



## ASEAN INTER-PARLIAMENTARY ASSEMBLY

**FIRST AIPA CAUCUS  
26 – 28 APRIL 2009, KUALA LUMPUR**

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### **REPORT OF THE FIRST AIPA CAUCUS**

#### **INTRODUCTION**

1. The First AIPA Caucus of the ASEAN Inter-Parliamentary Assembly was held from 26 – 28 April 2009 in Kuala Lumpur, Malaysia. The venue of the meeting was the Parliament House of Malaysia.

#### **PARTICIPANTS**

2. The First AIPA Caucus was attended by delegations from AIPA Member Countries and Special Observers. Thailand apologized for not being able to attend and sent its Country Report on the Implementation of AIPA Resolutions and the updated matrixes on the harmonization of laws on drug and human trafficking.

3. A list of the delegates is attached as Annex A.

#### **OFFICIAL OPENING**

4. The Official Opening of the First AIPA Caucus was held on Monday, 27 April 2009 at 9.00 am at the Parliament House of Malaysia.

5. In his Official Opening Address, H.E. Tan Sri Datuk Seri Utama Pandikar Amin bin Haji Mulia, Speaker of the House of Representatives of Malaysia traced the establishment of the AIPA Caucus to a proposal by the Parliament of Malaysia adopted by the 28<sup>th</sup> AIPA General Assembly held in Kuala Lumpur in August 2007. Subsequently in August the following year, the 29<sup>th</sup> AIPA General Assembly in Singapore accorded Malaysia with the honour to host the first meeting. The Speaker of the House of Representatives of Malaysia mentioned on the need to establish the AIPA Caucus as a mechanism to develop common legislative initiatives with the objective of the harmonization of the laws of ASEAN countries to promote better cooperation and coordination of their enforcement in the envisaged ASEAN community. The AIPA Caucus would also provide a platform for regular interaction amongst AIPA Member Countries as well as Special Observers, and also between AIPA and ASEAN. It is also mandated to monitor the

implementation of AIPA Resolutions especially in ensuring that the recommendations of AIPA Resolutions on further enhancing regional cooperation are conveyed to the governments of ASEAN countries for their consideration. On the harmonization of laws, H.E. Tan Sri Datuk Seri Utama Pandikar Amin bin Haji Mulia stated that two laws on combating the scourge of the drug menace and human trafficking had been selected as a start with other laws especially those pertaining to trans-national crimes to be added in the future. He alluded to the entry into force of the ASEAN Charter in December last year and the process of integration into an ASEAN Community by 2015, and emphasized the important role of AIPA as the representatives of the peoples of ASEAN in providing the perspective of parliamentarians. He pointed to the provisions of the ASEAN Charter on greater engagement between ASEAN and AIPA, and that it was in this context that an AIPA delegation was invited for an informal meeting with the ASEAN Heads of Government at the recently concluded 14<sup>th</sup> ASEAN Summit held in Hua Hin, Thailand. The informal meeting with the ASEAN Heads of Government on 28<sup>th</sup> February 2009 had indeed opened a new era of government and parliamentary partnership which is indeed crucial as we transformed into an ASEAN Community. It is in response to all these developments that the AIPA Caucus has been assigned the task to come up with the recommendations for a more structured and more effective involvement of AIPA in ASEAN affairs.

6. The text of the Official Opening Address is attached as Annex B.

## **INAUGURAL SESSION**

7. The inaugural session of the First AIPA Caucus was held on Monday, 27 April 2009 at 9.30 am presided by the Speaker of the House of Representatives of Malaysia, H.E. Tan Sri Datuk Seri Utama Pandikar Amin bin Haji Mulia.

8. The inaugural session adopted the following:

- a) Agenda Items for the First AIPA Caucus (Annex C);
- b) Programme of Activities (Annex D).

Before adopting the Programme of Activities, the meeting agreed with the proposal by the Lao People's Democratic Republic and Myanmar that the Closing Session scheduled to be held on the third day on 29<sup>th</sup> April 2009 be brought forward to the afternoon of 28<sup>th</sup> April 2009.

### ***Adoption of the Terms of Reference of the AIPA Caucus.***

9. The inaugural session of the First AIPA Caucus considered and adopted the Terms of Reference of the AIPA Caucus.

10. The adopted Terms of Reference of the AIPA Caucus is attached as Annex E.

***Appointment of the first Permanent Chairperson of the AIPA Caucus.***

11. Pursuant to Article 3 of the Terms of Reference of the AIPA Caucus, the Speaker of the House of Representatives of Malaysia, H.E. Tan Sri Datuk Seri Utama Pandikar Amin bin Haji Mulia informed the meeting that he has appointed Honourable Datuk Dr. Wan Junaidi bin Tuanku Jaafar, Deputy Speaker of the House of Representatives of Malaysia as the first permanent Chairperson of the AIPA Caucus for the term of office of one (1) year effective from 27 April 2009.

