA is important in relation to the development of the political context in Southeast Asia. Some representatives of the civil society and academics have criticised the association for being elitist and have called for a ‘social ASEAN’, a more inclusive and grassroots association that would benefit the citizens of the region. The biggest challenge for ASEAN beyond 2015 lies in getting people on board of the community-building train, to make results visible to the average citizen. Parliaments as peoples’ representatives have a major role to play here. There are growing signs of a wider regional interest, and maybe of more ambition, to study and understand how democracy can work at the regional level. For example the themes of the 34th and 35th General Assembly of AIPA in 2013 and 2014 reflected this tendency: ‘The Role of AIPA in Realising the ASEAN Community’ and ‘Strengthening parliamentary cooperation in the ASEAN Community Building’. The theme of the 36th GA in 2015 answers the same concern of bringing people closer to AIPA: ‘Engaging a people oriented, people centred ASEAN community towards inclusiveness’. AIPA’s role is likely to grow in the future, albeit slowly and eventually become the parliamentary arm of ASEAN, an outcome which has been strongly and repeatedly supported by the EP.

The development of regional entities is encouraged by the EU in all parts of the world, as a stabilising factor which offers opportunities to secure peace and stability. The EU’s regional strategy towards ASEAN as defined in the Commission Communication of May 2015 highlights the importance to support regional integration and to develop the dialogue from region to region. Although its importance at a regional level is still relative, AIPA is significant in relation to the development of the political context in Southeast Asia.

The European Parliament, represented by the Delegation for Relations with ASEAN and its Member States (DASE), enjoys observer status at the ASEAN Inter-Parliamentary Assembly (AIPA). The EP has attended AIPA on a yearly basis, except in 2014 where it could not send a delegation to Laos due to the European election. The GA provides the MEPs with an opportunity to hold a dialogue at the regional level. During the exchanges the Parliament Delegation explains progress in EU construction, expresses support for regional integration and promotes a stronger parliamentary dimension to the EU-ASEAN relationships.

This forum also offers an opportunity to discuss EU-ASEAN relations from a

¹¹ Interviews conducted by Xavier Nuttin, January - March 2015.
The EP wishes to signal support for a stronger parliamentary dimension in ASEAN.

The EP’s willingness to provide capacity building has been stressed in the report on the Future of the relations between the EU and ASEAN adopted in January 2014.

In May 2015, the EP expressed its concerns at the plight of Rohingya refugees.

This role is likely to grow in the future and the EP could continue to support the development of stronger regional parliamentary institutions. The EP’s willingness to provide capacity building has been stressed on several occasions, in particular in the report on the Future of the relations between the EU and ASEAN adopted in January 2014. The European Parliament’s presence at the annual AIPA GA has the objective of signalling its support for a stronger parliamentary dimension in ASEAN, but whereas the European Parliament is willing to share best practice, it was clear that capacity building initiatives alone will not be sufficient.

Governance and human rights issues remain a potential threat to the improvement of the relations between the EU and ASEAN. For example, in May 2015, the EP expressed its concerns at the plight of Rohingya refugees which are persecuted in Burma/Myanmar, and arbitrarily deprived of their citizenship. Since an outbreak of violence in 2012, Rohingyas have been fleeing the country in large numbers and are victims of trafficking gangs operating within the Bay of Bengal. Despite the fact that this humanitarian crisis has involved member states of ASEAN, the issue was not discussed in the ASEAN summit held from 26 to 28 April 2015.

6  AIPA’s recent General Assemblies

The 32nd AIPA GA took place in Phnom Penh in September 2011. On this occasion Burma/Myanmar, which had been a Special Observer for 14 years, became a full-fledged AIPA member as a consequence of the November 2010 elections and the convening on 31 January 2011 of the newly elected Burmese parliament.

The 33rd AIPA GA took place in Lombok on 17-20 September 2012 and was hosted by the Parliament of Indonesia. AIPA had previously announced that it will discuss possible ‘solutions to the South China Sea problem’, but eventually it was agreed not to deliberate the issue, in order to avoid further tensions.

The 34th GA took place in Brunei Darussalam from 17 to 23 September 2013. The topic was the role of AIPA in ASEAN. No consensus was reached on this matter among ASEAN leaders. Only a few member delegations supported the idea that AIPA should become an integral part of ASEAN.

13 European Parliament resolution of 15 January 2014 on the future of EU-ASEAN relations (2013/2148(INI)).
The 35th AIPA GA took place in Laos in 2014.

The 36th GA is scheduled between 8 and 10 September 2015 in Malaysia.

In May 2015, the Speaker of the Malaysian Dewan Rakyat threatened to resign because according to him, the parliament is seen as a rubberstamp in his country.

Many delegations also spoke of the need to provide capacity building to the ASEAN secretariat and to the AIPA secretariat.

The 35th AIPA GA took place in Laos in 2014 under the theme Strengthening Parliamentary Cooperation in ASEAN Community Building.

The 36th GA is scheduled between 8 and 10 September 2015 in Malaysia, the country which holds the rotating chairmanship of ASEAN. The theme is ‘Engaging a people oriented, people centred ASEAN community towards inclusiveness’. It will be chaired by the Speaker of the Malaysian Dewan Rakyat, the lower house of the Parliament of Malaysia, Pandikar Amin bin Haji Mulia. Pandikar, who was previously a Minister in the Prime Minister’s Department, in May 2015 threatened to resign because, according to him, the parliament is seen as a rubberstamp in his country.

As highlighted in the Joint Communication to the EP and the Council on ‘The EU and ASEAN: a partnership with a strategic response’, adopted by the European Commission on 18 May 2015: ‘The EU will continue to promote the parliamentary dimension of the EU-ASEAN relations, including by supporting more structural exchanges between the EP and the AIPA as proposed by the EP resolution of 15 January 2014’.

The EP’s participation in the GA of AIPA provides a unique opportunity for dialogue at a regional level, both with the member countries and with the observer countries.

Asia is the only region in the world with which the EP has not set up a parliamentary assembly yet.

The EP could study the possibility to use its participation to enhance the parliamentary relations between ASEAN and the EU beyond the rather limited current situation.
ASEAN Economic Community, that might affect the lives of more than 600 million people, which are inhabitants of the region.

- As expressed in the 2014 ‘End of legislature report’\(^\text{14}\) of the EP Democracy Support and Election Coordination Group, the European Parliament should stay in the forefront of the promotion of democracy and human rights worldwide, including encouragement and support to the development of strong and effective parliaments as the latter are ‘new to the experience of inclusive democracy’ (EP resolution of 7 July 2011).

- Members of the European Parliament could use the contacts with their South East Asian counterparts to highlight challenges in the field of human rights and democracy in the region.

- The development of parliamentary links between Asia and Europe could, by providing additional international recognition to legislative assemblies, advance representative democracy in the region and open more doors for parliamentary diplomacy. The European Parliament has a specific regional expertise that could be transmitted through enhanced collaboration with regional bodies.

\(^\text{14}\) End of legislature report, EP Democracy Support and Election Coordination Group 2009 - 2014