

PROTOCOL
AMENDING THE AGREEMENT ON THE ESTABLISHMENT
OF THE ASEAN SECRETARIAT

THE GOVERNMENTS OF BRUNEI DARUSSALAM, THE REPUBLIC OF INDONESIA, MALAYSIA, THE REPUBLIC OF THE PHILIPPINES, THE REPUBLIC OF SINGAPORE AND THE KINGDOM OF THAILAND :

DESIRING to amend the Agreement on the Establishment of the ASEAN Secretariat in order to enable the restructuring of the ASEAN Secretariat;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

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

" ARTICLE 4

STAFF OF THE SECRETARIAT

Composition and Appointment

1. The Staff of the Secretariat shall comprise :

- a) a Deputy Secretary-General;
- b) three Bureau Directors;
- c) nine Assistant Directors; and
- d) such other officers as the Standing Committee may deem necessary.

2. The Deputy Secretary-General shall be appointed by the ASEAN Foreign Ministers upon nomination by a Contracting Party on a rotational basis in alphabetical order. The tenure of office shall be three years and shall have a one-year overlap with the tenures of the outgoing and incoming Secretaries-General. The Deputy Secretary-General shall be at least of Minister or Minister-Counsellor or equivalent rank. He shall also, at the time of holding this office, be in the public service of his Government.
3. The Bureau Directors shall be at least of Counsellor or equivalent rank and the Assistant Directors and other officers shall be at least of First Secretary or equivalent rank. They shall be appointed by the Standing Committee upon nomination by the Contracting Parties. They shall also, at the time of holding such offices, be in the public service of their respective Governments.
4. The principal considerations in such nominations and appointments shall be the highest standard of professional efficiency, competence and integrity, equitable distribution and rotation of post among nationals of the Contracting Parties.

5. The Bureau Directors and Assistant Directors who have acted in the capacities nominated by their respective Governments and approved by the Standing Committee prior to the entry into force of this Protocol shall not be prejudiced in any way whatsoever by the restructuring envisaged in this Protocol.
6. Where a Staff member nominated by a Contracting Party has been seconded from the Home Service to the Secretariat he shall not, by reason of such appointment, lose his seniority or promotional prospects in the Home Service during and after his secondment.
7. The appointment of the Directors, the Assistant Directors and other officers shall be for a term of three years, provided that, in special circumstances, the Standing Committee, upon recommendation of the Secretary-General made after consultation by him with the nominating Contracting Party, may extend the term of such appointment for a period not exceeding another full term.
8. The functions and duties of the Staff of the Secretariat, other than the Deputy Secretary-General and the Bureau Directors, shall be set out in the Duty Schedules to be prepared by the Secretary-General and approved by the Standing Committee. "

ARTICLE 2

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

" ARTICLE 5

DEPUTY SECRETARY-GENERAL AND BUREAU DIRECTORS

1. The Deputy Secretary-General shall :
 - a) assist the Secretary-General in the performance of the Secretary-General's duties;
 - b) facilitate the transition of work between the outgoing Secretary-General and the incoming Secretary-General;
 - c) vet concept, discussion or information papers prepared by the Secretariat;
 - d) assume the functions of the Secretary-General in his absence, subject to prior authorization by the Secretary-General;
 - e) attend meetings upon the instruction of the Secretary-General;
 - f) coordinate the research activities of the ASEAN Secretariat and chair the ASEAN Secretariat's Executive Review Committee;

- g) handle matters pertaining to affiliated ASEAN Non-Governmental Organizations; and
 - h) perform such other duties as directed by the Secretary-General.
2. The three Bureau Directors shall head Bureau I, Bureau II and Bureau III respectively in that order of seniority. They 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 Secretary-General and the Deputy Secretary-General informed of the developments thereof to facilitate their respective areas of work;
 - c) prepare briefs, research papers and various reports on matters within their respective purviews for purpose of information, discussions and making recommendations;
 - d) participate in ASEAN and other meetings and act as a resource person at relevant ASEAN meetings as decided by the Secretary-General;
 - e) carry out research in relation to information and discussion papers prepared by the ASEAN Secretariat, as a member of the Executive Review Committee;

- f) supervise and direct the work of the Assistant Directors and other staff of their respective Bureaus; and
 - g) perform other functions as directed by the Secretary-General or the Deputy Secretary-General.
3. The activities of ASEAN permanent committees, ad hoc committees and experts groups in so far as they relate to the activities of the three Bureaus referred to in paragraph 2 above shall also come within the purview of the respective Bureaus. Matters pertaining to affiliated ASEAN Non-Governmental Organizations shall fall within the purview of the Deputy Secretary-General.
 4. If for any reason the Secretary-General is unable temporarily to perform his functions, the Chairman of the Standing Committee shall designate the Deputy Secretary-General as Acting Secretary-General. If for any reason, the Deputy Secretary-General could not act as Secretary-General, the Chairman of the Standing Committee shall designate the most senior Bureau Director as Officer-in-Charge.
 5. If for any reason the Deputy Secretary-General is unable temporarily to perform his functions, the Chairman of the Standing Committee shall designate the most senior Bureau Director to act as Deputy Secretary-General. "

ARTICLE 3

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

" ARTICLE 7

SALARIES

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

ARTICLE 4

This Protocol shall enter into force on 15 July 1989.

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

DONE at Bandar Seri Begawan in six originals in the English language this Fourth day of July in the year One Thousand Nine Hundred and Eighty Nine.