**FIRST PLENARY**

12. The First Plenary of the First AIPA Caucus was held on Monday, 27 April 2009 at 11.00 am and was chaired by the permanent Chairperson of the AIPA Caucus, Honourable Datuk Dr. Wan Junaidi bin Tuanku Jaafar.

***Appointment of first permanent Deputy Chairperson of the AIPA Caucus***

13. Pursuant to Article 4 of the Terms of Reference, the Chairperson of the AIPA Caucus has the prerogative to appoint the Deputy Chairperson. The meeting concurred with the proposal by the Chairperson to set the practice whereby the Deputy Chairperson be appointed on a permanent basis for a term of office of one year and be appointed from the Member Country that would provide the Caucus with its next permanent Chairperson, which in this case and in alphabetical order would be the Philippines. Unfortunately due to its general election next year, the Philippines could not assume the position. The meeting subsequently decided that the post of Deputy Chairperson be kept on hold. In the meantime and only for the First AIPA Caucus, the Leader of the Malaysian delegation shall act as Deputy Chairperson.

***Appointments of Rapporteurs, Chairpersons of Working Groups, Observers and Preparation of Final Report for the First AIPA Caucus***

14. In line with the AIPA practice for the host to provide the senior conference officials, the following delegates were appointed:

**Rapporteurs:**

1. Honourable Mr. Ago Anak Dagang, the Member of Parliament of Kanowit as the Rapporteur for the Plenary and Working Group I
2. Honourable Madame Hajjah Nancy Binti Haji Shukri, a Member of Parliament of Batang Sadong as the Rapporteur for the Plenary and Working Group II.

**Chairperson of Working Group I on the Harmonization of Laws on Combating the Drug Menace:**

Honourable Dato' Dr. Mohamad Shahrum bin Osman, Member of Parliament of Lipis.

**Chairperson of Working Group II on the Harmonization of Laws on Trafficking in Persons:**

Honourable Datuk Chua Soon Bui, Member of Parliament of Tawau as the Chairperson of Working Group II.

**Preparation of Final Report:**

Honourable Dr. Mujahid Yusof Rawa, Member of Parliament of Parit Buntar.

15. The office bearers for the positions of Rapporteurs, Chairpersons of Working Groups, Observers and preparation of Final Report are not appointed on a permanent basis and shall hold office only for the First AIPA Caucus. It shall be the prerogative of the next host of the AIPA Caucus to provide the senior conference officials.

***Appointment of the Secretary General of AIPA as the Secretary of the AIPA Caucus***

16. Pursuant to Article 5 of the Terms of Reference of the AIPA Caucus, the Chairman of AIPA informed the meeting that the present Secretary General of AIPA, Dato' Md. Yusoff bin Md Zain is automatically appointed as the Secretary of the AIPA Caucus.

***AIPA Resolutions on the Establishment of the AIPA Caucus***

17. After the appointments of the office bearers, the meeting was refreshed with the salient aspects of Resolution No. Res.28GA/2007/Pol/03 adopted at the 28<sup>th</sup> AIPA General Assembly in Kuala Lumpur in 2007 and Resolution No. Res 29GA/2008/Org/05 adopted at the 29<sup>th</sup> General Assembly in Singapore in 2008 on the Establishment an AIPA Caucus.

18. The text of Resolution No. Res.28GA/2007/Pol/03 is attached as Annex F.

19. The text of Resolution No. Res 29GA/2008/Org/05 is attached as Annex G.

***Presentation of Country Reports on the Status of Implementation of the Recommendations of AIPA Resolutions***

20. The delegations presented their respective Country Reports on the Status of Implementation of the Recommendations of AIPA Resolutions citing particularly on the follow up action taken to convey the AIPA Resolutions on political, economic, social and woman affairs

to their respective Governments for consideration and implementation. All the delegations in their opening remarks requested that their appreciation of the excellent arrangements and kind hospitality extended by the host country be placed on record.

21. The text of all the Country Reports (except that of Myanmar) are compiled and attached as Annex H.

## **WORKING GROUPS**

22. For a more comprehensive discussion on the harmonization of laws, the Caucus separated into two Working Groups as follows:

- a) Working Group I on the Harmonization of Laws on Combating the Drug Menace.
- b) Working Group II on the Harmonization of Laws on Combating Trafficking in Persons.

## **WORKING GROUP I**

23. Working Group I on the Harmonization of Laws on Combating the Drug Menace held its first meeting at 3.00 pm on 27 April 2009 and resumed its discussion at 9.00 am on 28 April 2009.

24. Working Group I considered and discussed the following:

- a) Presentation by the delegations of their respective updates of the Matrix on the Laws on Combating the Drug Menace and their possible harmonization previously tabled at the Technical Working Group which met in Jakarta in 2006.
- b) Formulating the Terms of Reference for Common Legislative Initiatives on the Laws to Combat the Drug Menace by assessing existing legal framework through common tools and identifying areas which can be harmonized to facilitate regional cooperation in their enforcement.

25. The compilation of the updated Matrixes on the Laws on Combating the Drug Menace is attached as Annex I

26. The Report of Working Group I is attached as Annex J.

## **WORKING GROUP II**

27. Working Group II on the Harmonization of Laws on Human Trafficking held its first meeting at 3.00 pm on 27 April 2009 and resumed its discussion at 9.00 am on 28 April 2009.
28. Working Group II considered and discussed the following:
  - a) Presentation by the delegations of their respective updates of the Matrix on the Laws to Combat Human Trafficking and their possible harmonization previously tabled at the Technical Working Group which met in Jakarta in 2006.
  - b) Formulating the Terms of Reference for Common Legislative Initiatives on the Laws to Combat Human Trafficking by assessing existing legal framework through common tools and identifying areas which can be harmonized to facilitate regional cooperation in their enforcement.
29. A compilation of the Updated Matrixes on the Laws to Combat Human Trafficking is attached as Annex K.
30. The Report of Working Group II is attached as Annex L.

## **SECOND PLENARY**

31. Before the commencement of the Second Plenary, the meeting discussed and adopted the common Terms of Reference in Developing Common Legislative Initiatives for Harmonization of Laws which is attached as Annex M.
32. The Second Plenary was held on Tuesday, 28 April 2009 at 2.00 pm, and the meeting discussed the following:
  - a) Discussion on closer cooperation and interaction with ASEAN;
  - b) Consideration and Adoption of the Work Programme for the Second AIPA Caucus; and
  - c) Date and Venue of the Second AIPA Caucus.

### ***AIPA-ASEAN Closer Cooperation and Interaction***

33. The meeting noted that Chapter V of the ASEAN Charter has already laid down the rules of procedure and criteria on engagement with AIPA and the other associated entities. The associated entities are listed in ANNEX 2 of the ASEAN Charter, and AIPA tops the list. The meeting also recalled that the 29<sup>th</sup> AIPA General Assembly in Singapore in August 2008 had

instructed the AIPA Secretariat to make an evaluation of the extent and levels of AIPA's participation in ASEAN including the financial implications to the AIPA Budget, and make appropriate recommendations to the 30<sup>th</sup> AIPA General Assembly. In the earlier discussion on the common Terms of Reference in developing Common Legislative Initiatives for Harmonization of Laws, the meeting recommended that the AIPA Caucus consults the ASEAN Secretariat on a regular basis on all matters of common interest and not merely confined to seeking expert legal advice on the harmonization of laws. The meeting was informed that the ASEAN Secretariat which was invited to attend the First AIPA Caucus had apologized for not being able to send any representatives as they were presently occupied with the consultations to reschedule ASEAN meetings that were to be held in Thailand in view of the prolonged political unrest in that country.

### ***Work Programme for Second AIPA Caucus***

34. On the Work Programme for the Second AIPA Caucus, the meeting assigned the Secretary of the AIPA Caucus to coordinate its preparation with the AIPA Member Countries and Special Observers as well as with the host of the next AIPA Caucus meeting.

### ***Date and Venue of Second AIPA Caucus***

35. The leader of the Philippine delegation, Honourable Mr. Roque Ablan, Jr. informed the meeting that the Philippines regrettably could not host the Second AIPA Caucus due to its general election next year. Singapore which was asked to host the Second AIPA Caucus informed the meeting that it would have to consult and seek the approval of the Speaker of the Parliament of Singapore and would inform in due course as to whether Singapore would be able to host the second meeting.

## **CLOSING SESSION**

36. The Closing Session was held on Tuesday, 28 April at 4.15 pm. The Closing Session considered and adopted the following:

- a) Draft Resolution on the First AIPA Caucus
- b) Report of the First AIPA Caucus

37. The Draft Resolution on the First AIPA Caucus which will be tabled for the consideration and adoption of the 30<sup>th</sup> AIPA General Assembly is attached as Annex N.

38. Following its adoption, the Leaders of the Delegations signed the Report of the First AIPA Caucus. The Report will be presented to the President of AIPA by the Chairman of the AIPA Caucus for adoption as an official document of the 30<sup>th</sup> AIPA General Assembly.

39. In his Closing Remarks, the Chairman of the AIPA Caucus stated that the first meeting of the AIPA Caucus had successfully formulated the Terms of Reference of the AIPA Caucus as

well as the Terms of Reference on Developing Common Legislative Initiatives for Harmonization of Laws. He expressed his sincere appreciation to all delegates for their active participation and invaluable contributions. He noted with thanks the cooperation extended to him throughout the First AIPA Caucus which has enabled consensus on most matters to be arrived at expeditiously.